

## **Upland Commons in England: taking a multi-partner collaborative approach to resolving challenges**

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This paper will:

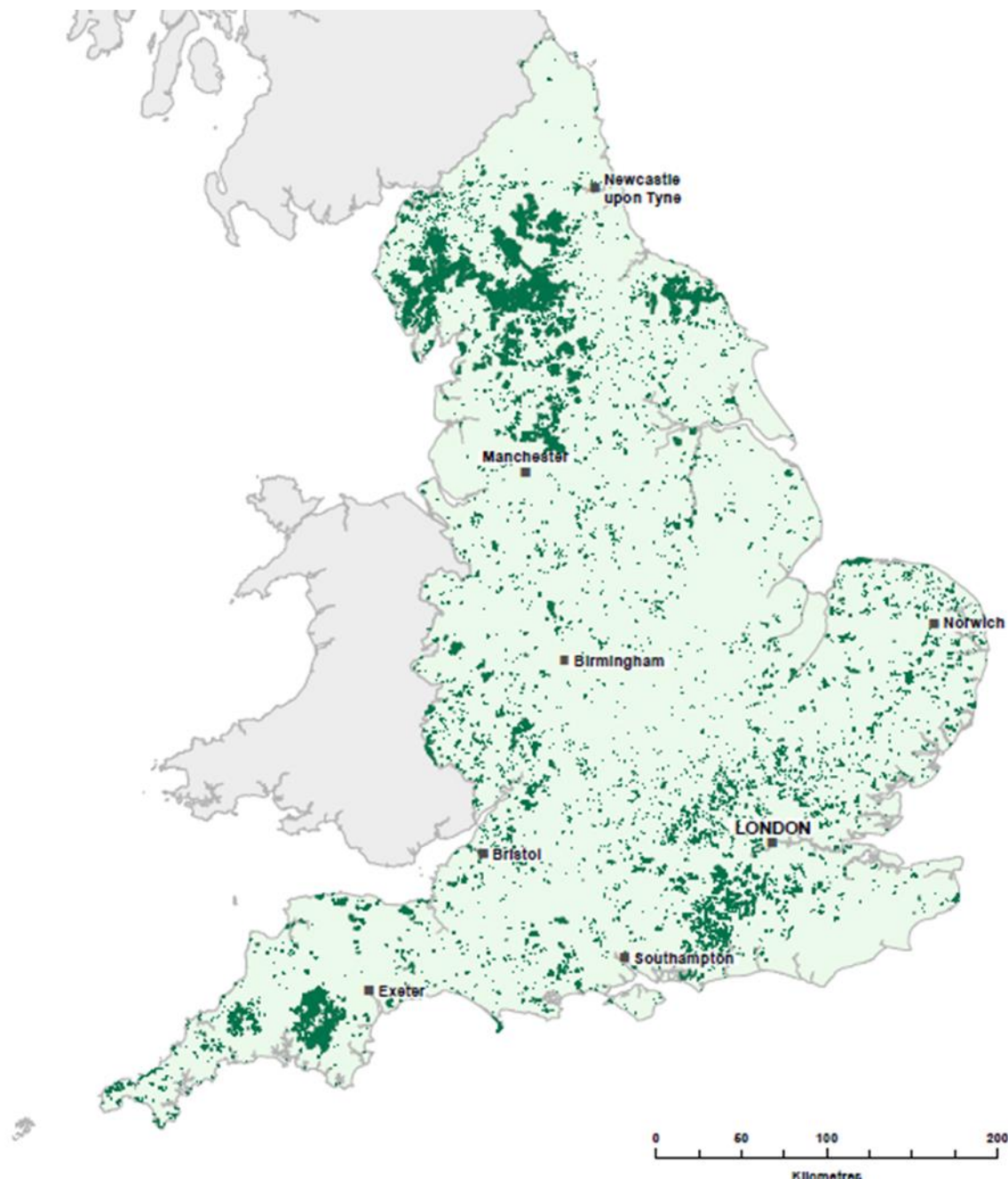
- provide a short background on common land in England covering the historic and legal aspects;
- review their importance today over a range of issues;
- consider the current threats to commons and commoners;
- Identifying the successful (local) approaches and current issues
- Consider how we might measuring these impacts
- Introduce a new project looking at 4 areas of upland common in England ( Dartmoor, Lake District, North York Moors and Shropshire Hills).

