

NFU Cymru is ambitious for the future of Welsh farming and rural Wales. Our vision is for a productive, profitable and progressive farming industry producing world renowned climate-friendly food in an environment and landscape that provides habitats for our nature to thrive.

The Welsh Government Agriculture (Wales) Bill should establish the framework to sustainably grow the farming sector securing the delivery of multiple objectives including:

- The production of high quality, affordable food for all in society by enhancing our ability to produce food for the nation
- Improving on-farm productivity to promote the sustainable growth of the Welsh food and drink sector – Wales biggest employer
- Underpinning the resilience of our family farms and, in so doing, sustaining our rural communities, language, culture and heritage
- The maintenance and enhancement of our environment while also supporting the delivery of our vision to reach net zero agriculture by 2040.

We would welcome the opportunity to discuss our vision for the future with you in more detail, please contact [nfu.cymru@nfu.org.uk](mailto:nfu.cymru@nfu.org.uk)

# Shaping Welsh Farming's Future:

NFU Cymru's Policy Priorities for Common Land



*#WeAreWelshFarming*

Published by NFU Cymru, Agriculture House, Royal Welsh Showground, Llanelwedd, Powys, LD2 3TU  
September 2022





# Common land in Wales

“Almost 10% of agricultural land in Wales is registered common land, providing valuable grazing for right holders - farm businesses which are vital to the rural economy, particularly in Wales’ upland areas. Managed by farming families over centuries, common land is also important to wider society for the ecosystem services and well-being benefits it provides and is a key feature of our cultural heritage, language and traditions.

“Given the importance of common land to Wales, the NFU Cymru LFA Board established a Common Land Focus Group to consider the specific challenges and opportunities for farmers with common land at this time of unprecedented change as a new agricultural policy to replace the Common Agricultural Policy is developed.

“The recommendations of the Common Land Focus Group are presented in this NFU Cymru policy paper.”

**KATH WHITROW,**  
NFU CYMRU LFA BOARD CHAIR



# Policy context

This is a pivotal time for Welsh farming as Welsh Government introduces the Agriculture (Wales) Bill before the Senedd, establishing the primary legislation for future agricultural policy and defining farming in Wales for a generation or more. In July, Welsh Government published its outline proposals for the Sustainable Farming Scheme – the scheme that will replace both the Basic Payment Scheme (BPS) and the Glastir agri-environment scheme from 2025 onwards.

Welsh Government’s Sustainable Farming Scheme proposals aim to support sustainable, safe and nutritious food production while responding to the ‘climate and nature emergencies’. Support in the future is expected to be based on the principle of Sustainable Land Management (SLM), with farmers rewarded to carry out actions that deliver SLM outcomes.

In its outline proposals, Welsh Government proposes three distinct layers, each supporting farmers to achieve SLM outcomes and rewarding those farmers who choose to do more. Universal Actions will be delivered by all farmers participating in the scheme, who will receive a baseline payment in return. Optional Actions will involve more complex, targeted actions relating to specific land or landscape features. Collaborative Actions will be delivered in a co-ordinated way by multiple farmers or land managers at the landscape, catchment or national scale.

Welsh Government states it is important the Sustainable Farming Scheme works for all types of farms and the scheme is designed so all farm types can access it, including those with rights on common land.



