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DP 9

July 1985

Sheep Numbers and Heather Conservation
on Common Land in the North of England

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1.0 Introduction and Background

In evidence to a House of Lords Select Committee on Agriculture and the Environment in 1984, 'one of the most frequently mentioned causes of environmental damage was overgrazing in the hills, as a result of overstocking'. Within this context, this paper examines the stocking and management of commons in a part of the North Pennines known as the Durham Dales, where more than 40 per cent of the rough grazing is common land¹, and the characteristic vegetation is heather. High grazing intensities lead to the replacement of heather by grasses and bracken. This reduces the extent of heather habitat for associated wildlife, including the game bird red grouse, and changes a distinctive landscape^{2,3}. In the autumn of 1985, the future landscape of the Durham Dales is coming under scrutiny, when a public inquiry opens into the Countryside Commission's proposed designation of the North Pennines as an area of outstanding natural beauty.

The significance of making a distinction between common and other land is twofold. First, although common land is private property, grazing rights are held by 'commoners', who share the agricultural use of a common, while sporting rights belong to the 'owner of the soil'. This means that "... neither the owner of the soil nor the commoners have individually the right to manage the whole or any part of it [i.e. a common] as they please..." (Royal Commission, 1958)⁴. Apart from the implications for stocking, the complex of rights protects common land moors from reclamation through enclosure, liming and re-seeding.

Second, the Common Land Registration Act of 1965 in effect placed a limit on stock numbers. Under this Act there was to be the registration of grazing and other rights together with the ownership of common land. Two registers were to be held by County Councils and County Borough Councils, one for common land and another for town and village greens. They were opened to 'provisional' entries in January 1967, and closed in January 1970. If objections had not been made within the specified period from October 1968 to the end of July 1972, the entries became 'final'. The majority of claims have been resolved, but disputes are still being heard and settled by Commissioners.

The Common Land Registration Act followed the report of a Royal Commission on common land which had been appointed in 1955. It is important to note that the Commission's recommendation of registration was not aimed to restrict stock numbers for conservation purposes. Rather, it was made against a background of a revived interest in upland and hill farming after a long period of neglect before the war. The introduction of grant aid during the war and the Hill Farming Act of 1946 had stimulated the previously poor economy of these areas, but, due to a lack of commercial interest over many years, numerous commoners were not known. This was illustrated by arguments between prospective commoners and the Ministry of Defence who had requisitioned or gained access to an area of around 34,500 hectares during the war, and the Ministry of Agriculture, who had requisitioned some 8,500 hectares for food production (NFU, 1984)^{5,6}.

Section 2 of this paper examines the commons register for County Durham, considers the number of grazing rights registered in the context of over-grazing and describes management practices on commons in the study area. Section 3 briefly discusses possible policy measures which could discourage over-stocking.

2.0 A Study of Common Land in the Weardale Region of County Durham

2.1 The Study Area

The study area falls within the Durham Dales, which comprise Weardale to the north and Teesdale to the south. It is an area of open and rolling moorland, dissected by the more productive in-bye land which follows the River Wear and the River Tees. Five neighbouring parishes centred on Weardale contain a large proportion of the common land, and these were selected to form the study area. There are 29 individual commons of note (listed in Table 3), covering 20,762 hectares. This accounts for about two thirds of the rough grazing and one half of the total agricultural land in the study area, as shown in Table 1.

TABLE 1 - Hectares of in-bye and rough grazing land in the Study Area (1983)

In-bye land	11,481
Rough Grazing:	
Sole rights	10,367
Common land rights	20,762
	<hr/>
	31,129
	<hr/>
Total Agricultural Area:	42,610
	<hr/>

SOURCE: Parish Returns
Commons Register (County Durham)

A map (page no.10) has been drawn (from County Durham Commons Register maps) which locates the commons in the study area and illustrates the topography of the region. In-bye land is located in the valley bottom of the River Wear and in other low lying places, with rough grazing on the higher land around the dale (trig. points are shown on the map).