### **What is Common Land?**

Common land has been present in England and Wales in some form or other for the past millennium. During this time it has evolved to be distinct from other land in its legislation and aesthetically. The roots of these differences are because the ownership of the land has been subject to 'rights of common' held by others, who have no title of ownership, on the same area. These rights of common entitle those who possessing such rights (often called commoners) to utilize a range of products (wood, fish, timber) and characteristics (pasture, clean air) of that land. The activities covered under the term 'rights of common' include the grazing of stock (*common of pasture*), collecting of timber (*estovers*) or the taking of fish (*piscary*) and have the roots in local custom and practices (Short 2000 and Winter and Short 1999).

Something similar to common land is found in the 8<sup>th</sup> century document Beowulf, but there is clear descriptions of common land, including reference to common pastures, in the Domesday Book (1086). As the population increased and areas around these common pastures were enclosed the 'customs' became 'rights'. The Statute of Merton (1235) allowed landlords to enclose common pastures but they were required to leave sufficient land for the tenants to graze their animals. During the 15<sup>th</sup> and 16<sup>th</sup> century many of the shared grazing land that remained had evolved into common land with apportionment of 'rights' to replace any shared practices as property moved from common to private ownership. The pressure to enclose was greatest in the 17<sup>th</sup> and early 19<sup>th</sup> centuries and what remained then closely matches what survives today. The Enclosure Act 1845 was intended to ensure total enclosure but met with resistance from the cities supporting the retention of areas of open space, for example in London. The Metropolitan Common Act 1866 represented the first act aimed at protecting the public, rather than

agricultural interest. As a result in the 21<sup>st</sup> century we are left with a combination of private property, multiple rights holders and considerable, public interest.



*Figure 1 Registered Common Land in England and Wales*

There are 546,000 ha of registered common land in England and Wales of which 280,000 ha is in England, and 590,000 ha of common grazing in Scotland. Whilst covering just 4.8% of Britain (3% of England by 11% of Wales), they provide public benefits out of all proportion to their area. Focusing on England, of the 3% about 88% is at least nationally important and designated as such for its biodiversity, archeological, geology or some other aspect of public interest. For example:

- 39% of Open Access Land is common
- 82% of commons in NPs or AONBs
- 21% of all SSSIs are all/partly on commons
- 11% of designated ancient monuments

In addition there are new areas where commons are being recognized, as in about 10% of England's drinking water comes from commons and with the presence of peat, many are important areas for carbon storage. Commons also receive many visitors and are iconic landscapes. There is also a link to traditional agricultural breeds, such as the Herdwick (Lake District), Exmoor Horn (Exmoor) and many more (See Humphries 2015). It is possible that there is an agro-ecological link, but this is as yet unexplored. The role of commons in social cohesion needs exploring further but the link through agricultural shows, community events and the benefits of shared gathering are clear to all who live in these areas.

The majority of common land by areas, is found in the uplands, and is closely associated with iconic landscapes, such as the Lake District and Dartmoor. Here they make up significant parts of the national parks, 28% of the Lake District National Park and 37% of the Dartmoor National Park. In terms of number of commons the small fragmented areas in the lowlands of England are very important areas of open space in largely built up areas.

The project 'Our Common Cause' seeks to address threats to traditional collaborative management by using a collaborative and multi-partner approach to improving the goods and services from commons. These goods and services include water quality and flood protection, biodiversity, cultural landscape, access, carbon storage and archaeology. The project activities will increase understanding of the heritage of commons and their role in ecosystems service provision between visitors, local communities, policy makers and farmers. Overall the aim is to seek ways that support the contribution of commoners and commons to the delivery of public goods and services. It addresses the lack of understanding of commoning and commons amongst decision makers and other organisations who influence the management of the land.