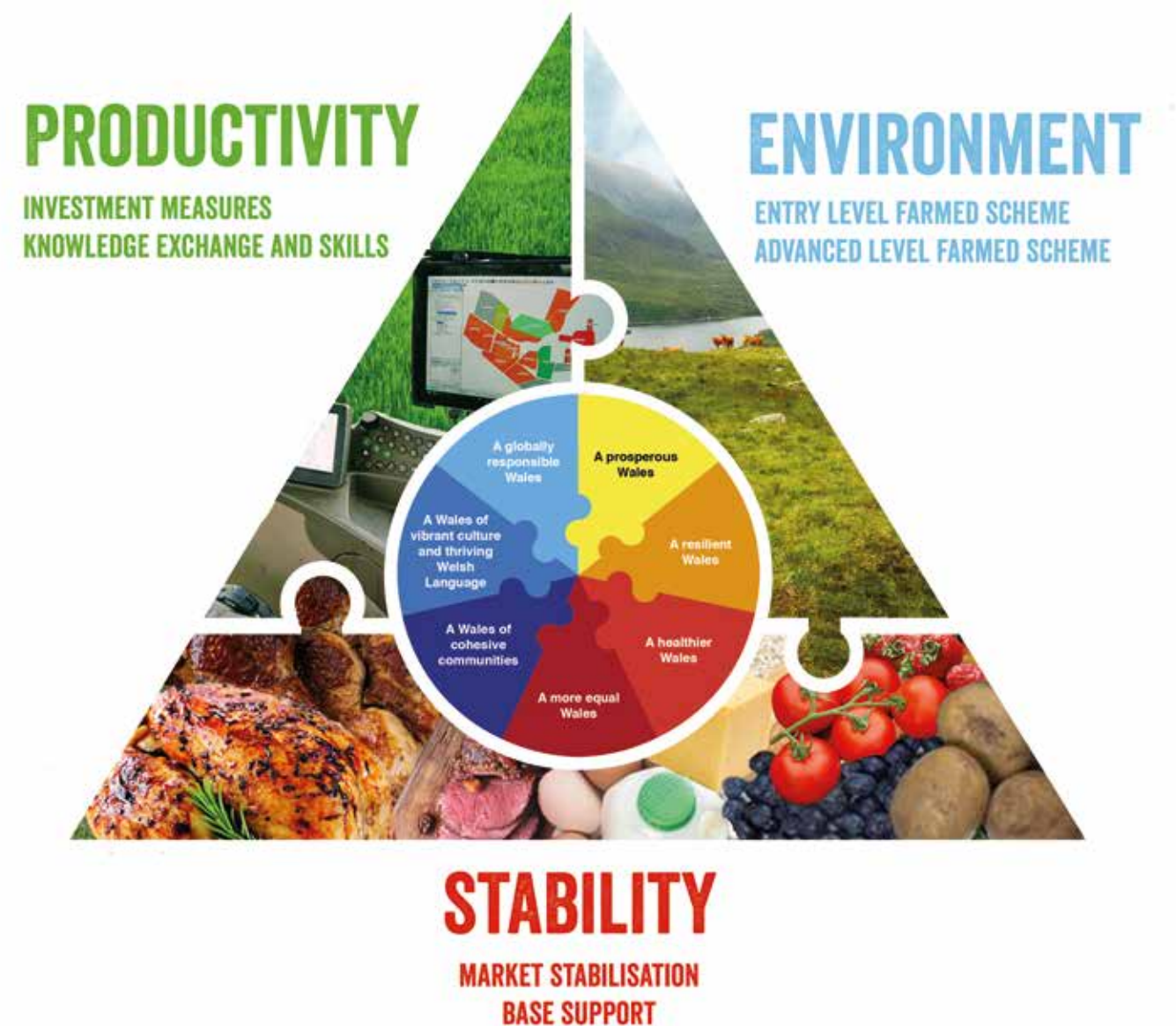


# NFU Cymru key principles for reform

In 2016, following the EU Referendum, NFU Cymru launched the biggest internal consultation in its history, establishing the following set of key principles to underpin new agricultural policy.

- A policy that underpins and secures the continued supply of safe, high quality, traceable, affordable food for our nation in the context of future global challenges must be at the heart of future policy.
- All farmers must be fairly rewarded for the environmental/public goods they already deliver and will continue to deliver in future for society.
- Policies must be simple to administer, easy to understand and target support at those active farmers who take the financial risks associated with food production.
- Investment measures are required to ensure that farming businesses are well equipped to face the challenges and maximise the opportunities of a post-Brexit marketplace.
- The regulatory regime must be proportionate and evidence-based, and policies must be adequately funded to ensure that Welsh farming remains competitive with farmers in the UK, EU and globally.

# NFU Cymru Vision for Future Agricultural Policy



From these key principles, NFU Cymru developed its vision for a new agricultural policy. This comprises a single, integrated, flexible framework based around the three cornerstones of:

- **Stability measures** – a stability and sustainability payment available to all active farmers to underpin food production, the sustainability credentials of the Welsh food and drink brand and to help with income volatility arising from factors beyond the control of individual farm businesses.
- **Environmental measures** – open to all farmers for activity beyond the conditions required for the stability and sustainability payment delivering the enhancement of farmed land for biodiversity, carbon, soils, air and water.
- **Productivity measures** – for investment in on-farm infrastructure and technology and an incentivised programme of advice and knowledge exchange.

Collectively the three cornerstones deliver more than the sum of their parts. Farming businesses need stability to be able to deliver environmental outcomes for society and it is only from a position of stability that farming businesses are able to invest in new technologies and productivity measures.



# Common land and farm business viability

Common land is integral to the success of thousands of Welsh farm businesses for the grazing it provides for livestock. Common land is also included as ‘eligible area’ for the purposes of Pillar 1 direct payments (BPS) which has been the mechanism by which support has been provided to farmers within the framework of the EU Common Agricultural Policy. A total of 3,082 farm businesses declared common land for the purpose of claiming BPS in 2021. Operating on an area basis, in some instances, common land represents 50% or more of the eligible area claimed.

In addition, support for the delivery of environmental outcomes is provided via Glastir agreements on common land, with payments based on cost incurred, income foregone calculations. 65% of common land is within the Glastir agri-environment scheme with some 187 Glastir Commons agreements, all of which are scheduled to end in 2023.

Support via BPS and Glastir is, therefore, central to farm incomes and vital to the success of many farm businesses across Wales, providing stability and helping them to address volatility arising from factors beyond their control. This is particularly so in the Welsh uplands, where the concentration of common land is greater and where farms are operating in some of Wales’ most challenging climates and terrains. Farm businesses in these areas are limited in the range of products they can produce and are also more remote from markets, infrastructure and services with opportunities for diversification also more constrained.



