

**Gower Commons**

**Successional Health Check**

**Report to the**  
**Gower Landscape Partnership**

2018



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## 1. BACKGROUND

The purpose of this study is to investigate the current level of agricultural activity on the Gower Commons and to predict the likely future levels of activity based on an assessment of the prospects of family and non-family succession by individuals likely to have an interest in grazing the commons.

The need for a 'Successional Health Check' arose from a Wales-wide study, published in 2016, which was undertaken to investigate the state of pastoral commoning in Wales (Brackenbury and Jones 2016). As part of the study, questionnaires were sent to 230 grazing associations, 80 of which responded (35%); regional meetings were also held to discuss the issues face-to-face with graziers.

Given the widespread feeling, based on anecdotal evidence, that there was a distinct lack of succession on commons, one of the aims of this work was to cast light on the factors which are affecting graziers in the short, medium and long-term from day-to-day issues to the impact of policy, its political interpretation and implementation.

One of the limitations of the questionnaire methodology is that once the questions are set, seeking further clarification is difficult. So, when the questionnaire data suggests that only in a minority of cases would a grazing right be abandoned (Figure 1), the degree of realism reflected in the hoped-for succession by family members or other new graziers was far from clear; the regional meetings suggested that the concerns we had heard originally were still widely felt.

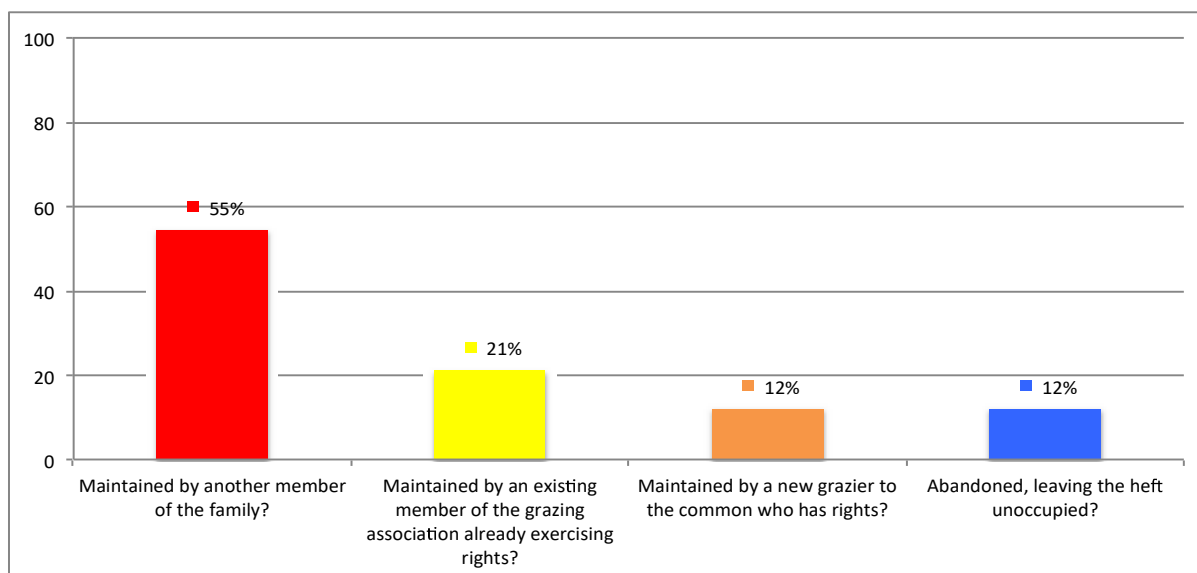


Figure 1. What will happen to the grazings right on the retirement of the existing grazing (Brackenbury & Jones, 2015)

It is in order to understand better the reality behind the bald questionnaire data that we have undertaken further detailed research, in Gower and, with funding from LEADER, in Pembrokeshire (as yet unpublished). And while the location of this additional work has largely determined by the availability of funding, the two areas between them cover a broad swathe of Welsh commoning, from the lowland to the upland, from the smallest to the very large, and covering cattle, pony and sheep systems. While they will not necessarily provide

definitive answers, we can be confident that issues which are significant on some or all of those commons are likely to be important elsewhere.

## 2. INTRODUCTION TO GOWER

Gower is a special place, the first Area of Outstanding Natural Beauty (AONB) to be designated in 1956. Covering 73 square miles, it has some fantastic landscapes, from quiet woodlands to soaring coastal cliffs, from golden sandy beaches to saltmarshes and the wide open heathlands of the inland commons. ‘Beautiful,’ ‘Natural,’ ‘Open,’ ‘Wild’ and ‘Unspoilt’ are the five most popular adjectives describing Gower’s common land, according to a survey of Gower residents during 2005 (Opinion Research Services 2005).

Although the peninsula is small, approximately 7 miles by 14, it supports a wealth of wildlife, recognised in the numerous designations including number Special Areas of Conservation, Sites of Special Scientific Interest and local designations e.g. Site of Importance for Nature Conservation (Table 1). If a site is designated as a SINC it is not protected by any other designation. The sum total of commons which are covered by a designation is 97%, with only 3% of commons not being recognised for their biodiversity in some way.

Conservation designation	Area of commons (ha)	% of commons which are designated
Special Areas of Conservation	4647	78%
Special Protection Area	2784	47%
RAMSAR	2784	47%
Sites of Special Scientific Interest	4721	79%
Sites of Importance for Nature Conservation	1077	18%

Table 1. Conservation designations on Gower commons

The Gower commons are also of importance for landscape (Area of Outstanding Beauty, AONB; Historic Landscapes); access (Open Access Land) and archaeological interest (Scheduled Ancient Monument, SAM) – see Figure 2 and Figure 3. Whether it is for landscape, biodiversity or archaeology, at the heart of Gower’s importance is the survival of large areas of actively-managed common land and to the stewardship of generations of Gower farmers. Indeed, Gower is one of the few areas within lowland Wales where commoners continue to maintain the traditional practices of commoning by grazing cattle, sheep, and ponies.



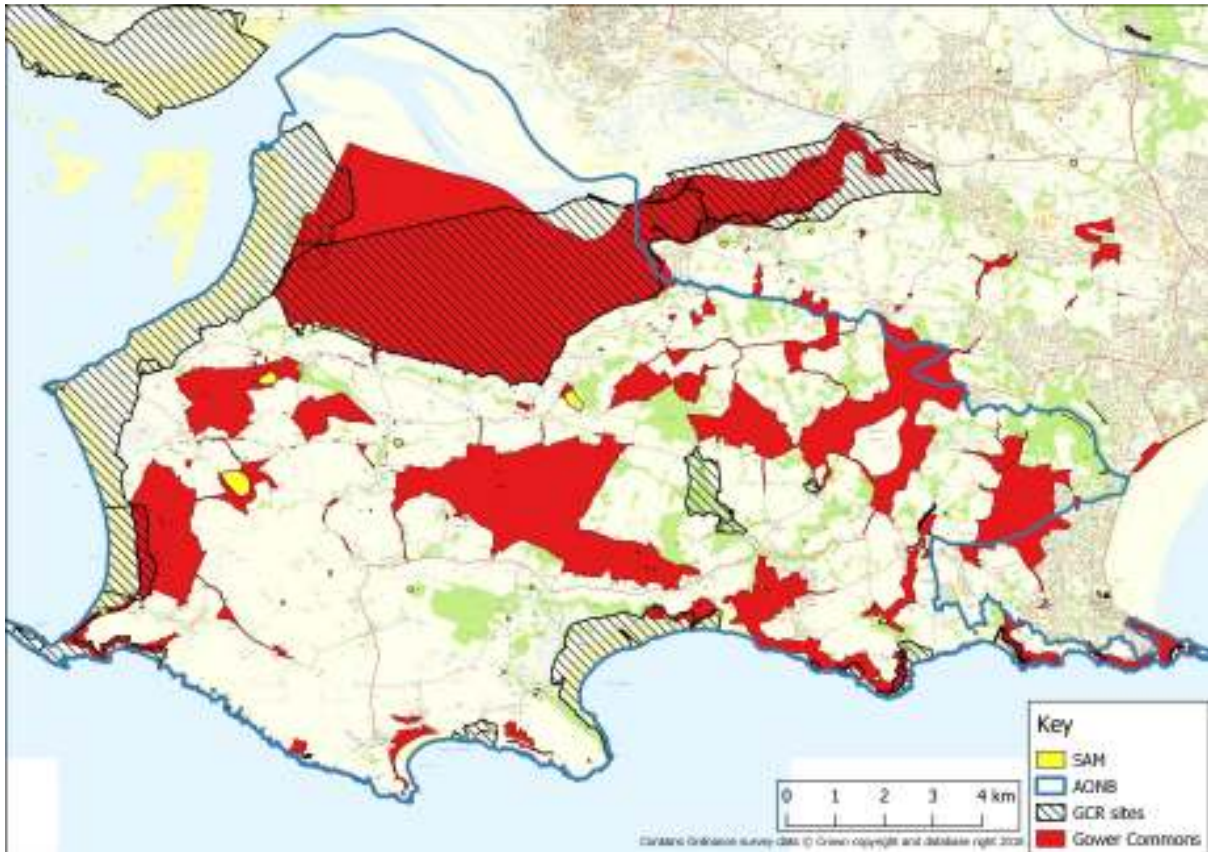


Figure 2. Gower commons - landscape and archaeological designations

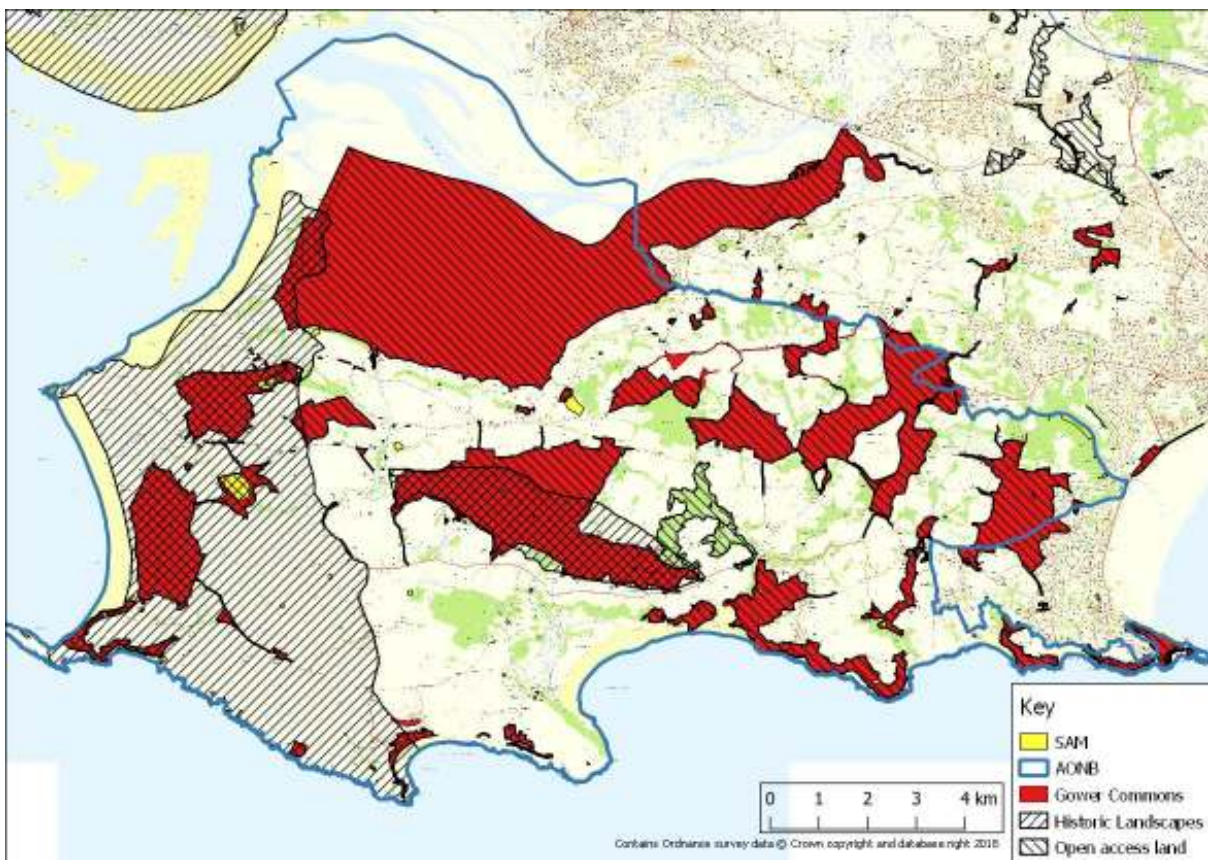


Figure 3. Gower commons - further access and historic designations

### 3. COMMON LAND

Commons may loosely be defined as areas where certain people hold beneficial rights to use land that they do not own. Whilst land was formerly used communally for a diverse range of domestic and agricultural purposes, it is only certain categories of common rights which have survived with any certainty today; the right to graze domestic stock is by far the most extensive right registered<sup>1</sup>.

Generally speaking, common land has been registered as such under the Commons Registration Act, 1965. At the end of the registration period, only that land which was registered can be deemed to be common land, and similarly, only those rights which were registered can be exercised. These documents, held by local authorities, are conclusive.

Despite the diverse legal and historical origins of commons, they are all managed through a community of users, comprising those who hold rights together with the owner(s) of the soil. Such communities generally require joint working to integrate all interests, with formal or informal controls and collaborative understandings, often coupled with strong social traditions and local identity.

### 4. THE GOWER COMMONS AND THE GOWER COMMONERS ASSOCIATION

The City and County of Swansea has unusually extensive areas of common land - a total of around 5893ha (over 9000ha if the intertidal area in the Burry Estuary is included), making up 14% of the local authority land area. This accounts for 95% of the open access land within its boundaries<sup>2</sup>.

Associations of commoners on individual commons within the City and County of Swansea can join one of two umbrella bodies - the West Glamorgan Commoners Association and the Gower Commoners Association. This report looks at the latter group of commons – a total of 31 registered common land units covering 5954ha, if the tidal zone is included.

