

Wildlife and Countryside Link Briefing on the Commons Bill

Wildlife and Countryside Link (Link) brings together voluntary organisations concerned with the conservation, enjoyment and protection of wildlife, countryside and the marine environment. Our members practise and advocate environmentally sensitive land management and food production and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over eight million people in the UK and manage over 476,000 hectares of land. This statement is supported by:

- British Mountaineering Council
- Butterfly Conservation
- Campaign to Protect Rural England
- Council for British Archaeology
- Council for National Parks
- Open Spaces Society
- Plantlife International
- Ramblers Association
- Royal Society for the Protection of Birds
- The Wildlife Trust
- Woodland Trust
- Zoological Society of London

Summary

Wildlife and Countryside Link warmly welcomes the Government's decision to introduce legislation to reform common land law. We consider the Bill addresses the most urgent issues requiring reform, and its enactment would enable the better protection and management of common land in England and Wales. The Government's solution to this may appear complex in legislative terms, but the legislation, rights and traditions surrounding the management of common land are such that no other approach would succeed, and the Government is to be commended for addressing it.

Reform has been driven by (i) the need to secure attainment of the Government's target to have over 95% of SSSIs by area in favourable condition by 2010 and (ii) the wish to facilitate entry by commoners into agri-environment schemes, and so help secure the sustainable agriculture management of common land in general – objectives that Link fully supports.

Commons are extremely important for biodiversity. Common land covers 4% of England of which nearly 55% (200,318 hectares) is notified Site of Special Scientific Interest (SSSI), and more than 8% of Wales of which 36% is SSSI. Common land is in disproportionately poor condition as only 50% of common land in England meets the PSA target. The overall target is unachievable unless specific action on common land is taken. Link believes the Commons Bill will assist greatly in this aim.

As well as providing some of our finest opportunities for public access, common land provides some of our most outstanding landscapes and often contains historic landscape features that create a connection from the present to our social and cultural history. Nearly half of all common land is to be found in the National Parks and all common land is now subject to a right of access on foot under the CROW Act. The provisions in the Commons Bill, particularly those relating to illegal works,

encroachment and enforcement should also assist in protecting these areas of countryside and public enjoyment of it.

Part 1 - Registration

Link supports the suggested modernisation of the registration system, but would like to see clause 22 and schedule 2 amended to include a time limit by which the registers will be updated. Link believes that setting a target date by which the registers will be updated will be an important means by which the PSA target (that 95% of SSSIs should be in favourable or recovering condition by 2010) will be achieved. We see another benefit in setting a 'back-stop' time limit within which the updating of the registers must be completed. Without it, we fear that Commons Registration Authorities may delay the process, especially if they try to claim that Defra/National Assembly for Wales had provided inadequate resources with which to do the job. Link suggests that an appropriate period of time is 10 years.

Part 2 - Management

Link supports the establishment of Commons Associations (CAs) and welcomes the broadening of the purposes of these. Link welcomes the Government amendment (18) which removes the term 'sustainable agriculture' from clause 30(2) which we believe is too narrow a definition. Link supports the broadening of this clause but is concerned that the loss of the term 'sustainable' weakens the protection of common land. Link therefore believes that it is important that further consideration should be given to the inclusion of 'sustainable' within clause 30 to ensure the focus is on the long term sustainable use of commons. In addition Link supports the Government's insertion (Government amendment 28) of an additional point (d) to clause 30(7) 'the protection of archaeological remains and features of historic interest'. Link believes this will bring an additional measure of protection for the public interest in the historic aspects of landscape conservation.

Link believes that any system for maintaining a common must be accountable in some way to those who use the common. There should at least be some means of reporting and dialogue between users and local communities on one hand and those charged with running the common on the other. Link therefore suggests that clause 29 be amended to better reflect this and that Commons Associations should hold meetings in public.

Appropriate National Authority – clauses 27, 28 and 29 refer to the 'appropriate national authority', which is defined in Clause 55(1) as the Secretary of State in England and the National Assembly for Wales in Wales. Link believes that Natural England and Countryside Council for Wales should have a responsibility to monitor implementation of the Act and advise the national authorities on the use of these powers. Only NE and CCW have the appropriate resources on the ground to do this.

Part 3 - Protection

Link supports Government amendments (44 and 45) to leave out 'eligible' (page 21, line 37) from clause 39, which will ensure that any person or organisations including charities and all bodies corporate should be capable of taking action under this clause.

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