

## COMMON LAND HABITAT STATEMENT

### 1. INTRODUCTION

*There are some 550,000 hectares of common land in England and Wales. It has served generations for centuries. Because of its largely untouched nature, common land is valued for its biodiversity, sporting interest, historical significance and increasingly, because of the amenity and sense of well being it provides as open countryside, or in more urban settings, as undeveloped land. It is also a valuable agricultural resource.<sup>33</sup>*

Common Land has been included in this LBAP as a landscape feature of Caerphilly county borough due to the diverse number of habitats found on common land, including a number of UK priority habitats and species. It comprises a large percentage of the county borough and as such it is important to raise awareness among commoners associations and the general public. Common land requires favourable management and increased protection, particularly from damage by off-road vehicles and motorbikes, to conserve this mosaic of habitats and the species that rely on a diverse landscape. It is therefore not included in the UK BAP, but it has considerable local importance for wildlife.

### 2. HABITAT DEFINITION

Common land is made up of a mosaic of habitat types that frequently merge together to give the upland commons of the county borough their characteristic appearance. Habitats found within the boundary of the commons include:<sup>29, 30</sup>

- **Woodlands**
  - broadleaved semi-natural woodland
- **Grasslands**
  - marshy grassland (rhos pasture)
  - unimproved acidic grassland/semi-improved acidic grassland
  - unimproved calcareous grassland
  - (reseeded grassland)
- **Heathland** (wet dwarf shrub heath, dry dwarf shrub heath)
  - Dry heath and Wet heath (acidic grass mosaic)
- **Wetlands**
  - wet /dry modified bog
  - blanket bog
  - ponds
  - oligotrophic reservoirs
  - Valley mire
- Scattered trees
- Scrub (various densities)
- Continuous or scattered bracken
- Acidic/neutral flush
- Scree and acidic/neutral rock outcrops

In addition, there are numerous species dependent upon these specific habitats in order to survive within the county borough. Loss, damage or modifications to these habitats could well result in the loss of many species now considered to be already declining nationally, but more so within the county borough.

### 3. CURRENT STATUS

#### 3.1 Caerphilly County Borough

The area covered by this plan broadly encompasses the unenclosed land throughout the county borough. Where these unenclosed areas adjoin enclosed farmland, the boundaries are often clearly marked by the change from semi-natural habitats to improved grassland. Commons occur chiefly along the ridges separating the valleys. Due to their unenclosed nature, historic management and patterns of grazing, the habitats represented can differ markedly from those on adjoining farmland.

There are 19 areas of common land in the county borough (eight shared with neighbouring unitary authorities), consisting of a mosaic of differing habitats. Although by definition common land does not constitute a specific habitat type, commons within the county include several habitats that are now confined solely to the linear, whale-backed ridges which act as wildlife corridors, separated by industrialised and urbanised valleys. Many of these habitats are now becoming uncommon, if not rare within the county borough. In addition to these habitats, many forms of wildlife are now confined to the commons, chiefly due to the nature of management and relative lack of disturbance. Common land is also seen as an area with high open space amenity value by the inhabitants of the valleys, and is also an important agricultural resource for those farmers with commoners rights.

#### 3.2 The Rights of Owners, Commoners and the Public

All common land is owned by a person or body in a similar manner to any other privately owned land. The owner holds it subject to the rights of commoners and to the special Acts relating to common land, notably the Law of Property Act 1925. This prohibits fencing of land subject to common rights without consent of the National Assembly of Wales. The owners are also subject to the laws affecting all landowners, such as the Town and Country Planning Acts. Rural District Councils however were excluded from the Law of Property Act 1925, for example, Rudry.

- Owners must not substantially interfere with rights of commoners, but do hold rights to:
  - minerals
  - shooting
  - balance of grazing
  - granting of easements
  - planting and cutting timber trees
  - maintaining an action for trespass
  
- Commoners on the other hand may have rights including:
  - grazing of pasture
  - estovers (the right to gather firewood, litter, animal bedding)
  - turbary (peat cutting)
  - piscary (fishing rights)
  - pannage (the right to turn out pigs to graze on beech mast or acorns)
  - common in the soil (the right to dig sand, gravel etc for use in the commoner's holdings<sup>7</sup>).
  
- Members of public however, only have right of access to the commons within the county borough (being urban commons) "for air and exercise" subject to three basic prohibitions:
  - driving a vehicle (including a bicycle) on any common land
  - camping

- lighting a fire

The general public within valley communities tend to regard the commons as un-owned land, upon which they can pursue a multitude of recreational activities. It is this misconception, combined with the abuse of commoner's rights by a minority that poses the greatest threats to those habitats found on the upland commons.

### 3.3 Associated Species

Many species of flora and fauna have been identified through various surveys carried out on the commons within the county borough. A large proportion of these depend totally upon the variety of habitats and environmental conditions that exist on our commons. Indeed, if it were not for our commons, many species would probably be extinct within the county.