#### 4.1. The Commons

The Gower Commoners Association (GCA) commons (Table 2, Figure 4) vary considerably in area, ranging from 0.28ha to 2322ha (Llanrhidian Marsh); the largest fully terrestrial common being Cefn Bryn at 823ha (Figure 5).

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<sup>1</sup> <http://www.foundationforcommonland.org.uk/rights-of-common>

<sup>2</sup> <https://cdn.naturalresources.wales/media/677725/open-access-mapping-review-stats-external.xls?mode=pad&rnd=131043219690000000>



CL No.	Common name	CL No.	Common name
CL1	Rhossili Down and Cliffs	CL 17	Barlands Common
CL 2	Hardings Down and Pitton Cross	CL 69	Penmaen and Nicholaston Burrows
CL 3	Ryers Down	CL 12S	Blackpill Burrows
CL 4	Llanmadoc Hill and Tankey Lake Moor	CL 1S	Mynydd Bach-y-Glo
CL 5	Llanrhidian Marshes and Landimore	CL 2S	Newton and Summerland Cliffs
CL 6	Llanrhidian Hill and the Common	CL 3S	Bracelet Common
CL 7	The Wern and The Rallt	CL 4S	Picket's Mead
CL 8	Cefn Bryn	CL 5S	Mayals Green
CL 9	Pengwern	CL 6S	West Cefn Coed Common
CL 10	Welshmoor, Forrest Common & the Bryn	CL 7S	Cefn Coed Common
CL 11	Mynydd Bach-y-Cocs	CL 13S	Middle Head Mumbles
CL 12	Penclawdd and Gowerton Marshes	CL 14S	Langland Cliffs
CL 13	Pennard Burrows and Cliffs	CL 15S	Sketty Green
CL 14	Bishwell Common	CL 107	Oxwich point, Slade Cliff
CL 15	Fairwood and Clyne	CL 108	Common Cliff and Overton Cliff
CL 16	Bishopston Valley	CL 133	Llotrog Bank

Table 2. List of the Gower Commoners Association commons



Figure 4. The Gower Commoners Association commons

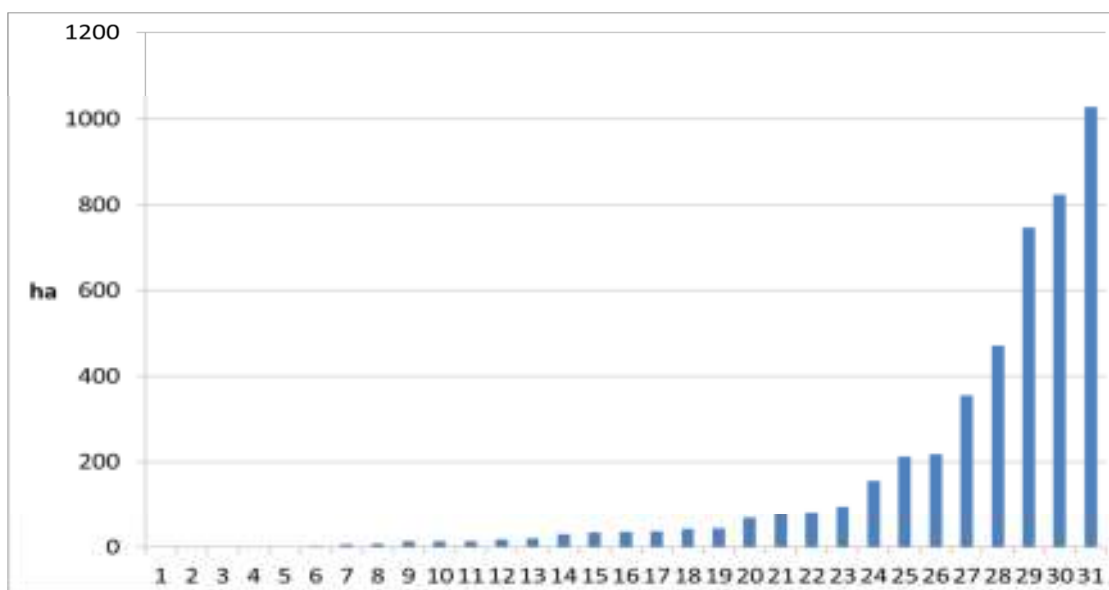


Figure 5. The Gower Commoners Association ranked by area

The commons are owned by a variety of bodies, from the City Council, NGOs, private estates and, in the case of Llangennith Manors, a body owned by the commoners themselves (Table 3).

Landowner	Common
Swansea Council	Fairwood Common, Somerset Trust
Coombe-Tennant Estate	Pengwern Common
National Trust	Welshmoor, Rhossili Down, Ryers Down, Cefn Bryn (part), Llandmadoc Hill (part), Penmaen Burrows, Nicholaston Burrows and Oxwich (part), Whitford Burrows and areas of the south Gower Coast
Penrice Estate	The Wern, Oxwich burrows
Llangennith Manors	Hardings Down, Llandmadoc Hill (part), Burry Green
Somerset Trust	Cefn Bryn, Clyne Common

Table 3. Landowning on the principal Gower commons, 2018

The number of rightsholders on each common varies considerably, with 14 of the 31 GCA commons having over 20 potential graziers (Figure 6). A number are unlikely to be in agricultural use, either having no rights registered (mostly urban commons) or being very small (Table 4). The focus of the report is on those commons where there are registered grazing rights and where there is or has recently been grazing activity.

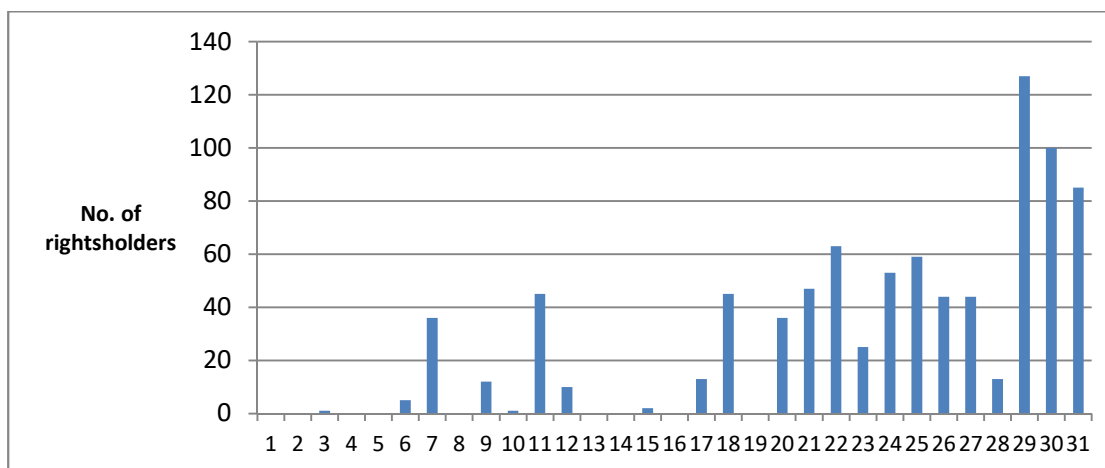


Figure 6. Number of rightsholders on GCA commons, by area

CL number	Common	Size (ha)	Reason for exclusion
CL 4S	Picket's Mead	0.88	Less than 3ha in urban area
CL 5S	Mayals Green	2.71	Less than 3ha in urban area
CL 6S	West Cefn Coed Common	30.45	No grazing rights registered
CL 7S	Cefn Coed Common	1.07	No grazing rights registered
CL 13S	Middle Head Mumbles	0.28	No grazing rights registered
CL 14S	Langland Cliffs	1.47	No grazing rights registered
CL 15S	Sketty Green	20.53	No grazing rights registered
CL 107	Oxwich point, Slade Cliff	43.02	No grazing rights registered
CL 108	Common Cliff and Overton Cliff	7.11	No grazing rights registered
CL 133	Llotrog Bank	0.32	No grazing rights registered

Table 4. GCA commons which are small or have no registered rights

## 4.2. The Association, its history and constitution

The Gower Commoners Association was formed in 1949, in response to concerns about the possible development of the commons for housing and other development in the drive for expansion following the ending of the Second World War. Within the minutes of the Association it sets out the purpose of the association as follows:

*'the Chairman explained fully the position regarding the commons of Gower and stated that the only way they could safeguard their interests was by one strong association for all of the Gower Commons'<sup>3</sup>*

The Gower Commoners Association operates as an umbrella organisation. Each member common or small group of commons is responsible for its own day-to-day governance, for example, for making decisions on how to spend money, on works to be undertaken on the common, on when a common should be cleared of livestock and whether to participate within schemes such as agri-environment.

<sup>3</sup> Gower Commoners Association minute book 1949

For a common or group of commons to become a member they must subscribe to the objects and rules of the Gower Commoners Association. This standardisation of rules across all of the common land units provides clarity for each common and their members - in the case of a dispute the same rules are applied to all.

Any decisions which cannot be resolved at the local level can be taken to the Gower Commoners Association for resolution by the executive committee. The committee is composed of two elected representatives from each common, who represent the interests of those commons.

Alongside this dispute resolution function, and the ability of the GCA to represent Gower commoners and their associations to the wider world, the GCA has developed an unusually-wide range of collaborative mechanisms and bodies (Figure 7).

There is no requirement for a member to be active only on the common, only to have rights to exercise. Membership is paid annually on an individual basis, where the individual has to be from a holding with associated commons rights. Multiple membership is possible from households or companies with rights, but for voting purposes only the rightsholder (or one company director) is enfranchised. As such, the GCA and its membership is a good indicator of the salience of grazing commons as an agricultural issue, while the records kept by the association and information held by its committee members provide an excellent information source on the realities of commoning in recent years, information which can be compared to official records, such as those held by Welsh Government.

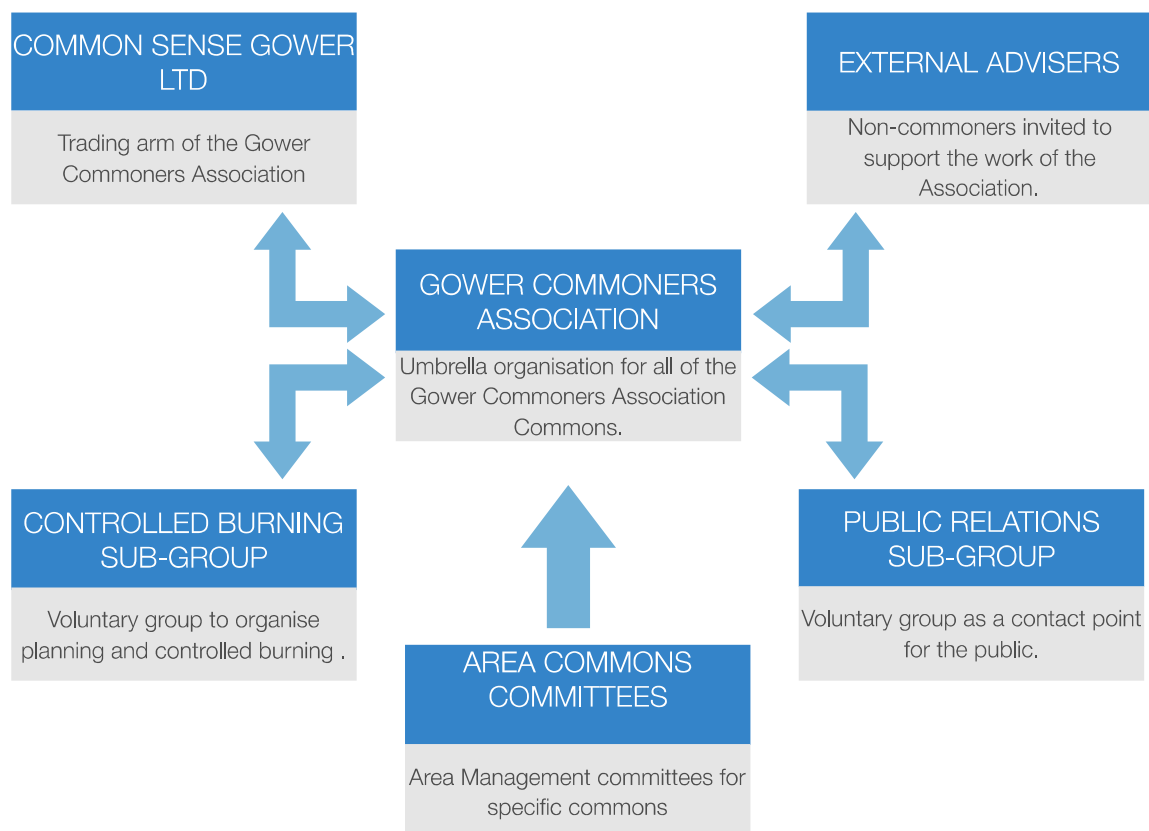


Figure 7. GCA mechanisms for collaboration and wider engagement

## 5. Patterns in Gower commoning

### 5.1. Membership of the Gower Commoners Association

The GCA's membership has varied considerably over time (Figure 9). The number of members clearly increases when matters of consequence to their businesses were live issues, such as joining the Common Market (1975), BSE (1986). These can be seen as membership spikes within the graphed data. (Data for the period 1991 – 2017 was not available at the time of writing the report). Even in peak years, the number of members has fallen way below the total number of rightsholder (Figure 6)

What is also clear though is how the membership from *individual* commons has varied over time – Fairwood common in particular has shown a dramatic decrease since the 1980s, something which is picked up below. Most worryingly, while in the past some commons increased their membership while others decreased, in recent years the number of members has fallen on almost all commons.

