

Date: Wednesday 27 November 2002

COMMON LAND

Purpose

1. At its meeting on 16 October the Committee requested a paper on the prospects for legislation in respect of common land. This paper reports on the present position.

Background

2. There have been a number of instances in recent years when overgrazing and animal welfare problems have occurred on some Welsh Commons. The Assembly Government investigates complaints and works with graziers and owners to try to overcome these problems but in a number of cases it has proved very difficult to achieve agreement amongst the various parties. In 2001, the Assembly Government decided that the most appropriate way to tackle the problem was to introduce better management policies and practices through the establishment of Commons Management Associations with statutory responsibilities for action in these areas

3. The introduction of a new regime of this kind requires primary legislation but at the time, there appeared to be no prospect of the UK Government introducing primary legislation on Commons matters. The Assembly Government therefore sought a legislative slot in the 2002-03 Parliamentary Session for a specific Wales only Bill dealing solely with the establishment of commons management associations.

4. In the early summer of this year the UK Government indicated that it had accepted the need for primary legislation to deal with a wide range of Commons issues including those issues of concern to the Assembly Government. Against this background, the Assembly Government decided that it was sensible to deal with the issues of overgrazing and animal welfare in a comprehensive and cohesive way. It therefore withdrew the request for separate Wales only legislation.

Current Proposals

5. In July of this year the UK Government issued a Policy Statement on Common Land. The Statement was comprehensive and dealt with the following issues:

- **Common Land Registration Issues**

- **Works and Fencing on Common Land**
- **Town and Village Greens**
- **Agricultural Use and Management**

6. The Statement was agreed with the Assembly Government and made it clear that the intention is to introduce primary legislation in the 2004-05 Parliamentary Session. The proposals on agricultural use and management still need considerable fleshing out and a working group on which the Assembly Government and other Welsh interests are represented, and comprising key interested parties from within and outside Government has been established to do this work. The working group has been asked to consider and develop provisions for the establishment of statutory commons associations, representing commoners and others who may use the land for grazing or other rights, and management bodies representing the various interests in commons.

The Way Forward

7. The working group met for the first time this month and is expected to finish its work by the end of February next year. The Group's report will be used to guide thinking on specific proposals for agricultural use and management of common land. It is intended that a joint consultation exercise on the proposals will be undertaken next summer with the publication of Government policy towards the end of next year.

8. As the main interests in Wales are well represented on the working group - members include CCW, FUW, the Campaign for the Protection of Rural Wales, the Gower Commoners Association, the Halkyn Graziers and Commoners Association, RSPB Cymru, the Wales and the Marches Common Land Working Group and the WLGA, in addition to the Welsh Assembly Government, it is not proposed to establish a separate Welsh group, although this will be kept under review as the work proceeds.

Contact Points

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