Detailed vegetation maps are not available for the Weardale region of the Durham Dales but casual observation suggests that most of the common land is covered by heather, albeit patchy in places, particularly at the base of slopes. On parts of many commons there are signs of the overgrazing of heather, which can be identified by:

- "a) frequent occurrence of shoots where grazing has included the removal of the previous season's growth;
- b) high incidence of uprooted or broken shoots lying on the surface; and
- c) new season's shoots originating from the base of the woody stem, as if found on newly burnt heather." (Grant et al, 1982)

Grasses appear to dominate in one area, which includes the commons of Chapel Fell (CL41), Windyside Moss (CL42), Harthope Moor (CL21) Ireshope Moor (CL7) and Westerhope Moor (CL50). Close inspection of the flora of these commons is necessary before the presence of heather is revealed along the ridge which separates Weardale from Teesdale. Another area with extensive grassland is the western half of Bollihope Common (CL38) except on high ground to the south and west.

2.2 Sheep Numbers

In County Durham sheep numbers had fluctuated around 1 - 1.5 per hectare of agricultural land between 1875 and 1938. By 1984, encouraged by market support accompanying improved breeding and grassland management practices, the density of sheep had increased to 2.7 per hectare (M.A.F.F. various), reflecting the general rise in sheep numbers in upland areas since the last war. Currently, market support continues to be provided through the sheepmeat regime, and in the Less Favoured Areas (LFA) additional support is given by the Hill Livestock Compensatory Allowance Scheme.

Table 2 shows livestock numbers for the five parishes comprising

the study area. Here sheep numbers rose by 44 per cent between 1960 and 1983. During the same period, cattle numbers changed little. However, this does conceal for Weardale at least, a conversion of dairy herds into suckler beef herds. Encouragement for this transition was given by the dairy outgoers scheme, the requirement to install bulk tanks to replace milk churns by 1979, and hill subsidies for beef cattle.

TABLE 2 - Livestock numbers in the Study Area

Year	1960	1966	1972	1978	1982	1983
Lambs < 1 year	40,841	34,973	53,624	63,656	69,392	66,995
Total Sheep & Lambs	103,747	93,173	116,814	139,680	150,235	148,881
Total Cattle	13,796	14,724	17,041	16,535	16,232	16,365

Source: Parish Returns

2.3 Commons Grazing Rights

A large rise in sheep numbers has coincided with the period following the registration of commons rights. The question is whether or not registration implicitly contains stocking pressures within levels which allow heather survival. Examination of the commons register shows that few rights were recorded for cattle or horses; they were normally for a specified number of sheep plus the necessary number of 'followers' (see Table 3). The definition of 'followers' is imprecise and varies from locality to locality, but often it is taken to mean ewe-lambs as replacements for the breeding flock.