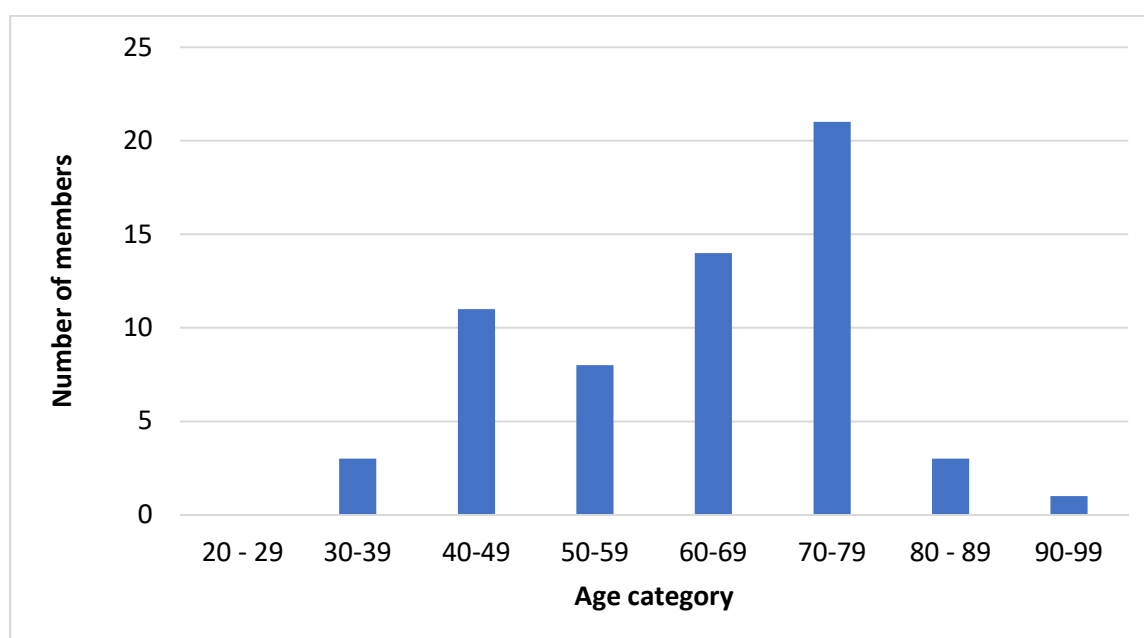


Figure 8. Age profile of GCA members

The GCA is dominated by elderly members (Figure 8), but it is difficult to assess whether this is a further sign of a dying out of commoning or a reflection of an ongoing reality in which the farm remains in the hand of the oldest generation for as long as possible, no matter who carries out the bulk of the work. Having said that, the significant minority below the age of 50 suggests that not all is doom and gloom, as long, that is, as rightsholders continue to exercise their rights.

In fact, when it comes to those rights-holding GCA members who actively use their rights with cattle or sheep, the picture is quite different (Figure 10). As suspected, the 40-49 year olds is much more active than the overall membership figures suggest. Put another way, while almost all of the younger members are active, this is only true of around half of the older members. (Including horse grazing tends to increase the proportion of older graziers

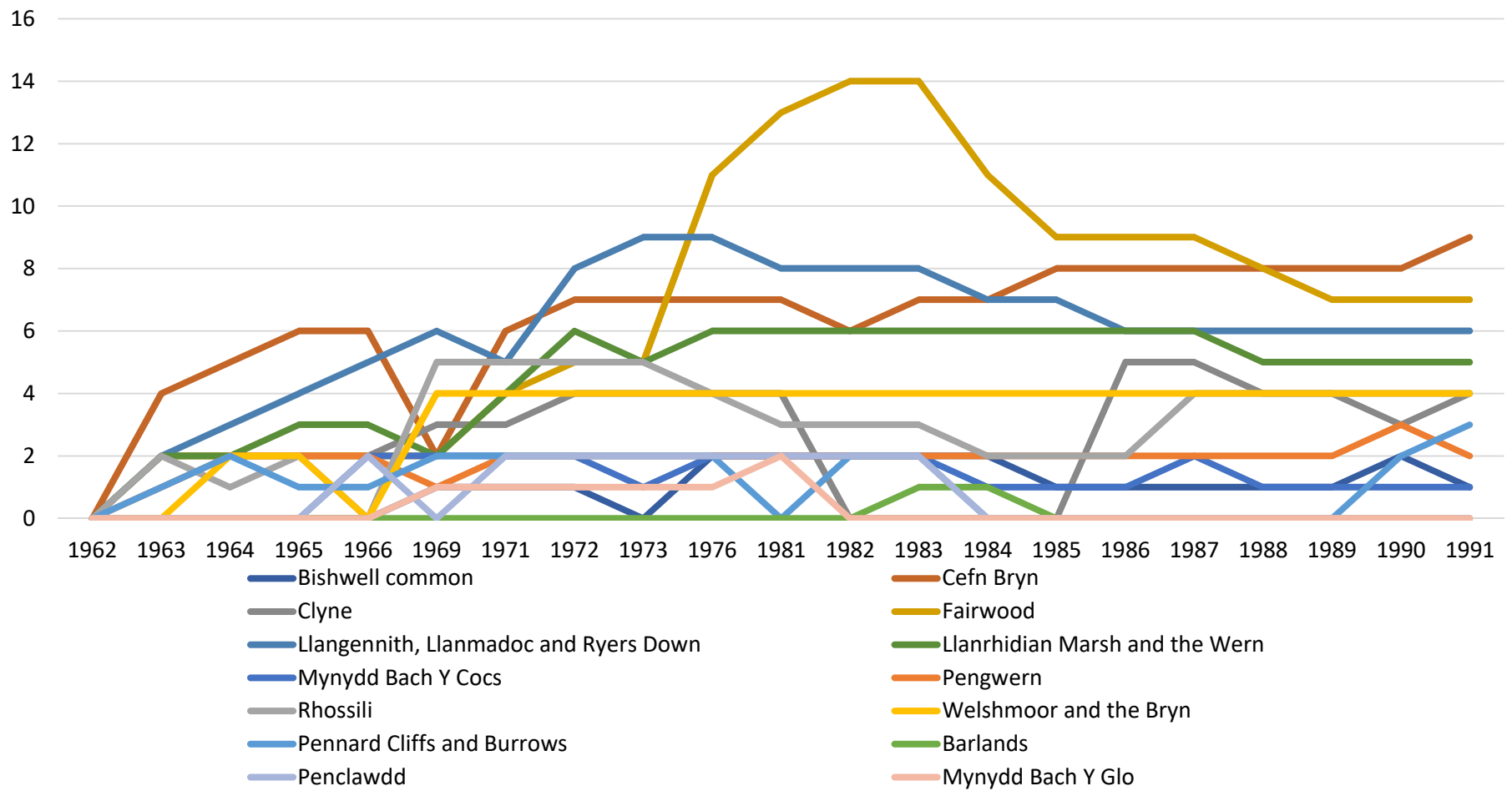


Figure 9. Variation in membership of GCA by common over time



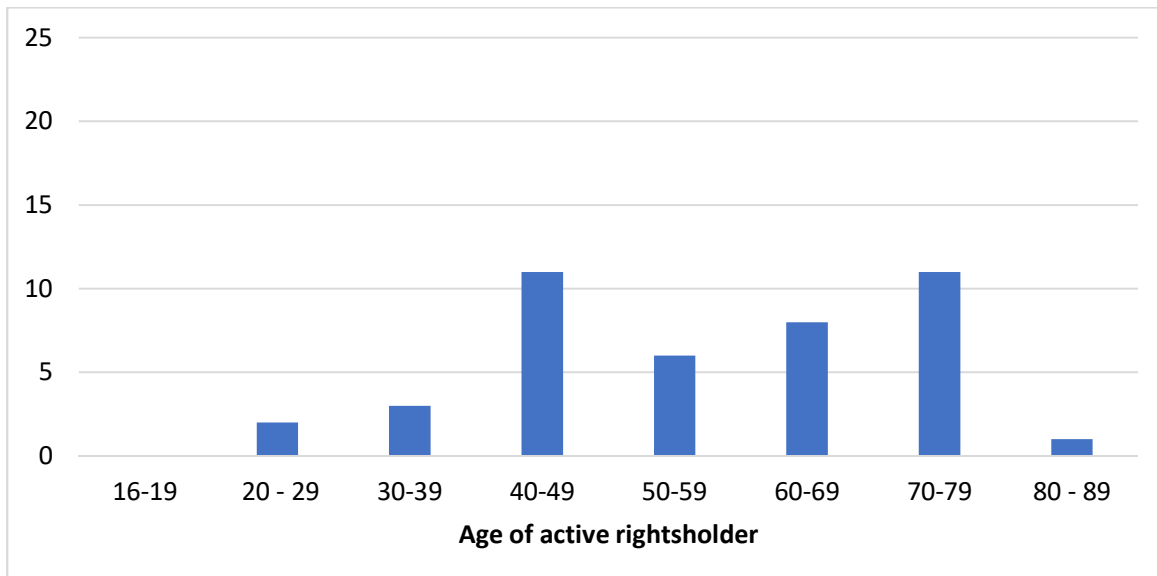


Figure 10. Age of active GCA sheep and/or cattle graziers

## 6. Active management of commons

The focus of this section is the active management of the common by the exercise of rights to graze livestock, cattle, sheep and ponies. In addition, management activities which benefit the common such as cutting bracken, creating fire breaks etc. – these are in both cases undertaken by commons rights holders.

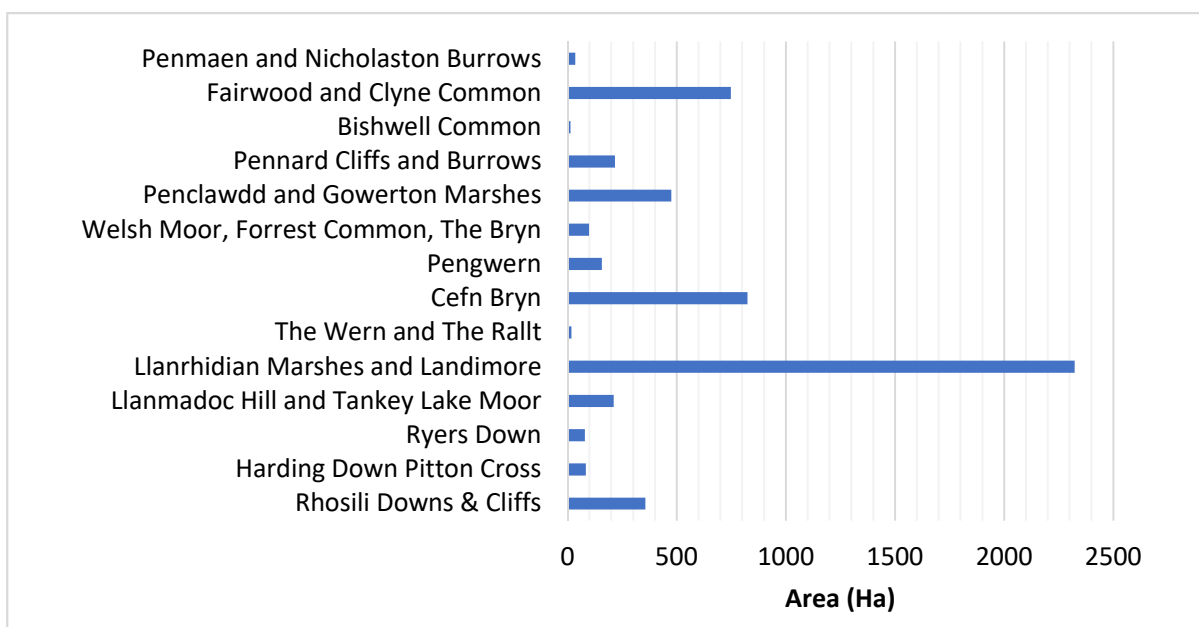


Figure 11. GCA commons with current or recently actively-used rights, by area

These graziers between them are or have recently been grazing activity on a significant proportion of the commons (Figure 11), including some which are very small.

This is the level of detail we had for our sample commons in (Brackenbury and Jones 2016). But what does this really mean in practice – what is the scale of this activity? In this report we can for the first time shed some light on this question.

Note first of all how few even of the recently active graziers were in fact active in 2018 (Figure 12), while the comparison with rightsholders (i.e. potential graziers) is salutary (Figure 6). Moreover, around a third of those who grazed at all were only ‘occasional’ graziers (Figure 14) – only 16 were ‘full-time’ on the common, out of 29 (and 36 recently-active) . Of those there are only four graziers between 50 years of age and 70 years of age. In fact there are only 6 graziers in the 30-49 years age group.

On the other hand, discussions with graziers suggest that there are some farming families with school age or younger children who are currently actively involved on the farm. They have been excluded from the data as they are not GCA members, and it is not possible to confirm at this stage whether they will become farmers.

