



Commons Council Consultation  
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27<sup>th</sup> November 2008.

Dear Sir/Madam

**Consultation on the implementation of Part 2 of the Commons Act 2006  
(commons councils)**

**Background to response**

The Cotswolds Conservation Board was established by Parliamentary order under Part IV of the Countryside and Rights Of Way Act 2000. The duties of the Board are:

- To conserve and enhance the natural beauty of the AONB
- To increase the understanding and enjoyment of the special qualities of the AONB, ensuring these are compatible with its conservation and enhancement.

In carrying out its twin duties, the Board seeks to foster the economic and social well-being of its local communities.

There is approximately 1200ha of common land within the Cotswolds AONB. The bulk lies around Stroud and along the escarpment to Cheltenham with many sites designated as SSSI. Many of these commons are unimproved limestone grassland and suffer from under-grazing or no grazing at all.. Through the Cotswold Grassland Project, which finished in December 2007, the Board re-introduced grazing to a number of commons, gaining much experience in the management of common land and in dealing with local interests.

This response is based on this experience and is restricted to the role and functions of commons councils

## Response to questions

*Q1 Views are welcomed on the extent to which functions provided by legislation are likely to allow for the effective management of (a) agriculturally active commons and (b) under-grazed commons.*

It is important that commons councils have the ability to tackle undergrazing. The examples given of increasing grazing through leasing rights or by licence is supported. In some instances particular areas of commons can become undergrazed. In such cases the commons council should have the ability to use temporary fencing for short periods of time to manage grazing.

*Q2 Within the scope of the legislation, are there any other types of rules that would help a commons council in managing agriculture, vegetation and exercise of common rights on a common?*

Scrub encroachment is a particular problem on commons within the Cotswolds. Therefore, the ability of the commons council to agree rules on scrub management is essential. Also, the ability to agree rules on timing of work such as scrub removal or mowing for hay would be useful. This should allow for seasonal variation.

*Q3 (1) Do you consider that commons councils should be given the power to exercise their functions differently in relation to different commons or areas?*

Yes – this is essential to provide flexibility for best management. Also, no two commons, or even parts of larger commons are the same and may need different management.

*Q3 (2) If so, should this apply to all commons councils, or should powers be conferred through establishment orders on a case by case in response to local requirements.*

Not all commons councils will need such a power but many will. Perhaps the way forward is to have an element of this power available for all commons councils with more developed powers, particularly for large commons or groups of commons, within the establishment order.

*Q4 Do you consider these powers relating to leasing and licensing and acquiring rights, to be useful to a council seeking to increase grazing on an under-grazed common.*

Yes – these powers are essential

*Q5 Given the limitations on the ability of a commons council to management the landowners surplus, how useful is this power likely to be? Do you agree with the proposal to issue guidance stating that the exercise of commoners' rights should be considered first, before a council seeks to make use of the surplus.*

Although limited, the ability to manage the landowners surplus would be useful and needs to be retained. The guidance proposal is supported.

*Q6 What further guidance and support is needed to help commons councils enter into, and ensure compliance with the terms of, agri-environment agreements?*

The above seems to cover all points

*Q7 Is there any other information that should be recommended for inclusion in a council's grazing register?*

Although different from the local authority commons register, a copy of the statutory commons register would be useful. The commons register for Gloucestershire describes the type and number of animals a commoner is entitled to graze. This is essential background information, particularly when dealing with under-grazing and the uptake of unused rights.

*Q8 Within the scope of the Act are there any other functions or activities that a commons council might wish to undertake?*

The use of a Pound for unmarked or stray animals would be useful for some commons councils

*Q9 Are there any other areas that need to be considered for guidance on the relationship between commons councils and wider public interest.*

Section 85 of the CROW Act 20000, which places a duty on a public body 'in exercising or performing an functions in relation to, or so as to affect land' within an AONB.

If you wish to clarify or discuss further any of the above comments, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in cursive script that reads "M. A. Connelly".

Mark Connelly  
Land Management Officer