TABLE 3 - Grazing Rights on Common Land in the Study Area

<u>Name</u>	<u>Registered Number</u>	<u>Hectares</u>	<u>Sheep Grazing Rights</u>	<u>Sheep[†] Rights /ha</u>	<u>No. of Commoners with Grazing Rights</u>
SOUTH EASTERN					
Bollihope Common	CL38	2988	11,670 + F	3.9	42
Westerhope Moor	CL50	1068	1,797 + F	1.7	3
Egglestone Common	CL6	1951	2,482 + L	1.3	32
Pikestone & Knitsley Fell	CL40	1500	3,675 + F	2.5	15
Hamsterley Common	CL9	834	2,284	2.7	11
		8341	21,908	2.6	103
WESTERN					
Chapel Fell	CL41	174	414 + F	2.4	6
Windyside Moss	CL42	22	56 + F	2.5	2
Harthope Moor	CL21	264	355 + F	1.3	5
Ireshope Moor	CL7	413	418 (or C)	1.0	16
Burnhope Moor	CL25	1670	1,517 (or C or H)	0.9	16
Wellhope Moor	CL74	575	1,029 + F (or C or H)	1.8	1
Moss Moor	CL73	100	80	0.8	4
Killhope Moor	CL61	501	30 + F	0.05	1
Puddingthorn Moor	CL60	172	234 + F	1.4	4
Burtree Fell	CL80	6	-	-	-
Sedlig Fell	CL57	46	98 + F (or C or H)	2.1	6
Part of Sedlig Fell	CL111	32	Nos. unspecified		1
		3975	4,231	1.1	63
NORTH EASTERN					
Stanhope Common	CL22	3103	7,768 + F	2.5	34
Part of Stanhope Common	CL109	15	1,110 + F	7.4	2
Northgate Fell	CL59	169	413 + F	2.4	4
West Lintzgarth Common	CL58	167	^P 290 + F	1.7	2
Edmundbyers Common	CL76	712	2,458	3.5	9
Muggleswick Common	CL75	2232	1,490	0.7	9
Muggleswick Park	CL72	299	44	0.2	3
Waskerley Park	CL66	769	700 + F	0.9	1
Wolsingham Park Moor	CL65	828	2,025	2.4	8
Land at Greenside Farm, Waskerley	CL28	1.67	12 + 10 C	7.2	2
Greenside, Waskerley	CL110	29	-	-	-
Whitehall Moss	CL37	121	100 + 40 C	0.8	1
		8446	16,450	2.0	75

Key:

+ F indicates that most of the entries in the register include rights for an unspecified number of 'followers'.

+ L plus Lambs (up to 20th November).

+ C plus Cattle.

(or C or H) indicates that most of the entries in the register specified the grazing rights for cattle or horses as alternatives to sheep. In these cases grazing rights were specified by the number of stints, where 1 stint was usually equivalent to 1 cow, 0.5 horse and 4 or 5 sheep.

^P outstanding dispute(s) over grazing rights to be resolved by a commons commissioner. The entry in the register is therefore described as 'provisional', until made 'final'.

Note: Commons of less than one hectare are excluded.

[†] The grazing rights per hectare are calculated excluding 'followers', lambs, cattle or horses.