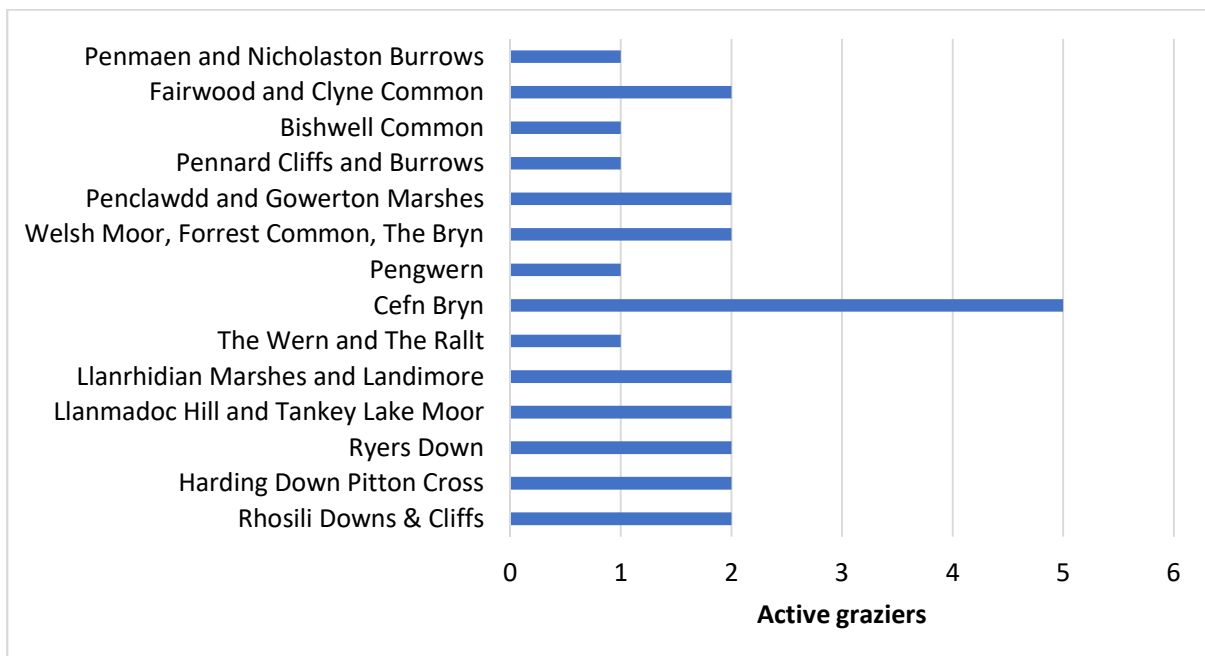
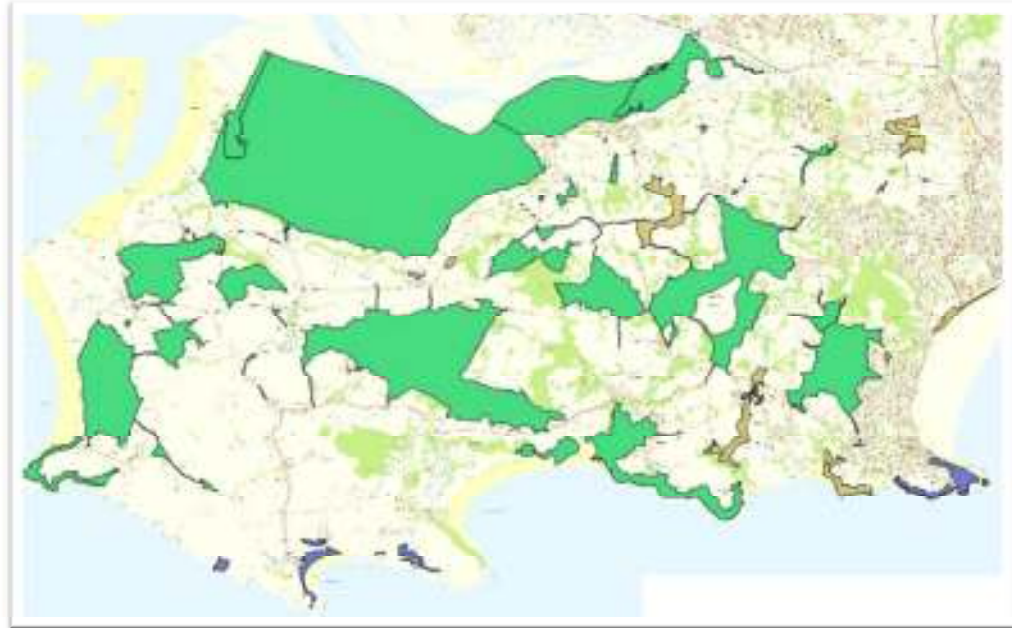


Figure 12. Numbers of active graziers by GCA common

# Gower Commoners Association activity by site



GCA activity by total of area of common

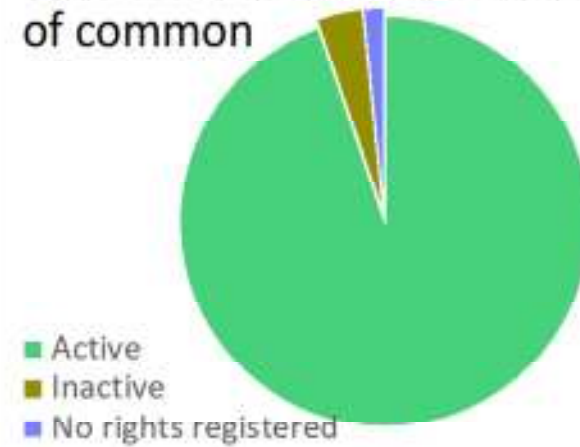


Figure 13. Presence of livestock currently or recently on GCA commons

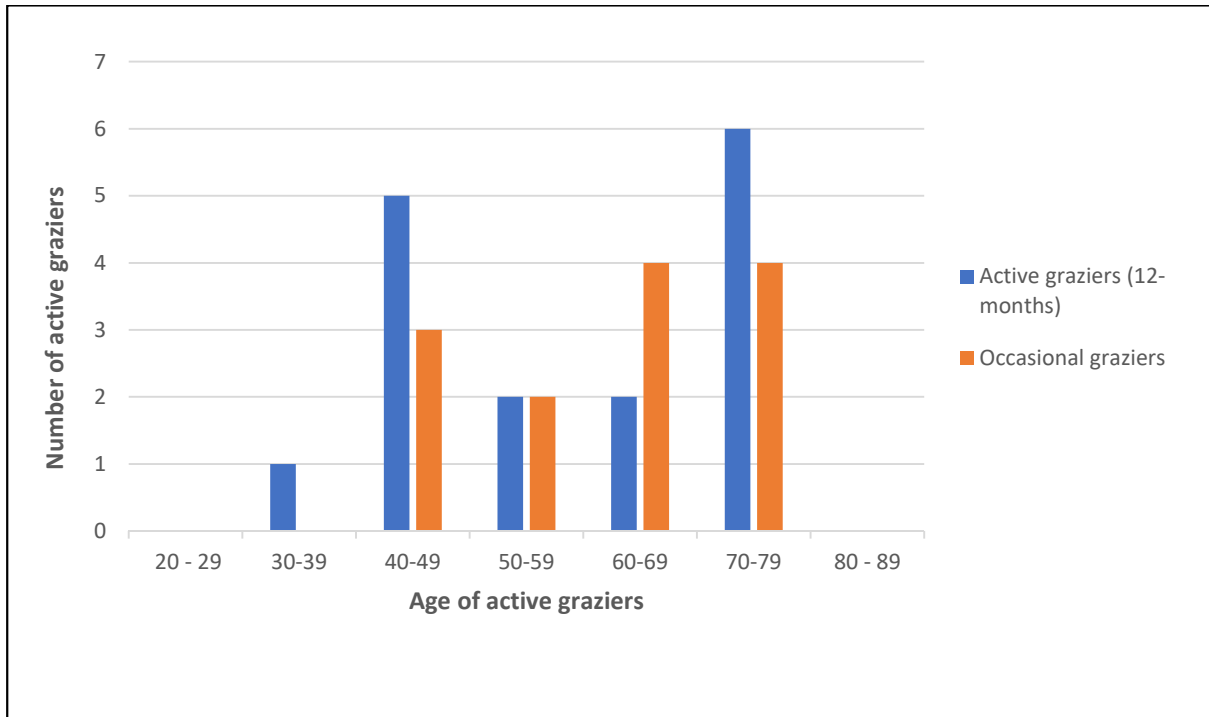


Figure 14. Degree of grazing activity in 2018

Of the commons which remain active, six commons have a single active farm business grazier and eight have two active farm businesses. Cefn Bryn remains the most resilient with five farm businesses currently actively grazing the common. In total there are 23 holdings which can be considered as active.

Again, this number should be contrasted with the total number of rightsholders (Figure 6). On Fairwood common, for example, there are 118 registered dominant tenancies with associated rights and only 1 of those sets of rights are being exercised.

The number of graziers active bears little relation to the size of the common (Table 5). The picture is skewed as the table includes full and part time users of the common, and does not taken account of the number of animals each grazier is turning out.

This represents a double-edged sword – on the one hand, a grazier who has a workable, profitable system benefits from having the common to himself. But on the other, such a situation represents a high risk scenario for both the future of commoning and the condition of the commons, particularly so when the financial support to defray the costs of commoning might have to be shared with many inactive claimants (see below).

With the exception of the western part of Llanrhidian Marsh which has high number of livestock, all of the other commons are understocked. The commons which are at the highest risk of abandonment are Fairwood and Pengwern Common. There are sheep grazing Clyne with an active grazier, those sheep occasional move onto Fairwood along a back road.

Common/s	Grazing pattern	Area (ha)	Area for which each active grazier is responsible for (ha)
Llanmadoc Hill and Tankey Lake Moor, Hardings Down and Ryers Down	Managed as one unit as livestock move between the three CL units	364.88	62.5
Fairwood and Clyne and Pengwern	Livestock move between the 2 CL units	904.32	301.44
Welshmoor, Fforest and the Bryn	Intercommoning, although Forest is principally a sole grazier common	98.65	49.32
Penclawdd and Gowerton Marshes	Why empty?	475.64	237.82
Bishwell Common	Single common	12.82	12.82
Penmaen and Nicolaston Burrows	Penmaen grazed by PONT scheme. No grazing on Nicholaston Burrows	34.96	34.96
The Wern and the Rallt	The Wern is grazed, no grazing on the Rallt	18.00	18.00
Rhossili Down and Cliffs	Single common	356.73	178.37
Cefn Bryn	Single common	823.5	164.7

Table 5. Average area of common which each active grazier is notionally managing

As well as the impact on habitats, there are wider consequences to communities flowing from the loss of grazing.. The CRoW Act provides for access to the commons, but people's ability to access the sites is very much dependent upon the vegetation. Barland Common is an example of a common which has not been grazed at for many years, due to this access over much of the site is no longer possible on foot. This amount of vegetation equates to a significant fire load and is thus also a risk to the local community.

## 7. Commons and agricultural support payments

### 7.1. Basic Payment Scheme BPS

An indication of the potential agricultural interest in commons can be gained from examining the number of Basic Payment Scheme claimants and the area being used in support of such claims.

The Basic Payment Scheme (BPS) provides basic income support to anyone with payment entitlements who is an 'active farmer'. The definition of 'active farmer' goes well beyond the everyday English meaning of those words, and includes those who maintain land in good agricultural and environmental condition. In the case of rough grazing land, this means little more than ensuring that it can be used for agriculture without excessive restorative treatment, and that in particular tree and scrub encroachment is kept under control.

In general, any necessary maintenance activity does not have to be undertaken by the 'active farmer' himself, but can be carried out by others. On inbye land, a 'slipper farmer' would need to use a contractor, at least on occasion, but on common land, the rules open up a clear opportunity for inactive claimants to free-ride on the back of active graziers who maintain the common in good agricultural and environmental condition on their behalf. In England, there are additional rules for claims on commons to try to avoid such situations - a

farmer is only 'active' on a common if they exercise their grazing rights by turning out stock on it, or are a participant in an agri-environment contract or otherwise 'contribute to managing the common', for example by:

- clearing scrub that can't be grazed
- some other beneficial activity, for example treating bracken, maintaining internal walls, hedges or fences, or managed burning

No such extra safeguards exist in Wales – claimants only need to fulfil the general 'active farmer' criteria and to possess entitlements.

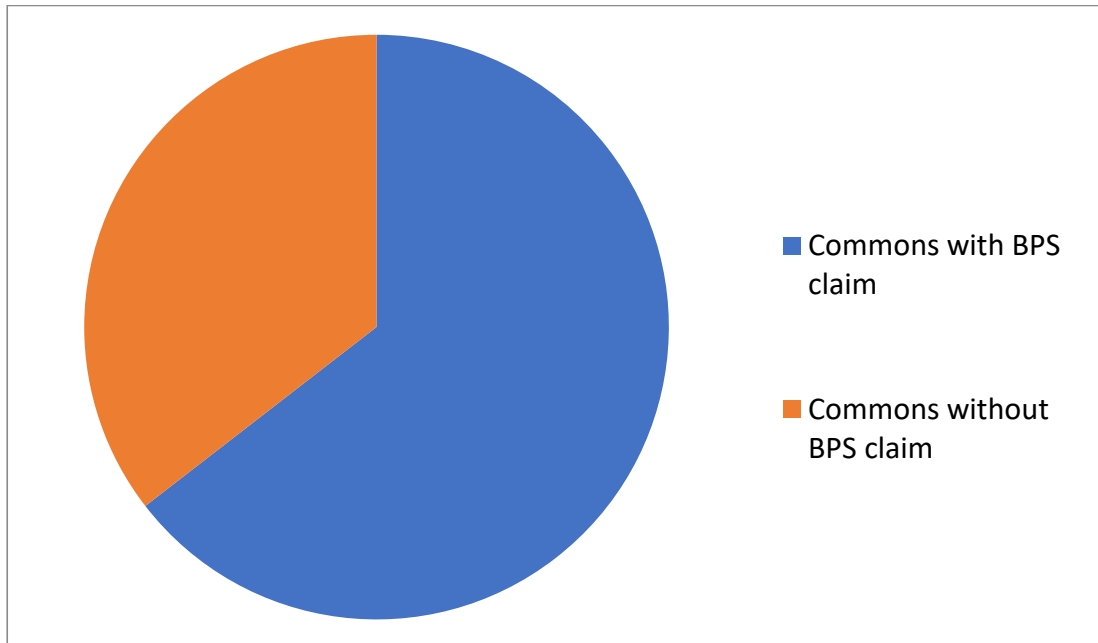


Figure 15. Proportion of GCA commons with BPS claims (Welsh Government data)

61% of all Common Land Units are used to support BPS claims (Figure 15) [Figure 15. Proportion of GCA commons with BPS claims \(Welsh Government data\)](#)

, but most of the ones which are unclaimed are small, so that in total 86% of the total area is claimed under BPS (Figure 16), 11% is ineligible (woods, water, foreshore) and only 3% of the area is not claimed (this might turn out to be eligible or ineligible in practice

While 86% of the eligible area is currently assumed to be in a grazable condition by Rural Payments Wales, the area which is ineligible is increasing year-on-year as the level of grazing activity continues to decline and scrub or dense bracken spread across the commons.

How then does the number of 'active' claimants compare to the number of actually active graziers? Truly-active claimants are in fact in a small minority, as Figure 6 shows. Note that this graph shows the number of *claimants*, not the size of claims, which relate to the number of rights held. However, it would seem clear that a significant proportion of the money intended to defray the costs (losses, quite possibly) of the active management of the commons is being claimed by people who incur none of those costs. Meanwhile, the active graziers in effect receive a lower level of support per hectare on the common land than on comparable non-common land.