Such species include:

- **Birds:** *barn owl, buzzard, green woodpecker, lapwing, little owl, long-eared owl, linnet\**, *nightjar\**, *peregrine, skylark\**, *wetland birds (dipper, grey wagtail, kingfisher)*, *golden plover<sup>+</sup>, merlin<sup>+</sup>, red grouse<sup>+</sup>, snipe, stonechat, wheatear, whinchat*
- **Mammals:** *badger, brown hare\*, bats (\*)*
- **Reptiles:** *adder, common lizard, grass snake, slow-worm*
- **Amphibians:** *common frog, common toad, newts (wetland areas)*
- **Invertebrates:** *pearl-bordered fritillary (acid grassland/bracken), dragonflies and damselflies (wetland areas)*
- **Plants:** *bluebell, cowslip, orchids, sundew and other pioneer plants*

### 3.4 Links with Habitats

- *Wetlands*
- *Deciduous Woodlands*
- *Planted Coniferous Woodland*
- *Wildlife Corridors*
- *Species-rich Grasslands*
- *Coedcae/Ffridd*
- *Heathland*
- *Post-Industrial Land*

## 4. CURRENT FACTORS AFFECTING THE HABITATS

- Commons within the county are susceptible to a plethora of factors causing damage to the habitats previously listed. However, misuse of common rights probably amounts to the greatest threat to common land within the county. Civil action taken against any commoner by the commoners association as a result of their misuse of rights, or for damage caused to the common and rights of other commoners, currently costs far more than the value of the land, or value of the rights affected. As there are no other forms of legal redress for the damage caused, mismanagement tends to continue unchecked, gradually degrading the value of the habitats and their ability to support the various forms of wildlife.

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<sup>+</sup> Although suitable habitats exist at present, due to a number of factors some of these species are only recorded occasionally. These could return to breed in the future if positive management steps are taken to redress current activities that create unacceptable levels of disturbance through inappropriate activities and management methods.

- Increased use of 4x4 off road vehicles, quad bikes and motorcycles – users of which find the combination of rough grassland and boggy wet flushes a challenge to drive through.
- The general public have the belief that they are permitted to drive their motorcars off the public highway and onto common land for the purpose of picnicking. Whilst the Road Traffic Act permits the driving of motor vehicles no further than 15 metres off the public highway in order to park, this is illegal as far as commons are concerned. Damage is often caused by members of the public by creating new access from highways onto commons. This access is then used by other vehicles such as 4 x 4s, and car thieves prior to burning out stolen vehicles.
- Fly tipping and illegal dumping of building/garden/household waste.
- Illegal shooting.
- Uncontrolled fires started during periods of dry weather, mistimed or inappropriate controlled burning.
- Overgrazing of livestock due to irresponsible management by a minority of commoners.
- Commoners Association currently have no legal means to impose constraints upon commoners abusing their common rights.
- Diverse approach towards management/maintenance of common land where commons are divided between neighbouring unitary authorities
- Absence of grazing on some commons leading to invasion by scrub and bracken

## **5. CURRENT ACTION**

- 5.1 A number of SINC sites have been identified that include large areas of land on our commons<sup>4</sup>.
- 5.2 A number of species that occur on our commons are protected under the Wildlife and Countryside Act 1981 (as amended) and include; bats, barn owl, nightjar, peregrine and lapwing.
- 5.2 Caerphilly county borough Local Access Forum meets regularly to discuss any problems and possible solutions.
- 5.4 Application for lottery funding to fence and gate the two lowland commons of Rudry and Caerphilly.
- 5.5 Rudry Common and Caerphilly Common Management Plans.
- 5.6 Meetings of Commoners/Brinkers Associations.
- 5.7 Commoners Associations are represented on the Caerphilly Biodiversity Partnership and have therefore been involved in the local biodiversity process from the beginning and in the preparation of this LBAP.

- 5.8 Caerphilly Common Ecological Survey work currently underway to explore habitat management options (2001).

## **6. CONSERVATION DIRECTION**

- 6.1 The **Main Objectives** for habitat conservation on common land will be centred around the ability to:

- **Maintain and enhance** the variety of habitats on the commons
- **Ensure** sympathetic and suitable methods of management through both the local authority and the commoners who hold rights on specific areas of common land.
- **Promote** an increased level of awareness amongst commoners and members of the public regarding responsible use of common land, and the detrimental effects of misuse upon biodiversity.

### **6.2 Possible actions:**

- Promote dialogue between adjacent unitary authorities to establish common attitude and approach towards the management of common land.
- Protect commons from inappropriate development.
- Establish 'honey pot' sites i.e. car parks at view points, to encourage use by the public at selected areas, with access to the remaining areas of common restricted for example by boulders and access gates constructed for lawful access by commoners.
- Statutory management, better facilities for the implementation of the law.
- Ring fence and grid commons, maintenance of grids to be carried out by the unitary authority.
- Signage re-iterating unlawful activities.
- Wardening of common land.
- Increased policing of commons to reduce threats to habitats and commoners rights resulting from illegal activities.
- Liaison between CCBC and local motorcycle clubs with the view to establishing an off-road/scrambling facility in a non bio-sensitive/agriculturally important area, with the proviso that the clubs educate/put pressure on individual scramblers to keep off common land.
- Awareness campaign to educate general public within the county about their rights relating to common land, and highlighting unacceptable activities.