There are a number of significant threats facing commoners and commons which put the practice of commoning, and with it the natural and cultural heritage of commons, at considerable risk. The paper will consider three broad areas.

- A) The most fundamental threat is that the role of commoners and commons is neither understood nor valued.
- B) The increasing number of external pressures on commoners threatens to undermine the systems and cultural landscapes of commons.
- C) The decline in commoning threatens the heritage of commons and the public goods and services they produce. It also diminishes the resilience of commons in the face of external pressures.

A pilot project produced a set of 'attributes of successful management for multiple outcomes' (Fig 2) and these are central to the Our Common Cause project. The co-production approach will be outlined regarding the best practice in the commoning community. Given

the limited opportunities to build capacity and increase capability it is essential to promote and examine good case studies to ensure that knowledge and skills exchange is viable. The trans-regional approach is essential due to the fragmented nature of commons across England and justified by the themes that arose from the regions in the pilot. The richness of experience across the country will benefit commons, commoning communities and the range of organisations (public and private) that engage with them.



*Figure 2 Attributes of Successful Management for Multiple Outcomes (Aglionby and Morris 2015)*

The pilot study revealed that there are common features across upland commons and that local action and activity is possible even where there is a lack of national incentive or interest (Aglionby and Morris 2015). The new project will facilitate an exchange of knowledge between parties with an interest in upland commons, thereby improving understanding and mutual respect. The needs of upland commons and the related communities are severe and need to be tackled urgently. Common land is a unique resource within the British Isles and one that requires a sensitive and adaptive form of governance that requires the state and local institutions to work together.

The polycentric and multi-layered approach to governance makes measuring impacts challenging and the approach taken within the project is close to adaptive governance. Rijke et al (2012) outline three key challenges for adaptive governance. First, what they identify as the 'ambiguous purposes of governance', which they characterise as the shift from government (formal 'known' structures) to governance (power distributed outside of government). Second, 'unclear governance context' where the interaction between the social and natural sub-systems can be complex (Carlsson and Berkes 2005). Ostrom (1990) both provide methods of mapping important aspect of the context, such as rules, dominant paradigms, available knowledge etc. However Rijke et al (2012) make it clear that an

institutional framework needs to go beyond identification in order to establish effective governance strategies. The third challenge is 'uncertain governance outcomes' and relates to the ability of the social structure to navigate a way through contextualising the issue as a complex 'wicked' problem with an unknown outcome (Nay 2009) or tending towards a 'panacea' approach using blue prints to cover over uncertainty (Ostrom 2007). Critical to tackling this challenge is the move away from certainty and prediction towards learning and engagement (Collins and Ison 2011) and using the iterative approaches of co-management (Carlsson and Berkes 2005) and integrate catchment management (Short 2015).

The framework proposed by Rijke et al (2012) builds on the theoretical literature but also offers tools and support for operationalisation. First it uses the dominant institutional arrangements and aims for 'good enough governance' in order to be more realistic. The diagnostic approach is retained as a means of revealing 'inadequate' governance (Ostrom 2007). Rijke et al (2012: 76) define 'fit-for-purpose' governance as 'a measure of the adequacy of the functional purposes that governance structures and processes have to fulfil as a certain point in time'. The associated processes, such as leadership or social learning, are incorporated into existing channels and context and used to highlight the effectiveness of actions taken.

The three-step framework that Rijke (2012) propose for the 'fit-for-purpose' governance is shown in figure 1 below. The aim of this diagnostic framework is to make explicit the three challenges associated with adaptive governance whilst retaining the core of the approaches associated with this concept.

The central role of stakeholders in each of these steps is worth noting, meaning that all of them link in and contribute to the identification of policy objectives and the mapping of the context. How the issues are mapped is critical as it needs to ensure the interactions between systems (natural and social) are identified (Ostrom 2007). Once the context has been mapped the governance approach can be identified and this is checked against the policy objectives. However, Rijke et al 2012 warn that the reliance on stakeholders presents its own challenges, not least the need for meaningful and effective participation (Ribot 2006). The issue of participation is of increasing interest to the biodiversity and catchment management sectors (Short 2015) as are the methods and processes involved.