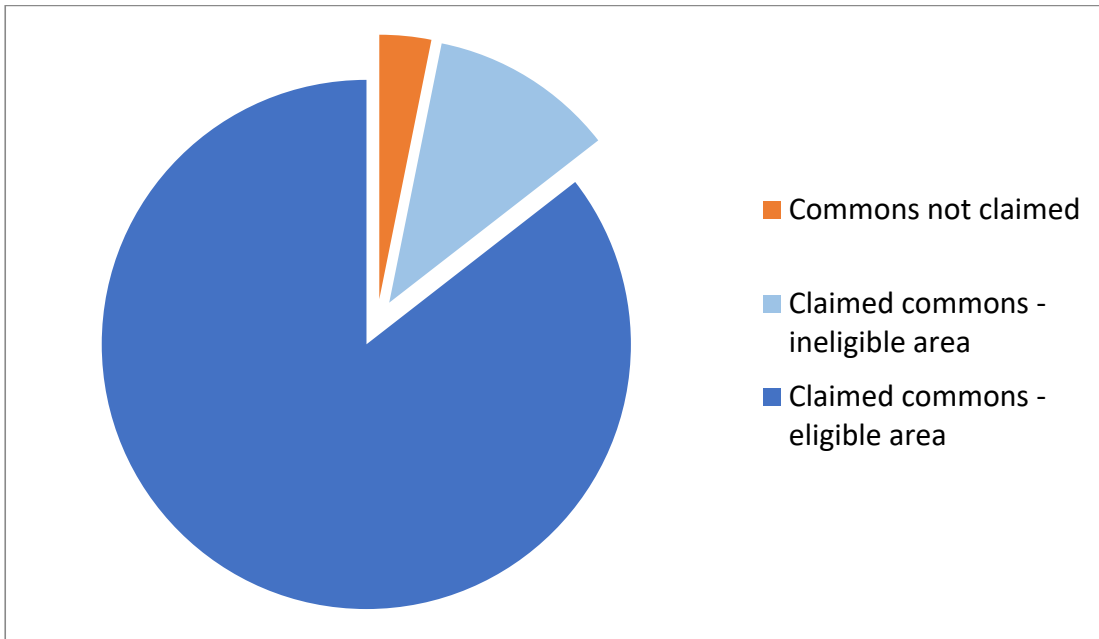


Figure 16. Proportion of GCA commons area claimed for BPS (Welsh Government data)

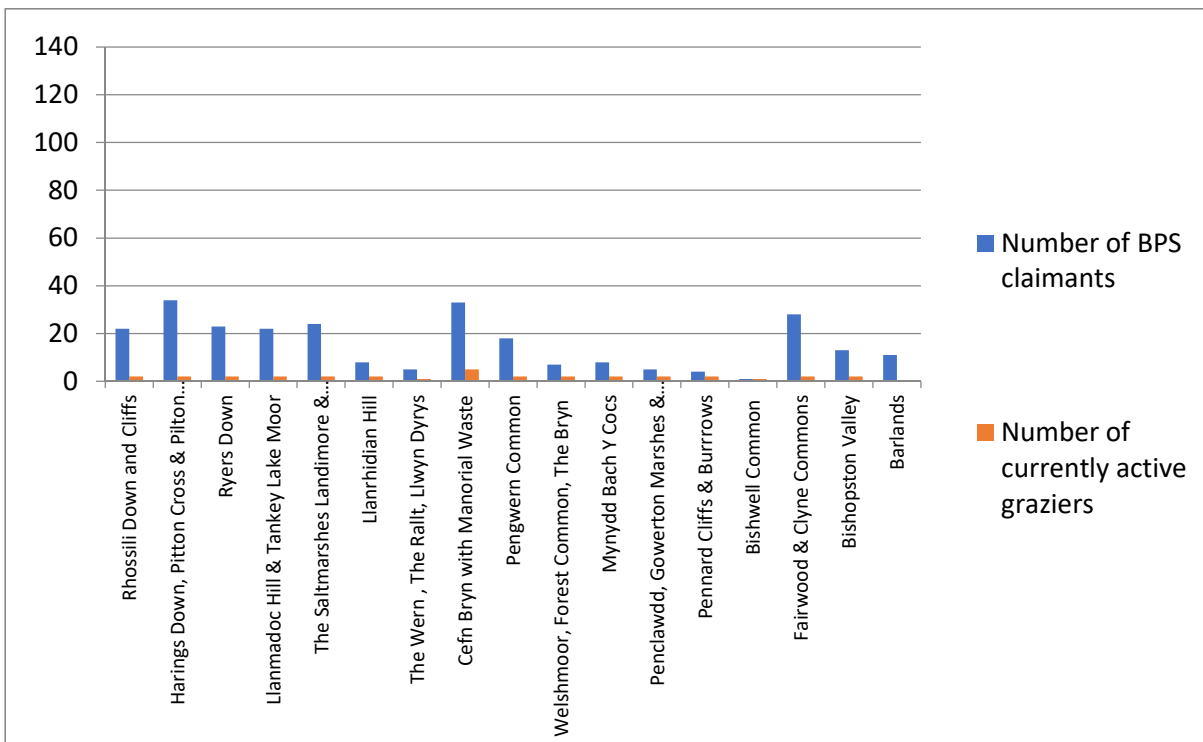


Figure 17. BPS claims and active graziers on GCA commons

### 7.2. Glastir

Limited use has been made of agri-environment funding on the Gower peninsula overall. At present, there are three commons which have entered the Glastir Commons scheme, namely: Welshmoor, Cefn Bryn, and Llandrhidian Marsh. And over the years, only Cefn Bryn has made the most of the opportunities available to it through agri-environment financing. In fact, Cefn Bryn was one of the pilot areas for Tir Gofal, having previously been in the Tir Cymen Scheme.

There has been and remains a reticence amongst the majority of the Gower Commons groups to enter into agri-environment schemes. Initially, the concern was one of control and regulation, that scheme entry would restrict the graziers' ability to operate. This was against a backdrop in the reduction of animals to achieve scheme entry.

Having said this, it must be remembered that before Glastir there were only six Tir Gofal agreements operating on commons throughout Wales. This was because the scheme was designed for farms, so did not suit commons well. Superficially contrary to that, graziers with experience of both say they prefer the Tir Gofal Scheme to the current iteration of Glastir, since Tir Gofal was seen as more flexible, and had a dedicated officer to support the graziers activities; it was thought to be better resourced and managed.

The majority of the Gower commons groups took the decision to seek funding elsewhere independent of agri-environment, which resulted in the Gower Commons Initiative programme (2000-2008), which was set up with the objective of improving the common mainly through capital works, e.g., the installation of cattle grids, fences, purchase of tractors and mowers, etc. The Gower Commons Initiative was funded by the Heritage Lottery Fund for the first 5-years and subsequently using grant funding from Landfill tax credits scheme.

The concern remains that Glastir is very prescriptive with little flexibility to tailor the agreement to the conditions found on any single common. The converse of this is that the benefit of such a simple scheme is the low transaction cost in its administration. It is a straightforward offer just based stocking levels. These factors, combined with the provision of a network of Commons Development Officer to assist commoners groups to enter the scheme resulted in a significant increase in the number of commons agreements throughout Wales.

At present, there are 194 active Glastir contracts on commons (pers comm D Ashford). But the scheme worked best for commons which were already close to the desired numbers, so there was no need to change grazing levels or practices too significantly or to engage in the difficult internal discussions which that would entail.

Another limiting factor for Gower is the role commons play in the farming system on many holdings. Gower farms have in the past often used the commons as an emergency resource, for example in a dry year; such ad hoc practices, no matter how beneficial over the years for the common, are very difficult to incorporate into an agreement based on strict grazing calendars and stocking limits.

The Gower Commoners Association constitution allows for any single common to make its own arrangements at the level of the common whilst still abiding by the overall GCA rules. The situation created by Glastir commons is nevertheless somewhat anomalous in that it can allow/necessitate a subgroup of an area management committee establishing a separate legally-constituted group to enable entry into Glastir in circumstances where not all graziers wanted to participate. Of course, there is some risk associated with this

approach with the potential of breaching stocking levels if all graziers are not included within the scheme in some way.

There are different arrangements as to how the income from Glastir is managed and the funds utilised. Scenarios include paying inactive graziers an agreed amount not to exercise rights, to pay a fee to join the Glastir agreement group and payments are made only to members of that group, only to pay those graziers who are deemed 'active.'

Cefn Bryn currently operates on a Glastir agreement which uses a pro rata stock reduction across the year, rather than a three-month clearance period. To achieve the stocking level, additional cattle were purchased by a single grazier to manage the agreement. The grant agreement requires that a stocking diary and activity diary are maintained for the common. Cefn Bryn has also entered the advanced element of the scheme which assists with works which benefit the common more directly such as fire break creation, bracken cutting controlled burning and other activities.

It is apparent that the resilience of Cefn Bryn as a grazing association has benefited from the subsequent rounds of agri-environment funding. It has all of the issues which are facing Fairwood, traffic, visitor pressure, open roads, illegal 4x4. Arguably, the situation is more challenging for Cefn Bryn as they do not have a speed limit while having a significantly higher impact of tourism in a few key locations. The area which seems to have developed as a car park for example on the top of Cefn Bryn where people can walk the ridge, enjoy the views across to Llanelli and visit Arthur's Stone.

Another concern is that the graziers do not understand what the Glastir agreement is attempting to achieve in the management of stocking levels. Again, there is disconnect between scheme aspirations and graziers understanding of what a successful outcome might be.

## 8. BARRIERS TO THE EXERCISE OF COMMONS RIGHTS

When looking at the situation on Gower, the reasons for the decline in grazing activity are varied and complex. There is no single reason, but a combination of factors working together to drive change. Tables setting out the critical areas of concern can be found within Appendix 1.

Broadly speaking, the factors relate to those which are economic in the broad sense and those which are non-economic or cultural. 'Economic' factors which farmers might include in their conscious or unconscious cost-benefit analysis include various aspects of risk, the reward for extra effort and the logic of their current production system, as well as the scale and appropriateness of any specific incentives which might tempt them to overcome such impediments.

Some of the issues arising are:

### 8.1. Farming systems and their economics

The pattern which is apparent across Wales is that where a farm is thriving and has sufficient income to sustain a sibling in the farm business, then they most often stay on the farm. In the situation where income is not quite enough, the son or daughter may train and have a career elsewhere, perhaps returning to the farm in later life, or on the retirement of the senior family member (Brackenbury and Jones 2016). Returning becomes more unlikely the more the difference between the net benefits of being a farmer and those of working in the wider economy.

The issues around the economics of farming are complex and cannot be considered in detail here. Suffice to say that if a grazing system which is financially attractive, the farmer finds a way to overcome most obstacles. Brexit and the uncertainty of future market access only adds to the current weaknesses of the farming system. Uncertainty slows business growth and reduces investment, and in fact, may increase investment in diversification. There are examples of farms which have diversified in order to strengthen their business, only to find that the diversified enterprise is more economically-rewarding than the farming enterprise, which then becomes secondary. For many farms, grazing the common has never been a central feature of their system, but rather a convenience at certain times and for certain stock; in contrast to hill farms, it is all too easy for systems to develop which forgo the extra hassles of active commoning.

### 8.2. Legislation and regulation

The most significant regulatory impediment to grazing the commons are those associated with bovine tuberculosis (TB) biosecurity rules. Although the common is likely to be a place of low biosecurity risk and thus somewhere where grazing should be encouraged, the effect of the current Welsh rules is to make grazing that common practically difficult (few commons have the cattle handling facilities necessary for TB testing animals before they leave) and high risk (TB breakdowns on any of the farms using the common can lead to problems for all, irrespective of whether animals came into contact in reality).

When it comes to commons, the current rules seem to have been designed for administrative simplicity, whether or not that makes risk management or epidemiological sense, while the impact on other policy objectives for which grazing the commons is important have not been taken into consideration.

A rather different approach is being taken in parts of England, where commons TB plans, in which off-common holding areas are considered part of the commons for TB purposes, are providing a way in which grazing can continue, albeit under the difficult circumstances of an ongoing severe TB problem.

### 8.3. Weaknesses of Glastir

The Gower commons are of high value for nature and a range of other public goods, and all of them have been recognised as being such through at least one level of official designation. As this report has shown, the current grazing regime on most of the commons is showing clear signs of actual or imminent collapse. In such circumstances, the lack of uptake of the only support measure specifically targeted at environmental improvement – Glastir – is particularly striking.

Glastir is perceived as lacking appropriate tools to tackle the difficulties faced on Gower and to support the kind of positive grazing management needed to improve the condition of the commons. The focus within the scheme continues to be on reducing the grazing pressure, whereas on most Gower commons the stocking level is already minimal, to the detriment of the habitats. Furthermore, the perception that Government is only interested in destocking or limiting stock in itself disincentivises investment and saps the enthusiasm of the next generation of farmers for exercising their rights.

Alongside the apparent lack of incentive ‘tools’, there is poor communication about conservation objectives. In many cases the aims of the management being paid for have not been made clear to the farmer. What is the target? What does ‘good’ look like? How does managing stocking levels in the way prescribed contribute to the ‘achievement’ of public policy goals? In this context, the prescriptive rules, with their fixed dates, seem detached from any purpose, and quickly lead to frustration.

This lack of understanding may of course hide real potential disagreements over objectives, but at present there is no coherent message (i.e. one with a clearly-set out set of objectives and a set of incentives and rules which are clearly supportive of those goals); this lack of a shared aspiration is one of the critical constraints to the positive management of the common. Precise mechanisms for communication are required which can explain to farmers why they are being asked to undertake particular actions.

Dartmoor Farming Futures has addressed this issue by establishing a pilot outcome-based system, where the desired endpoint is clearly explained to and agreed with the farmers who can then work to achieve the outcome in the best way they feel able to do so. This moves away from the current input based, prescriptive system.

Brexit provides an opportunity to rethink how agri-environment schemes work, how they can be better targeted to deliver broader economic benefits.