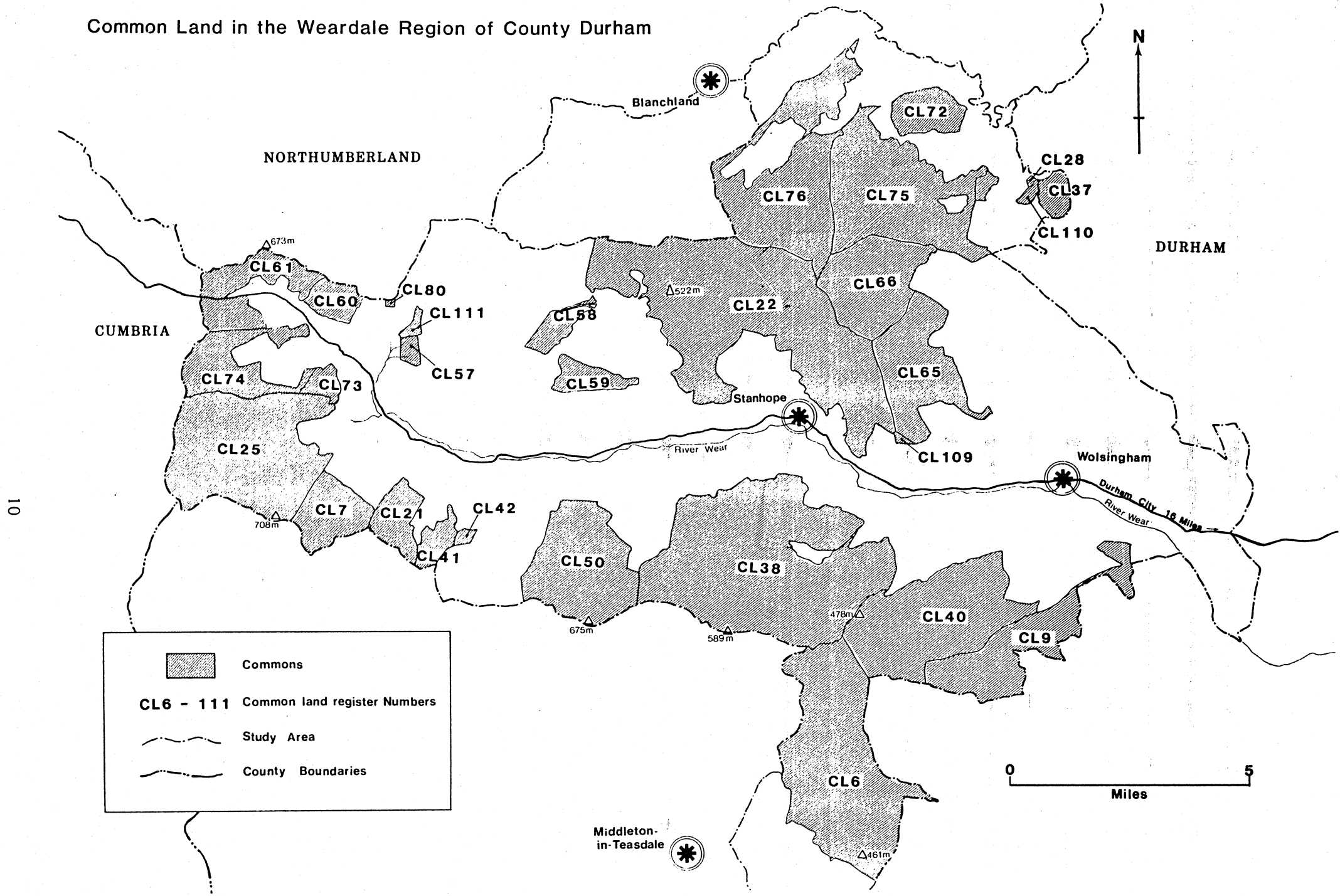
Table 3 shows the average number of sheep grazing rights per hectare for each of the three groups of common land shown on the map. There is considerable variation, from 1.1 sheep per hectare (western area) to 2.6 sheep per hectare (south-eastern area). However, this hides the wide variation among the commons in each group. In the south-eastern area, 3.9 sheep rights per hectare are registered for Bollihope Common, but only 1.3 sheep rights per hectare for Eggleston Common. In the western area, the range is from a mere 0.05 registered for Killhope Moor to 2.5 per hectare on Windyside Moss, and, in the north eastern area, from 0.2 per hectare for Muggleswick Park to 2.5 per hectare for Stanhope Common.

Among individual commons, the overall stocking rate which allows heather survival varies according to management practices, physical and vegetative conditions (Grant et al, 1982). Reference to results from field experiments can only provide a broad guide to the impact of similar regimes at other localities. However, studies conducted at Redesdale Experimental Farm in Northumberland do give some perspective to the implicit maximum stocking pressures permitted by registered grazing rights. Field trials have been carried out to examine methods of increasing sheep output profitably on heather fells (Redesdale E.H.F., 1984 and personal communication). The management has included rotational burning, in large patches at a time, and 'raking' of sheep up and down the hill to ensure even grazing. It was found on one fell that without any 'improvement' to the vegetation, the weight of lamb weaned per hectare was increased up to a stocking rate of 1.2 ewes per hectare. To raise output further it was necessary to lime and then reseed patches with a grass/clover




mixture. Thus, the outcome on a fell stocked at 1.8 ewes per hectare appears to be the gradual loss of heather. Table 3 shows that for some commons, registration restricts stocking rates to below these intensively managed levels while allowing even higher stocking rates on the majority.