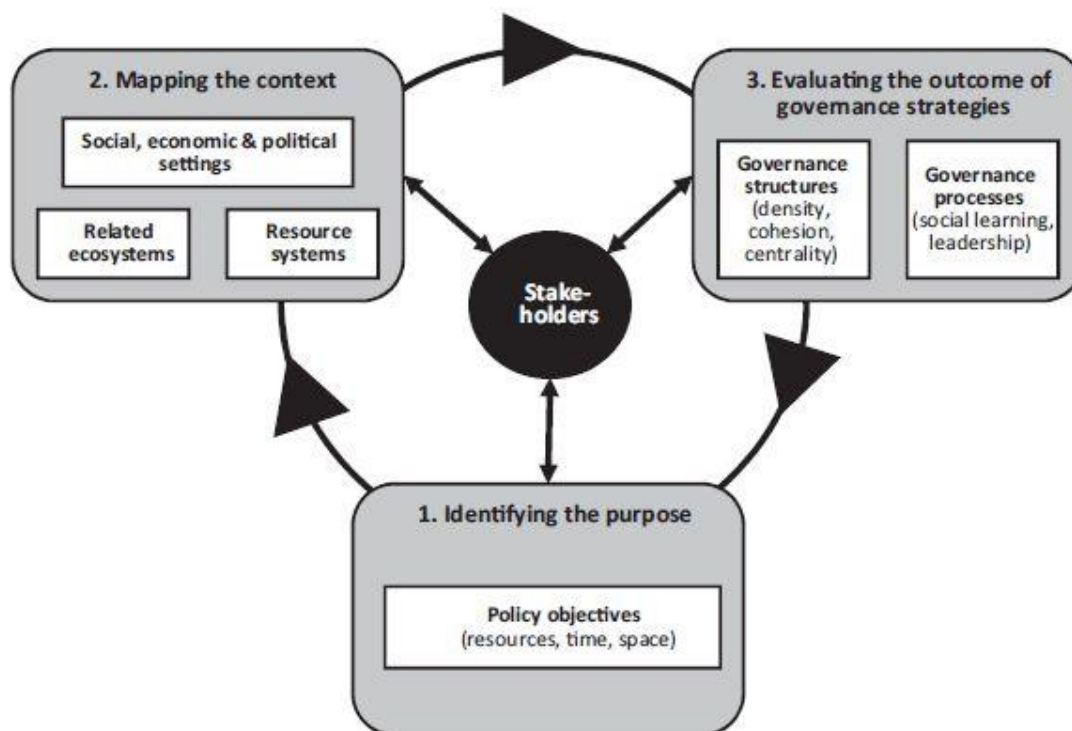


Figure 1 Three critical steps for diagnosing ‘fit-for-purpose’ governance mechanisms (Rijke et al 2012:77)

Finally we look at the operationalisation of the ‘fit-for-purpose’ governance framework. Here nature and consistency of the networks is critical. From a review of the literature Rijke et al (2012) suggest that density (level of interconnections); cohesion (degree of empathy) and centrality (of members and network) are key factors. The key process are seen as Leadership (preferably transformational) and social learning (learning through interaction). It is these processes that will determine the changes within institutions and therefore Table 1 below outlines the matrix that will be used to assess the UK approach and case study. The aim is to gather some empirical evidence to see if policies and the response amongst non-governmental organisations is and can fulfil an institutional design approach.

Table 1 Possible Matrix of Assessing Fit-For-Purpose Governance within Our Common Cause case studies

Step Assessment of:	1. Identifying the Purpose	2. Mapping the Context	3. Evaluating the outcome of governance strategies
a. network density			
b. network cohesion			
c. centrality of actor/network			
d. evidence of social learning			
e. evidence of leadership			

(Adapted from Rijke et al 2012)

Yet to be agreed with stakeholders and the Our Common Cause project team, so to be continued ... .

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