#### 8.4. Day-to-day management issues

Day-to-day management issues can have direct financial or time costs. On Gower dog attacks on livestock and animals being killed or injured on the road are the most often cited as a disincentive to activity. In each case, the impact of these threats can be mitigated through effort and investment.

A partnership approach would provide a broader range of opportunities, funding, and possible solutions. Historically Gower has had considerable success in this area with Gower-wide media campaigns, such as the Gower Common Watch Scheme and the ‘Kill your speed, not us’ campaign. Both of these campaigns were part of the Gower Commons Initiative project, with the end of a funded officer the momentum is lost. The loss of the Gower Rangers, employed by Swansea Council, was also suggested to have impacted on antisocial behaviour such as illegal camping, fly tipping, littering and the dumping of garden waste often with Invasive Non-Native Species within such as Japanese knotweed, which is a substantial issue within Swansea.

On Dartmoor, the commoners have a Livestock Officer who acts as a Ranger and provides advice to people on how to conduct themselves on commons where there are grazing livestock. Community speed watch teams working with the police have reduced traffic speeds.

### 8.5. Cultural change

Historically the primary industries of Gower were farming, cockling, coal mining and limestone quarrying. The last two have disappeared, but farming, including grazing the commons, remains a tradition in many Gower families. Many families engaged in farming can trace their ancestry back generations, so it is part of the cultural identity of people and place. This tradition is in danger of being lost even within actively-farming families. But there is also a pattern of farms and land on Gower being largely sold away from agriculture; the commons rights which are attached to those farms will not in all likelihood be used. For example, on Fairwood Common, of the total number of farms with rights and directly adjacent to the common only one out of 30 farms are still farming, therefore with the capacity to turn livestock out.

There may nowadays be opportunities for people to work elsewhere, distance now being less of a barrier to employment. It may be easier to manage stock in fields or sheds than somewhere out on a common in such circumstances, especially if the farmer could at any time be called out to a road traffic accident involving one of his or her animals.

### 8.6. Wider community impacts

Even where there is no official grazing activity on the common by rightsholders, it is likely that the common is still being used for something. Many of those uses are unlawful and are themselves part of the problem for active rightsholders. Examples include fly tipping, off-roading, littering, arson and other antisocial behaviour. Fly grazing, usually of ponies, by non-rightsholders is also an issue; this quickly turns to the dumping of unwanted horses when the market is weak.

Sometimes there are threats to the very existence of the common. There are examples of the piecemeal encroachment of commons, and in Pembrokeshire there are records (Brackenbury and Jones, in prep.) of unused commons having been converted into a carpark, an off-road race track, a large pond and into formal recreational space; none of these conversions had received the necessary consents.

## 9. FAMILY SUCCESSION

Many farms on Gower have been in the same family for several generations, the assumption being that the children will take over the farm as the parents retire. Looking at those farms on Gower which are currently active on the commons as well as farms which have been active over the last 10-years, the evidence suggests that this may well be the case for the home farm, but that perhaps the next generation will not be as likely to graze the common.



CL No.	Common name	Currently/ recently grazing (last 10 years)	Succession now or within the next 10 yrs	Possible future succession after 10 yrs. Holdings with children <16 yrs old
CL1	Rhossili Down and Cliffs	1 holding	Yes	2 holdings
CL 2	Hardings Down and Pitton Cross	Not grazed	Yes	2 holdings
CL 3	Ryers Down	2 holdings	Yes	1 holdings
CL 4	Llanmadoc Hill & Tankey Lake Moor	4 holdings	Yes	2 holdings
CL 5	Llanrhidian Marshes and Landimore	10 holdings	Yes	4 holdings
CL 6	Llanrhidian Hill and the Common	Not grazed	No	No
CL 7	The Wern and The Rallt	1 holding	No	No
CL 8	Cefn Bryn	6 holdings	1 holding	2 holdings
CL 9	Pengwern	1 holding	No	No
CL 10	Welshmoor, Forrest Common & the Bryn	2 holdings	No	No
CL 11	Mynydd Bach y Cocs	Not grazed	No	No
CL 12	Penclawdd and Gowerton Marshes	See Llanrhidian Marshes and Landimore		
CL 13	Pennard Burrows and Cliffs	3 holdings	No	No
CL 14	Bishwell Common	Not grazed	No	No
CL 15	Fairwood and Clyne	11 holdings	Yes	1 holding
CL 16	Bishopston Valley	1 holding	No	No
CL 17	Barlands Common	Not grazed	No	No
CL 69	Penmaen and Nicholaston Burrows	1 holding (now sold)	No	No
CL 12S	Blackpill Burrows	Not grazed	No	No
CL 1S	Mynydd Bach y Glo	Not grazed	No	No
CL 2S	Newton and Summerland Cliffs	Not grazed	No	No
CL 3S	Bracelet Common	Not grazed	No	No

Table 6. Succession prospects on GCA commons, 2018

Converted to a map basis (Figure 18), the scale of the threat to Gower commoning, the AONB and SSSI interest, fire risk and public access and enjoyment becomes clear.

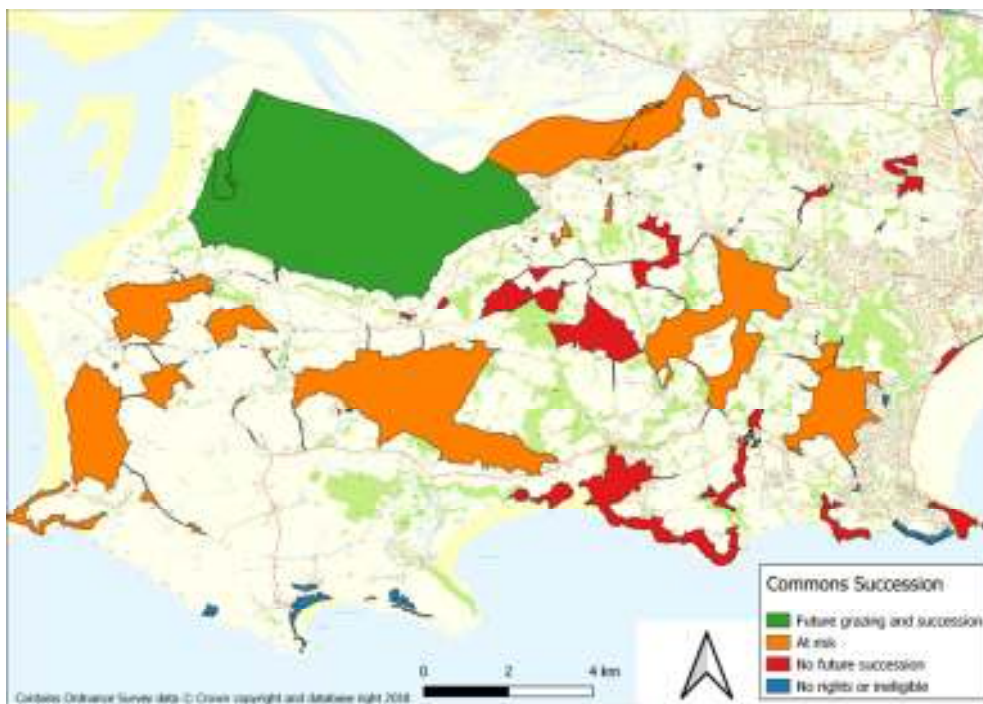


Figure 18. Succession prospects on GCA commons

## 10. GOWER COMMONS: A CALL TO ACTION

Notwithstanding the issues raised in this report, there is still capacity and enthusiasm to support the future of active viable commoning on Gower from the Gower Commoners, organisations and landowners. There is still time to improve the situation.

What is clear however is that the ‘business as usual’ model for the Gower commons will not achieve the future societal benefits of food production, landscape, access and other ecosystem services. A sustainable commoning system requires viable businesses, able to make the best use of the natural resources available to the graziers.

The first task is to understand what we have, what we value and how it can be maintained. The second is to look at the people involved and how to mobilise them. Then we can consider the regulatory and support frameworks necessary and look to the future.

### 10.1 Understanding what we have

“Any fool can know, the point is to understand” Albert Einstein

Fundamental to any decisions concerning commoning on Gower is understanding what the commons and the stewardship of the commons provide to society. What is apparent is that the legacy of short term projects to ‘sustain’ the commons have had limited success in the absence of ongoing funding and/or underlying viability – all too often the projects have been introverted, with success being judged against short-term, easily-achieved targets, while the underlying trends remain negative.

Commoning on Gower is about people and the sustainability of those people, their business and way of life. To safeguard the commons, it is imperative to understand the benefit the people bring in the course of their farming practice and to understand what that activity is worth and who the beneficiaries are.

#### 10.1.1. Valuing existing farming activity

There is no disagreement that in the future farming will be an essential feature of the Gower commons. It is clear that the benefits provided by grazing animals are of immense significance, whether in terms of sustaining the landscape, access, or biodiversity interest. The farmers themselves are also providing a range of other services such as firebreak cutting, management of bracken, controlled burning and reporting illegal activities. Collectively the graziers also provide a mechanism to identify and flag up illegal encroachments and uses of the commons to the regulatory authorities. The farmer graziers are custodians of the commons and of the knowledge and experience which enables the management and use of those commons in a way which sustains the wider benefits.

There is an opportunity for an evaluation and conversation about of the ‘actual’ benefits pastoral agriculture on the commons brings. The key questions that need to be asked are

- What are the benefits of the agricultural management of the commons?
- What is the true economic cost of the provision of those services?

- Who should pay for the added value of pastoral management?
- Who are key beneficiaries of the grazing activities, as direct benefits e.g. reduction in fire load and indirect e.g. provision of flood storage?
- What are such services worth?
- In the absence of pastoral agriculture, what would the economic and lifecycle cost be to achieve these benefits?
- Where is the grazier's economic benefit?
- What quantitative and perhaps qualitative (outcome based) criteria should be used to measure ecosystem service gain?

Recommendation for valuing existing farming activity:

- 1) Identify the 'true' economic value for the activity of graziers in delivering a range of public good and services. Compare and contrast with other management options which could achieve similar outcomes.
- 2) Identify the commercial opportunities available to graziers from sustainably using the natural resources available from the commons.
- 3) Consider how Payments for Ecosystem Services (PES) might be used as a tool to internalise the value accruing to society from pastoral farming practices through some sort of financial transfers to farming from not only the public sector (where a number of constraints apply), but from private and third sector actors. What is the relevance of 'additionality' and when, how and within what circumstances might it arise?

For every organisation, there is an opportunity to set out and confirm their vision for the Gower Commons and what they hope to achieve over the next 50 years and who are best placed to support them in being able to achieve their aspirations.

Recommendation for next steps:

- 4). Each organisation should set out what they want from the Gower Commons in meeting their particular objectives, before bringing those ideas together to form a single cohesive vision and strategy for the long-term resilience of the Gower Commons.
- 5). Investigate the '12 ways of working' from the Well Being of Future Generations (Wales) Act 2015 as the method to explore the themes and benefits that the commons provide and how they can be managed to meet future needs
- 6). Explore how these outcomes are presented to those responsible for delivering them. Failure of schemes on commons to deliver benefits is most often the result of people not understanding what they are being asked to achieve. Too much emphasis is placed on delivering the prescription rather than the desired outcome.

## 10.2. People

There are several organisations which have responsibilities for and/or interests in the Gower commons including landowners, regulators, charities, access, amenity, recreation, tourism and educational groups. All of these groups have something to offer in sustaining the traditional practices of pastoral agriculture; conversely, a failure to engage meaningfully by some of these groups could severely weaken any strategy to provide a sustainable future for commoning. Some, such as the rightsholders and owners of the soil, can take direct action as of right. Other stakeholders have to achieve their aims by consent, working through partnership programmes, through contracts and support payments, or by regulatory activity.

Fortunately, there is agreement amongst those organisations that there is a need for an agreed vision for commons collectively or individually, although different organisations have their own aspirations and interests.

### 10.2.1. Landowners

Landowners (Table 3) have a pivotal role to play in the future of the Gower Commons. Historically, landowner involvement in the management of the commons has been limited. Landowners, co-operating could make a significant difference to the future of the common by collaboration to share resources, skills, and expertise and to support the grazing activity for the diversity of benefits it provides.

Also, the landowners can utilise the excess of available grazing, when the active graziers are not utilising the full extent of their grazing rights. This could be done to prevent the deterioration in quality of the grazing and increase in fire load which is evident on some commons.

Some of the main landowners are public bodies:

**Swansea Council** (SC – formerly the City and County of Swansea) is the landowner of Fairwood common. In fact, the Common, at 462ha, is the largest terrestrial designated site owned by the City Council. As a statutory organisation SC has a responsibility under S.6 of the Environment (Wales) Act 2016 to undertake actions which promote and enhance the biodiversity interest. The SC Nature Conservation Team has an outline vision for Fairwood which is set out within a recently produced set of management briefs. It is also a critical site for the Area of Outstanding Natural Beauty (AONB), being the transition between the urban city of Swansea and rural Gower. It is the gateway to the peninsula and the first experience people have of the open landscape which characterise much of the peninsula. The local authority is also responsible for the adopted highway network which crosses the commons and the cattle grids, as well as footpaths which cross the commons. In every case, except for Clyne common, the highway is still registered as common land giving animals the right to cross the highway.

**The National Trust** (NT)'s objectives for the commons which are within their ownership are set out in their property management plans. These include Rhossili Down, Llanmadoc Hill (part), Ryers Down, Welshmoor, Penmaen Burrows and sections of the Gower Coast. The Trust are active in undertaking works which benefit the commons, including the re-

instatement of grazing, scrub control, access works, controlled burning and invasive non-native species control.

Recommendations for landowners:

- 7). Establish a set of rules for collaboration and co-working between the grazing association and landowners
- 8). Establish a forum within which landowners and graziers can meet
- 9). Establish a secretariat to facilitate meetings between landowners and commoners to consider how the conditions on the commons can be improved for grazing
- 10). Provide opportunities for landowners to share their aspirations and thoughts on the future of the commons concerning ecosystem resilience, PES, peatland code, carbon code, income generation opportunities etc.