There was, of course, an incentive for farmers to register as many grazing rights as possible, and allow the commons commissioner to arbitrate any disputes. A land agent representing the owners of a large area of common land believed that some farmers were not exercising any of their grazing rights, and estimated that this accounted for almost one quarter of the sheep registered. Other farmers will not be exercising all of their rights. Although actual stocking levels cannot be established, a higher number of grazing rights registered does infer a greater risk from overgrazing. This can be illustrated by reference to Bollihope Common (CL38) which has the most rights registered (3.9 sheep per hectare) of any major common in the study area. Local inhabitants claim that heavy grazing is resulting in the disappearance of heather, and a neighbouring fell has been fenced against the common to prevent trespassing by sheep.

Common Land in the Weardale Region of County Durham



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 Commons
CL6 - 111 Common land register Numbers
 Study Area
 County Boundaries



2.4 Management Practices

It has been emphasised that restricting overall stocking rate is not sufficient alone to ensure heather survival; for example, in a review of the effects of grazing intensity on heather, Hudson (1985) stressed the importance of preventing the concentrated grazing of small areas. He stated that if this is not done then overall stocking rates become meaningless as a control to preserve heather. There are two aspects to this. First, is that shepherding is needed to prevent the concentrated grazing of preferred patches of vegetation. Second, is the heavy grazing and trampling around sites where supplementary feed of hay or feed blocks are left. In addition, regular burning is necessary to promote heather regeneration. These and other management practices such as the control of bracken and drainage do need consideration alongside the overall stocking rate of individual commons.

On all except two commons in the study area, individual farmers shepherd their own flocks, which for the most part are hefted, that is, the sheep remain in an unfenced territory with which they are familiar. Examples of commons where the stock is hefted include Muggleswick Common, Edmonbyers Common, Stanhope Common, Bollihope Common and Killhope Moor; an exception is Puddingthorne Moor which is an open fell. Hefted flocks can of course be easily located, and lend themselves to shepherding. The hefts are defended by occasionally pushing the sheep to the edges of the territory and in so doing the sheep are of course moved across a fell. However, the practice of 'raking' the sheep across the fell with the intention of ensuring even grazing appears to receive a low priority.

The two commons on which a shepherd is employed by commoners are Muggleswick Park and the adjoining Waskerley Park, a tradition which was reported shortly after World War II by the Church Commissioners. His wage is paid by the commoners, or stinholders, who for each stint⁷ they hold, levy a fee to the commoners association, responsible for administration. However, the shepherd is not involved with the burning of the commons, which is the responsibility of the gamekeepers who are employed by the 'owners of the soil'.

This is a normal division of responsibility where there are sporting interests. Heather burning is necessary to promote the population of grouse. The birds are territorial and each pair requires a mixture of young growth and older tall heather which serves as cover. The easiest way of achieving this is to burn narrow strips of a fell annually resulting in a patchwork of heather of different ages. A fifteen year cycle of burning around a fell is often a target for grouse management; regeneration of the stand is satisfactory to this age, declining thereafter (Gimingham, 1972).

This practice is not incompatible with burning management for sheep except in two minor ways. First, a shorter burning cycle avoids areas of older heather of lower grazing value. Second, without regard to the promotion of grouse numbers it is not necessary to burn in strips, making it easier to cover a larger area each year. Indeed, a severe problem is that there are few days when conditions are ideal for burning, either in the autumn or in the spring when burning is usually carried out. If the wind is too strong, the fire

sweeps too quickly leaving unwanted woody material and the fire can get out of control. If the weather is too calm and dry, excess heat will be generated, especially in older woody stands. This is lethal to the stem bases of even the younger plants and regeneration is inhibited. Excessively high temperatures can set alight surface humus or peat which smoulders for a long time, leading to erosion (Gimingham, 1972; N.C.C., 1977).