#### 10.2.2. Gower Commoners Association

**The Gower Commoners Association (GCA)** represents the legal rightsholders of the commons (see section 4.2 above), and as such it is a key player. It has few aspirations for the commons themselves other than the maintenance of the agricultural condition. As an association, their focus is on active practice and exercise of rights by their members and the defence of the commons from encroachment. Key to their approach is the continuation of the use of those rights on the Commons, although collectively there is a declining impetus to achieve this as the number of active graziers dwindles and therefore capacity to instigate change lessens.

What is clear is that the Grazing Association members who attend the Gower Commoners meetings in the main represent the senior representative of the holding. So, in most cases, the oldest generation attends the meeting and the children (16 years to the mid-40s) mostly do not.

In discussion it was clear that the current lack of participation by younger members of farming households creates a disassociation between the ages and stifles innovative ideas for the commons, some of which have been raised by younger graziers during this research, e.g., the application of fenceless fencing.

Experience from the new Forest Commoners where they operate a Mentoring Scheme has brought together younger graziers and farmers to pass on their knowledge, understanding, and experiences. This exchange has proven to be worthwhile in reinvigorating interest in the commons for the next generation. Where there are graziers who might exercise but do not have the skills, such network will be critical.

Recommendations for the Gower Commoners Association:

11). For GCA to establish a mechanism to enable cross-generational representation within the Gower Commoners Association of a mentoring scheme between generation to pass on knowledge and experience

12). To consider the establishment of a younger graziers group, which could link to and with the local Young Farmers Group and other Young Commoner groups within the UK. This could open up opportunities for exchange visits and sharing ideas.

### 10.2.3. Other key stakeholders

Other important organisations include:

**Natural Resources Wales (NRW)** The Core Management Plan for Gower Commons SAC (which covers a number of the inland commons) has conservation objectives for the designated commons which relate to reaching and maintaining good conservation status. These objectives are focussed on the habitat condition and species populations of the features of 'Community Interest', which in the case of the Gower SAC are: Northern Atlantic wet heath, European dry heath, Molinia meadows, Southern damselfly, Marsh fritillary butterfly. The Gower Commons SAC management plan is due for review. There are similar objectives for the Natura sites covering the Burry Estuary and the dunes and the limestone cliffs.

Although such objectives are clearly important, they focus on a narrow set of criteria which do not translate easily into a clear set of integrated actions with which others, and graziers in particular, can work. It is very unclear 'what "good" looks like' or how a site 'should' look in six years' time. A simplified version in the Site Management Statement went some way to addressing this, but much more needs to be done. Furthermore, the fact that a single fail in the criteria means that the condition remains unfavourable creates a very black and white situation which doesn't recognise progress; this is a requirement of the formal EU condition reporting process, but does not need to be the way NRW engages with landowners and graziers.

Building evidence will be a key activity over the forthcoming period; NRW has an important role to play in assisting the graziers in drawing together data on the pace and rate of change based on historical monitoring and with access to the aerial/GIS database. NRW can also assist, through capacity building, training and advice, in engaging with communities and influencing others.

There are crucial other organisations with a broader interest in the quality of the landscape. In particular, the **Gower Society** who are very actively involved in those issues which impact on the viability of the Gower Commons, with its consequential changes in landscape quality and the cultural identity of the peninsula.

### 10.2.4. Partnership working

There are several different organisations with a vested interest in Gower and moreover the Gower Commons. Each organisation can offer expertise and resources within a collaborative framework. To develop/enable future capacity on commons it is clear that funding (either entitlement or grant) cannot be relied upon to deliver conservation condition and ecosystem resilience. A broader, more eclectic mixture of income streams will

be needed which integrates existing farming practice with income from commons derived products, PES type payments so, Woodland Carbon Code and the Peatland Code, etc

Partnership work can bring significant benefits which have proven successful in engaging different stakeholders on commons, include site meetings and visits bringing people together within the landscape to understand different aspirations. There are opportunities for visual presentation, written descriptions, training, sharing best practice, varying venues, site visits, etc. and engaging with other areas of common land where they have similar challenges and examples of good practice. A recent exchange between the Gower Commoners, other commoners and interested bodies in south Wales and Dartmoor Commons Council has provided many ideas, contacts and approaches which can now be translated to the Gower.

Recommendations for partnership working:

- 13). Between organisations, establish ways to accessibly engage with people where the approach to that engagement does present a barrier to participation or to the voices of those who are often not heard within discussions about the Gower Commons.
- 14). To create an alliance of organisations with the long-term goal of supporting the resilience of the commons to meet the future needs of society. That partnership has to be an equal partnership of interested groups co-operating with a shared purpose.
- 15). The partnership model should include economic, biodiversity and social drivers
- 16). The partnership should establish agreed terms of reference in the delivery of its functions.

#### 10.2.5. Community engagement

The Gower Commons are a fundamental feature of what makes the landscape both unique and attractive to local communities and visitors alike. The ways of working are set out in the Well Being of Future Generations (Wales) Act 2015 which encourages engagement across communities in making decisions about the place within which people live, work or visit.

It is essential to understand what others perceive as important about the Gower Commons within communities and across all age ranges and communities. This understanding will assist in informing a future framework for management. There is a range of ways in which community engagement can occur which will help the partner organisations in supporting commons-based activities.

Experience from the New Forest has demonstrated the value in engaging with diverse range of organisation to deliver benefits for pastoral agriculture, in particular in prompting the links between agricultural activity on the commons and the maintenance of the landscape and wildlife for people (pers. comm., Lyndsey Stride, New Forest Commoners Association)



Recommendations for engaging with local communities and visitors include:

- 17). Establish a programme which engages with schools and clubs surrounding the commons.
- 18). Organise a series of talks within adjacent communities about the Gower Commons
- 19). Provide opportunities to take people and groups onto the commons to meet with the graziers to talk about their farming practices, what they like about commoning and what challenges they are facing in continuing those practices.

#### 10.2.6. Social media

Social media is a valuable tool in raising awareness of activities happening on the commons. It can be used to both share positive news stories but also used to tackle antisocial behaviour. The New Forest graziers Twitter feed is shared by the National Park Authority providing a much broader reach than would be possible by the graziers' activity alone.

The GCA has generally avoided social media over concerns that it will be a mechanism by which the graziers can be accessed and harassed. Nevertheless, social media, used positively, has proven to be a powerful tool to support activity on the commons and in reporting any problems or accidents involving livestock.

Recommendations for social media:

- 20). A social media strategy is developed to support activities on the commons
- 21). Graziers to engage with a social media company to maintain an online profile social media presence and linked to partner organisations to widen the reach of messages.
- 22). Data is collected to support a social media such as how grazing activity benefits commons also data on livestock road injuries.

### 10.3. State regulation and support

This section considers the role of the State, both on the regulatory side – the legislation which impacts on commons - and in terms of support – including, but not limited to, agri-environment and other ‘schemes’. Policy can and should be enabling, actively encouraging the use of the commons to sustain the landscape and conservation benefits that are achieved by generations of pastoral agriculture, as well as discouraging practices or trends which work against those goals.

#### 10.3.1. Legislation affecting the commoners

Given the wide-ranging impacts of legislative controls, the Welsh Government has a pivotal role in the future of Gower commoning. It needs to ensure that its regulations are

proportionate (especially to risk) and reasonable, that commons are considered from the start during the process of legislating and regulating, that the impact of regulation is continually monitored with reference to both narrow and wider policy goals and that both policy failures and any unintended consequences are immediately addressed.

The legislative framework has been critical to-date in protecting commons from development and loss of commons area to piecemeal encroachment. It is however essential to review that legislation to ensure that it is still fit for purpose in the context of the broad aspirations and challenges set out in the Environment (Wales) Act 2016 and Well Being of Future Generations (Wales) Act 2015. Also, there is a need to consider the guidance which stems from legislation and whether that is currently appropriate and able to deliver the aspirations of these acts against the backdrop of change accompanying Brexit and in terms of the apparent lack of easy access to appropriate Rural Development Plan support (see next section).

Legislation	Section
Commons Act 2006	In particular Part 2, Management, Part 3 Works and Part 4 Miscellaneous
Swansea Corporation (Fairwood Common) Act 1956 compensation for the extinguishment of rights of common	Concerns the use and defines activities which can take place within the airfield boundary.
Animal Welfare (Electronic Collars) (Wales) Regulations 2010	In particular the relationship between this piece of regulation for the prohibition of the use of electronic collars on dogs and the use of cattle collars which are in use within England
2008 No. 1081(W.115) Agriculture Wales, Hill Lands Heather and Grass etc. Burning (Wales) Regulations 2008	These are the standing rules within Wales which govern controlled burning of vegetation.
The Animal Health Act 1981 plus subordinate legislation (2008, 2010 & 2011) Bovine TB eradication programme	This relates to the rules which govern cattle movements to and from the common and action in the event of a breakdown
The conservation of Habitats and Species Regulations 2017	S.20 Management agreements – in particular the way in which management agreements are described and achieved

Table 7. Legislation and regulations of high significance for commoning

It is clear that many of the existing pieces of legislation require review to provide sufficient flexibility and an enabling policy framework which is fit for the future. A review of the following legislation is needed to ensure coherence between all the current legislation and the Government's wider policy aims when it comes to commons.

Recommendations concerning legislation:

- 22). Identification of all law which is applied to commons and can either support or impact upon management and resilience of grazing activity.

23). Identification of the application of that legislation and its impact on day-to-day management.

24). Consider how legislation affects graziers' business decisions.

25). Identification as to where legislation and supporting regulation are barriers to achieving 'good' condition through the exercise of pastoral rights.

26). Consider those aspects of the Commons Act which is in part unimplemented at present and how that could potentially benefit commons condition and future farming practice.

### 10.3.2. Review of Pillar 1 and 2 Rural Development Plan schemes

One thing that is clear is that any reduction in agricultural support will impact on farm business. The Minister has made it clear in her statements that BPS – currently the mainstay of support - will be withdrawn over time and replaced with a scheme based on "Public Money for Public Goods and Services." The assumption is that such funds should be easily accessible to commoners; the evidence shows that this will in fact be a huge challenge in practice. In the case of agri-environment schemes, this is not a new situation; what would be new is if the entirety of farm support was to be delivered through those schemes.

Existing measures play a crucial part in the economic viability of farm business, in particular, those on the less productive, but arguably of greater significance for landscape, biodiversity and other ecosystem functions. The current Basic Payment Scheme arrangements do not require 'activity' on common land and therefore by default disincentivise grazing; meanwhile funding that could be going to active graziers is diverted into the pockets of the inactive, who incur none of the costs of grazing.

For farm business to improve their resilience to Brexit, it is essential that every opportunity is made available to them and an exploration of the potential options it could offer.

To do this, the scope of the opportunity needs to be assessed on a trial basis, where the adequacy of the existing rules can be tested to confirm whether those rules are a genuine barrier to the exercise of commons rights or not. Such evidence can be obtained by using NRW power under the Environment (Wales) Act 2016 (Section 22 and 23) to experiment for a given period.

Recommendations for RDP scheme review:

27). Establish a working group to consider what a post-agri-environment scheme working well might provide in a lowland commons situation.

28). Engage with other areas where Results based trials have been undertaken to provide ideas.

29). Review existing good practice on commons from across Wales, what is working well and why?

30). Review areas of commoning within Wales where grazing is not viable and infrequently practiced. Identify the difference and the drivers involved. What lessons can be learned?

### 10.3.3. Other regulatory protections for the commons and their enforcement

Statutory bodies have the potential to significantly support activity, by influencing, raising awareness, setting rules and enforcement. Antisocial behaviour and traffic speed are the most commonly cited reasons for not grazing the Gower Commons. On Gower there is a 40mph speed limit in place for Fairwood Common; however, there is no capacity to enforce this. Similarly, dogs, fly tipping, and illegal fires are all disincentives to the active exercise of commons rights.

Swansea Council can act to enforce speed limits, regulate dogs on the common and establish rules to strengthen their ability to act. Dartmoor National Park have a set of bylaws which apply to activities on the Commons within the Park<sup>4</sup>. There are arguments for establishing byelaws on Gower, but a case can equally be made that the necessary legal framework exists already and that what is missing is the capacity to enforce the law.

Recommendations for regulation:

31). To ascertain whether there are gaps in the law where SC might establish bylaws in agreement with the landowners and Gower Commoners Association strengthen their ability to act in the interest of the commons

32). For SC to investigate and act against fly-tipping on the commons, to include surveillance in areas where fly-tipping occurs frequently.

33). To reinvigorate the community Common Watch Groups. These groups can assist the GCA and regulators in monitoring and be safeguarding the commons from illegal activities. There are also examples of community groups who have established their speed watch groups where there is insufficient capacity available to the local authority and police<sup>5</sup>

### 10.3.4. Governance and commons management structures

The existing management structure is set out within Figure 7 and has functioned effectively for many years. With the possible move away from prescription-based schemes to outcome focussed projects, an option is to look at group schemes managed by a single organisation for all of the projects within the group. This model is already in existence for the woodland sector where multiple sites are administered for the Carbon Code by a single organisation. In this case the Gower Commoners Association could act to administer a scheme for all commons within their purview.

The Gower Commoners Association is well positioned to form a Commons Council when that legislation is enacted within Wales. The Association can benefit from the learning of

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<sup>4</sup> <http://www.dartmoor.gov.uk/about-us/who-we-are/byelaws>

<sup>5</sup> <http://communityspeedwatch.org/>

those commons within England who have formed Commons Councils. Wales can equally and should develop its own arrangements for Commons Councils.

Recommendations for governance:

34). Investigate with Welsh Government the implementation of Part 2 Management Commons Councils S.26 of the Commons Act 2006

35). Create a subgroup as part of the AONB partnership to work towards this.

36). Consider the establishment of a pilot Council on Gower to deliver an area-based scheme of management for all of the commons currently under the purview of the Gower Commoners Association

37). Identify funding from within WG to establish a pilot commons council.

38). To use the Commons Council as a method to reinvigorate grazing activity on the Gower Commons.

39). Identify the range of activities which a commons council could contribute, regulation, rural housing with agricultural tenancies, bovine TB, etc.

## 10.4. The Future

### 10.4.1. What happens if nothing changes?

In any deliberations about the commons, it is important to consider what the impact will be in the event of no activity and the commons continue along the current trajectory of decreasing grazing activity. That is, if grazing ceases and the commons are allowed to succeed over time to a climax habitat within the constraints of the climate, soils, etc. Under this scenario, there will be a substantial, but gradual change from pasture to scrub and then scrub woodland. On those sites which are currently designated such as the Gower Commons SAC, a substantial number of the features which justified their designation will most likely be lost. For Gower, of particular note is the marsh fritillary butterfly and the southern damselfly, both of which require grazed, open habitat. There are other species which rely upon cattle grazed pasture, such as the red-billed chough at Pennard Cliffs.

In addition, there will be a progressive change in the character and demographic of the Peninsula. The Farmers Union of Wales in their submission into the enquiry concerning Welsh Uplands, identify that agriculture contributes to retaining indigenous populations of young persons and maintaining and enhancing Wales's wider social and cultural heritage, including the Welsh language (Farmers' Union of Wales 2011).

Recommendations for a no-change scenario:

40). Undertake an investigation into likely future condition assuming no intervention and its impact based (economic, social, cultural) on existing key features and designations.

41). Model possible future scenarios by looking at historical aerial data to identify metrics by which change can be measured over time.

42). Identify the risk associated with a no-change scenario and how that risk will be managed e.g. increase in fire load associated with warmer, drier summers.

43). Consider how change can be mitigated by more extensive changes within the landscape, e.g., improving soil moisture where bracken is dominant.

#### 10.4.2. Innovation

It is essential to consider all opportunities for innovation to occur on the commons, to support future grazing activity. An example of this is the Boviguard Fenceless Fencing System aligned with GPS tracking of cattle of the commons. This system can create defined grazing areas without the need for physical fencing with their resultant impact on the open landscape of the Gower Commons. Other technologies will undoubtedly arise which may be able to improve the flexibility of the graziers to manage the commons.

However not all innovation is found in new techniques and technologies; it can also impact on products and marketing, on regulation and support, and on the social and institutional aspect of grazing.

A market innovation closely linked to habitat quality is the Peatland Code, provides opportunities to sell the carbon credits generated by converting eroding bogs into accumulating peatlands. Equally, tree planting, although not appropriate on the Gower Commons could happen on other land owned by the City and County of Swansea. The quantifiable carbon within these trees is sold under the Woodland Carbon Code. These monies could provide a stream of income to support activities which maintain condition on the SAC.

Paying for ecosystem services (PES) is another model which is currently being investigated as a way to reward grazing and land management activity where there are quantifiable ecosystem and societal benefits.

Recommendations for innovation:

44). Investigate existing technologies that support and provide flexibility for future grazing and broader management of the Gower Commons

45). Identify legislative opportunities and blocks which might prevent new opportunities being realised.

46). To present the problems facing the commons and to work with colleges and universities to identify possible technological solutions.

#### 10.4.3. Explore funding to test ideas and thinking

Funding, at least in the short term, will form part of the mix of activities on the Gower Commons. Change is now inevitable as a consequence of Brexit, so funding can be used to explore options, test ideas and to investigate opportunities. These ideas can be used to

inform future thinking on agricultural policy as it relates to commons. It is essential to find a way to future-proof commons for the delivery of public goods and services.

There are some areas where funding would be appropriate for use on Gower either as small exploratory pieces of work or as a larger project to test new thinking and ideas.

Potential projects with short-term funding opportunities include:

Baseline activities	Review of all of the registered rights on the Gower Commons. confirming how many farms remain in farming
	Review of standing plans which relate to the commons
	Review of all legislation as affects the management of the commons
	Investigate all barriers to the exercise of those rights with the grazing association – where are the blocks and what are the opportunities
	Model likely future scenarios based on existing data
	Identify funding to employ a Gower Ranger/Commons Officer to coordinate and develop initiatives to support the commons in the short to medium term.

Actions	Community engagement -re-establish the Commons Watch initiative
	Re-establish a common land partnership for Gower, similar to the Gower Commons Initiative partnership
	Speed awareness – establish measures to reduce traffic speed
	Establish a results-based pilot for Gower to enable those graziers to work towards and set outcomes for the commons
	Support for activities on the commons - capital works to enable grazing e.g. mobile cattle handling facilities, fenceless fencing systems, GPS tracking, scrub reduction and control, agreed burning programme

Monitoring	Collate evidence on use of the commons, livestock injuries, antisocial behaviour
	Engage graziers in monitoring and recording

Table 8. Items to consider incorporating in funding bids

Recommendations:

- 47). Identify opportunities to fund activities on the Gower Commons
- 48). Establish partnership working groups to share skills, expertise and resources
- 49). Investigate options to identify, test and innovate opportunities for the Gower Commons.



50). Establish a role to act as a focus, coordinator and motivator for activity on the commons

## 10.5. Summary of the recommendations

1) Identify the 'true' economic value for the activity of graziers in delivering a range of public good and services. Compare and contrast with other management options which could achieve similar outcomes.

2) Identify the commercial opportunities available to graziers from sustainably using the natural resources available from the commons.

3) Consider how Payments for Ecosystem Services (PES) might be used as a tool to internalise the value accruing to society from pastoral farming practices through some sort of financial transfers to farming from not only the public sector (where a number of constraints apply), but from private and third sector actors. What is the relevance of 'additionality' and when, how and within what circumstances might it arise?

4). Each organisation should set out what they want from the Gower Commons in meeting their particular objectives, before bringing those ideas together to form a single cohesive vision and strategy for the long-term resilience of the Gower Commons.

5). Investigate the '12 ways of working' from the Well Being of Future Generations (Wales) Act 2015 as the method to explore the themes and benefits that the commons provide and how they can be managed to meet future needs

6). Explore how these outcomes are presented to those responsible for delivering them. Failure of schemes on commons to deliver benefits is most often the result of people not understanding what they are being asked to achieve. Too much emphasis is placed on delivering the prescription rather than the desired outcome.

7). Establish a set of rules for collaboration and co-working between the grazing association and landowners

8). Establish a forum within which landowners and graziers can meet

9). Establish a secretariat to facilitate meetings between landowners and commoners to consider how the conditions on the commons can be improved for grazing

10). Provide opportunities for landowners to share their aspirations and thoughts on the future of the commons concerning ecosystem resilience, PES, peatland code, carbon code, income generation opportunities etc.

- 11). For GCA to establish a mechanism to enable cross-generational representation within the Gower Commoners Association of a mentoring scheme between generation to pass on knowledge and experience
- 12). To consider the establishment of a younger graziers group, which could link to and with the local Young Farmers Group and other Young Commoner groups within the UK. This could open up opportunities for exchange visits and sharing ideas.
- 13). Between organisations, establish ways to accessibly engage with people where the approach to that engagement does present a barrier to participation or to the voices of those who are often not heard within discussions about the Gower Commons.
- 14). To create an alliance of organisations with the long-term goal of supporting the resilience of the commons to meet the future needs of society. That partnership has to be an equal partnership of interested groups co-operating with a shared purpose.
- 15). The partnership model should include economic, biodiversity and social drivers
- 16). The partnership should establish agreed terms of reference in the delivery of its functions.
- 17). Establish a programme which engages with schools and clubs surrounding the commons.
- 18). Organise a series of talks within adjacent communities about the Gower Commons
- 19). Provide opportunities to take people and groups onto the commons to meet with the graziers to talk about their farming practices, what they like about commoning and what challenges they are facing in continuing those practices.
- 20). Graziers to engage with a social media company to maintain an online profile social media presence and linked to partner organisations to widen the reach of messages.
- 21). Data is collected to support a social media such as how grazing activity benefits commons also data on livestock road injuries.
- 22). Identification of all law which is applied to commons and can either support or impact upon management and resilience of grazing activity.
- 23). Identification of the application of that legislation and its impact on day-to-day management.
- 24). Consider how legislation affects graziers business decisions.

- 25). Identification as to where legislation and supporting regulation are barriers to achieving 'good' condition through the exercise of pastoral rights.
- 26). Consider Commons Act legislation, which is presently, in-part, un-enacted and how that could potentially benefit commons condition and future farming practice.
- 27). Establish a working group to consider what a post agrienvironment scheme working well might provide in a lowland situation.
- 28). Engage with other areas where Results based trials have been undertaken to provide ideas.
- 29). Review existing good practice on commons from across Wales, what is working well and why?
- 30). Review areas of commoning within Wales where grazing is not viable and infrequently practiced. Identify the difference and the drivers involved. What lessons can be learned?
- 31). For SC to establish bylaws in agreement with the landowners and Gower Commoners Association strengthen their ability to act in the interest of the commons
- 32). For SC to investigate and act against fly-tipping on the commons, to include surveillance in areas where fly-tipping occurs frequently.
- 33). To reinvigorate the community Common Watch Groups. These groups can assist the GCA and regulators in monitoring and be safeguarding the commons from illegal activities. There are also examples of community groups who have established their speed watch groups where there is insufficient capacity available to the local authority and police: [community speed watch](#)
- 34). Investigate with Welsh Government the implementation of Part 2 Management Commons Councils S.26 of the Commons Act 2006
- 35). Create a subgroup as part of the AONB partnership to work towards this.
- 36). Consider the establishment of a pilot Council on Gower to deliver an area-based scheme of management for all of the commons currently under the purview of the Gower Commoners Association
- 37). Identify funding from within WG to establish a pilot commons council.
- 38). To use the Commons Council as a method to reinvigorate grazing activity on the Gower Commons.

- 39). Identify the range of activities which a commons council could contribute, regulation, rural housing with agricultural tenancies, bovine TB, etc.
- 40). Undertake an investigation into likely future condition assuming no intervention and its impact based (economic, social, cultural) on existing key features and designations.
- 41). Model possible future scenarios by looking at historical aerial data to identify metrics by which change can be measured over time.
- 42). Identify the risk associated with a no-change scenario and how that risk will be managed e.g. increase in fire load associated with warmer, drier summers.
- 43). Consider how change can be mitigated by more extensive changes within the landscape, e.g., improving soil moisture where bracken is dominant.
- 44). Investigate existing technologies that support and provide flexibility for future grazing and broader management of the Gower Commons
- 45). Identify legislative opportunities and blocks which might prevent new opportunities being realised.
- 46). To present the problems facing the commons and to work with colleges and universities to identify possible technological solutions.
- 47). Identify opportunities to fund activities on the Gower Commons
- 48). Establish partnership working groups to share skills, expertise and resources
- 49). Investigate options to identify, test and innovate opportunities for the Gower Commons.
- 50). Establish a role to act as a focus, coordinator and motivator for activity on the commons

## 11. References

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## APPENDIX 1

Barrier identified by Graziers: (Legislation, communication and policy)	Explanation
Commons Act 2006	S.38 rules, delayed implementation of S.26 Commons Councils
Glastir Commons, internal contracts and the active grazier definition	Constructed around destocking
Conservation designation and perceived environmental restrictions	Restrictive and confusing
Communication with government and conservation bodies	Expectation that commoners know what organisations want.
Heather and Grass Burning Regulations	Too restrictive and complex
Bovine TB rules	Too restrictive and high-risk rules
Cross-compliance	Too complex and therefore easy to breach without awareness
Proposed changes to BPS and agri-environment	Uncertainty as to new scheme designs
Landowners activities and commercial interest (PES)	New income sources available to landowners
New legislation and ways of working in Wales	New language, approach and skills which need to be interpreted
New policy drivers – ecosystem services multiple benefits from land	Organisation will need to engage with graziers in different ways
New interests and pressures – carbon code, peatland code, natural flood remediation, woodland creation	New priorities impacting on commons which need to be understood

Drivers influencing business decisions	
Future land price with no BPS	Potential devaluation of land if area based payments are removed
Marginal profitability	Economics of commons exposed in the absence of BPS/Ag-env
High risk and low return	Commoning difficult environments to produce profitable livestock from. Need to add value
Business risk	Uncertainty disincentivises investment and succession to farming
Economic uncertainty	Encourages diversification possibly away from farming into tourism and other rural enterprises
Trading post Brexit, WTO rules etc	Promotes uncertainty and therefore stall longer term investment in the farming business
Rural housing policy	Lack of affordable housing for grazier who could utilise unused common land

Day-to-day management issues	
Road Traffic, traffic speed	Livestock lost following impacts with vehicles. Difficult to recover the cost of the animal if there are no witnesses.
Dogs and sheep worrying	Uninformed dog walking, problem exacerbated when dog walking beach bans come into place. Increases the pressure on the commons
Litter/fly tipping	Pose a risk to livestock and provides fuel for fire starting. Tipped garden wastes can often include toxic plants e.g. Leylandii
Off-road vehicles	Animals displaced due to the uninformed use of 4x4 and scrambling motorcycles. Damage the commons vegetation exacerbating erosion
Scrub, bracken encroachment	Loss of grazing quality
INNS – Japanese knotweed, Himalayan balsam	Loss of grazing quality and species diversity

Cultural impacts on farms	
Change within families and break of farms and land (include apportionment of rights)	Farms broken up and the land sold in parcels to maximise the potential income in an area of high demand
Pension and succession planning	Capital investment in the farm provides for a good retirement pension in the absence of succession to agriculture
Opportunities for intergenerational knowledge exchange	Loss of knowledge and skills where there is no succession back to the common
Education - agricultural colleges	No provision within agricultural colleges for teaching common land management and the benefits it brings
Inheritance	Where there is no succession land and buildings are disposed of by families to realise the asset value

Wider community impacts	
Public engagement - social impact	Information is very rapidly disseminated. Campaigns against commoning practices have resulted in abandonment of the common
Perceived animal welfare issues	
Public perception	Public perception is one sided as there is no capacity within graziers association to develop

	and implement a social media strategy and campaign
Public sense of value of the commons	It is unclear what the public wants from the commons and whether there is an understood link between the condition of the landscape and its management by graziers
Repurposing commons – encroachment, community use in the absence of agriculture	In the absence of activity commons are used for other purposes for which people need spaces, from organised runs to model aircraft flying