The lack of good burning management is most likely where there are no sporting interests. Ownership offers an indication of the commons for which this is true. If there was no claim to ownership at the time of registration, ownership was vested in the public trustee. Fourteen per cent of the common land in the study area falls within this category, and other claims have yet to be deemed 'final' by a Commons Commissioner. Game interests are least likely to exist on commons where ownership is vested in the public trustee, as sporting rights normally belong to the owner. Four adjoining commons, Chapel Fell (CL41), Windyside Moss (CL42), Harthope Moor (CL21) and Ireshope Moor (CL7) (see map) are such examples. Here, casual observation suggests that grasses predominate and, where heather cover exists, there is no sign of burning management.

The spread of bracken is a problem where inappropriate burning and stocking management have been practiced. In order to avoid further encroachment, co-operation is needed between gamekeepers (on grouse moors) and farmers. Chemical control is expensive, and qualifies for grant aid if it can be shown that the agricultural productivity of the land will thereby be improved. In practice, this

can mean demonstrating a higher sheep carrying capacity, but more sheep may well exacerbate the problem!

Moorland drainage is a contentious issue. Parts of many commons in the Weardale region of County Durham have been drained by their owners, but the usefulness of doing this is challenged by evidence in a recent review of the relevant literature by Stewart & Lance (1983). Their conclusion is that the drainage of peat bogs causes little vegetative change, and therefore has a negligible influence on grouse or sheep production.

3.0 Policy Measures

The Royal Commission's recommendation of registration, implemented by the Common Land Registration Act of 1965, was not intended to restrict stock numbers for the purpose of conservation. Nevertheless, the registration of grazing rights does place a limit on sheep numbers. But, it has been suggested in this paper, that there are too many rights to safeguard heather survival on the majority of commons (in Weardale), even if appropriate management is practiced, and grazing rights are adhered to. The retention of heather though may be encouraged by other means. Three possible approaches are the sale and purchase of grazing rights, the setting up of broadly constituted management committees, and the restructuring of government support to upland farming.

Enquiries made to the custodians of the commons register for

County Durham suggest that grazing rights may have been sold and purchased. Such a transfer could help alleviate the undergrazing of areas because farmers are not exercising their rights, while allowing other farmers to expand their flocks. The purchase of grazing rights also offers a possible means to wildlife groups and sporting interests of reducing overall stocking levels, and at the same time compensating farmers for the loss of grazing rights. The purchased rights would of course not be exercised. The scope for this measure depends on the price at which there is a willingness to sell grazing rights, the funds available for purchasing them, and legal aspects of transfer.

In 1958, with emphasis on agricultural output, the Royal Commission had recommended that the 'owner of the soil,' or a commoner, or a local authority, should be able to promote a scheme for managing and improving a common. The operation of these schemes was to be through management committees. Unlike existing commoners' associations, the management committees were to include representation from the owner of the soil and the local authority. This recommendation has not been implemented by an Act of Parliament, but the government has recently restated with reference to common land that 'it favours further legislation in due course' (DOE 1985)⁸. The establishment of a broadly constituted Commoners' Council with management powers has already been proposed for Dartmoor Commons in a private Bill - the Dartmoor Commons Bill (1984) - which is likely to receive Royal Assent later this year. Although the majority of council members will be elected by commoners, there will be representatives appointed by the landowners and the Dartmoor Park Authority.

Such a broadly constituted committee for commons in the Durham Dales could promote good heather management, that is, periodic burning, appropriate shepherding and bracken control. The committees could liaise between individuals, and foster co-operation between farmers, gamekeepers and wildlife groups. However, the commoners on a committee may be reluctant to exercise any power to reduce the number of animals grazing a common without financial compensation for affected farmers.

In the LFAs, headage payments are made for ewes and suckler cows through the Hill Livestock Compensatory Allowance Scheme. It was proposed by MacEwan & Sinclair (1983) and by the Countryside Commission in their report, 'A Better Future for the Uplands' (1984) that the scheme which encourages high stock numbers should be modified to protect areas of wildlife and archaeological interest from overgrazing. Essentially, the proposals are that eligibility for payments, currently limited in the original LFA to a maximum of 6 qualifying ewes per hectare, or, including suckler cows, £60 per hectare, and 9 ewes or £45 per hectare in the extended 'disadvantaged area' (given LFA status in February 1985), should be more restrictive. Farmers would be compensated by higher headage payments for the remaining eligible stock.

On farms with rough grazing, the present eligibility requirements are far from being exceeded, making it unnecessary to estimate the (unfenced) area of any common land available to a farmer when granting headage payments. This would change if per hectare eligibility was

to become limiting, as has been proposed. One way of overcoming the problem of defining what area is used by an individual farmer would be to determine eligibility on the whole common (the area of which is recorded in the commons register), and to link this eligibility to the total number of grazing rights. Then it would be possible to assess the eligibility of individual commoners by reference to the proportion of the total number of grazing rights held by them. Having resolved this practical difficulty, the restructuring of headage payments would provide an effective way of discouraging over-grazing on common land.

In January 1985, the government responded to the recommendations made by the Countryside Commission (1984). With regard to overstocking their reply was:

"The statutory rules provide that HLCAs are not payable on animals in excess of the numbers the land can carry without overgrazing. ADAS look into any cases of localised overstocking and will recommend reductions in payments where appropriate" DOE(1985).

However, when those powers had been pointed out by the Ministry of Agriculture, Fisheries and Food to a House of Lords Committee on Agriculture and the Environment (1984), the committee reported that they "...query the number of occasions on which headage payments are reduced on these grounds and wonder how severe the overgrazing must be before action is taken." A further comment is that there would be practical difficulties in exercising discretionary powers for unfenced areas of rough grazing shared by several flocks (even where the flocks are hefted). The Government response to 'A Better Future for the Uplands' also reiterated the present eligibility criteria, and no

suggestion was proposed for making them more restrictive.

However, the restructuring of government and EC support would provide a general approach to reconciling farming practices with conservation in upland area, and should continue to be considered by policy makers. A special measure which could be pursued independently by wildlife and sporting interests to safeguard common land from overgrazing is the purchase of grazing rights.

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FOOTNOTES

1. Source (MAFF, 1972) - before the County Boundary re-organisation of 1973. About one third (or 612,000 hectares) of the rough grazing in England and Wales in common land.
2. For a review of the effects of high grazing intensities and sheep management on heather survival, see Hudson (1985).
3. A decline in the area of heather vegetation is also attributable to the reclamation of moorland. The loss of moorland was also frequently mentioned in evidence of the House of Lords Committee on Agriculture and the Environment (1984).
4. Other commoners' rights, which in general have ceased to be of importance, include those of estover (i.e., the taking of bracken, fern, underwood and the such like for animal bedding, fuel or repair of buildings and fences), turbary (i.e., the digging of turf for fuel, roofing, etc.) and the taking of stones. The owner of the soil usually has, in addition to sporting rights, mineral rights and timber rights.
5. For a detailed account of the history of common land and common rights, see W.G. Hoskins in the appendices of the Royal Commission on Common Land report (1958).
6. Two further main recommendations were made by the Royal Commission, which have not been implemented. First, the extension of the provision of public access to all common land - the 1975 Law of Property Act had granted legal right to access to metropolitan commons and all manorial wastes or commons in an urban district - and, second, the promotion of management and improvement schemes to be operated through management committees.
7. On Muggleswick Park, one stint represents five geld ewes or four ewes and followers; and on Waskerley Park one stint represents ten geld ewes or six ewes and followers.
8. As a contribution to re-appraising further legislation regarding common land, the Countryside Commission set up a Common Land Forum in 1984.

The Department of Agricultural Economics and the Department of Agricultural and Food Marketing launched a new series of Discussion Papers in the Spring of 1982. The titles available are:

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Kenneth Thomson and Lionel Hubbard
- DP 2 Forecasting EEC Support Prices
Christopher Ritson
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