**THE BLACK MOUNTAIN, LOCATED ON THE WESTERN SIDE OF THE BRECON BEACONS NATIONAL PARK, IS AN INTEGRAL PART OF OUR FARM BUSINESS PROVIDING GRAZING FOR OUR HEFTED FLOCK OF 700 IMPROVED WELSH MOUNTAIN EWES. COMMON LAND MAKES UP 50% OF MY CLAIM FOR THE BPS PAYMENT CURRENTLY AND IS VITAL TO MY BUSINESS AND THE 50 OR SO BUSINESSES THAT MY FARMING BUSINESS SUPPORTS LOCALLY."**

Garry Williams,  
Gwynfe, Carmarthenshire

<sup>1</sup> Securing Wales’s Future Summary (gov.wales)

# Common land – delivering for our environment

Wales’ common land delivers important services for society. This includes food, carbon storage and sequestration, clean water as well as its regulation and storage, also supporting a range of habitats and species.

Approximately 50% of common land is protected landscape designated as a National Park or Area of Outstanding Natural Beauty (AONB). Many commons are also afforded SSSI, SAC or SPA status for the wildlife they support, with Natural Resources Wales (NRW) required to ensure these sites are managed to achieve favourable ecological condition.

Common land is also important to wider society for access and recreation, with all registered common land accessible to the public providing benefits for health and well-being.

Common land is, therefore, central to the delivery of Welsh Government’s climate and nature ambitions, alongside other key objectives. The continued delivery of these benefits is in no small part due to the ongoing management of common land by common rights holders achieved, in the main, through the actions of grazing livestock.

The narrative that common land is overgrazed is now widely accepted as false and misleading. Under-grazing is now recognised as just as much of an issue as overgrazing and has led to a decline in the ecological and environmental quality of nationally and internationally important sites. Some of the adverse effects of under-grazing can be costly and difficult

to manage. Molinia and bracken encroachment is increasing, as is the build-up of vegetation which can have long-term catastrophic effects where wildfires result and the burning of deep peat occurs.

Maintaining traditional, active grazing on commons is, therefore, essential and should be a priority for future agricultural policy.

There is a long history of agri-environment delivery on Welsh common land starting with environment schemes dating back to the 1990s. Common right holders identify there are many lessons to be learned from the past – not least that improved management for environmental outcomes does not come through reduced stocking levels prescribed in many agri-environment agreements. The wider economic and policy context have challenged grazing of common land with cattle. In many instances, too much livestock has now been permanently removed.

There are also multiple and increasing pressures on land use and common land is increasingly under threat as new markets for renewable energy, carbon etc emerge and concepts such as rewilding are increasingly advocated. We are aware of applications to Natural Resources Wales (NRW) for tree planting on common land, directly impacting on right of common and, therefore, the multiple benefits that active management by common right holders can provide.



**GRAZING WITH SHEEP AND CATTLE IS THE KEY TOOL FOR MANAGING COMMON LAND HABITATS. FUTURE POLICY MUST SUPPORT AND RECOGNISE THE VALUE OF GRAZING LIVESTOCK, WHILST PROVIDING A VIABLE FUTURE FOR COMMONERS."**

Guto Davies,  
Ysbyty Ifan, Clwyd



# The social and cultural significance of common land

Farming is the bedrock of rural communities across Wales. This is particularly the case in Wales' Less Favoured Areas (LFA) where active farming is inherent to social fabric, providing both direct and indirect employment. Farming provides a stronghold for the Welsh language and secures the continued application of a broad range of traditional skills which are central to our culture and heritage, providing a unique 'sense of place' to the Welsh landscape.

Farming on common land is a centuries old, traditional practice often with local, geographically distinctive native breeds of livestock. Many flocks are 'hefted' to graze particular areas of the common – a knowledge of belonging that is engrained and passed down from ewe to lamb, generation after generation. While farmers readily introduce new innovations and technologies to improve management and productivity, it is widely acknowledged that hefted flocks and the specialist skills required to keep them are central to the effective management of common land.

In many instances, hefted flocks also retain resistance to key diseases such as those carried by ticks. Naturally developed immunity to such diseases means that our hefted flocks are an irreplaceable resource, both genetically and for the ongoing management of common land. Hill breeds also form the foundation of Wales' stratified flock system.

Despite their critical role, our hefted flocks and the skills needed to manage them are declining in many parts of Wales. Current policy has not sufficiently recognised their value. The approach to future agricultural support must ensure the viability of these traditional farming systems is protected so that the sustainable management of common land is achieved for the benefit of all.



**WALES HAS SO MANY NATIVE BREEDS OF LIVESTOCK, BRED OVER GENERATIONS TO SUIT LOCAL CONDITIONS. IF WE LOSE OUR HEFTED FLOCKS, WE LOSE PART OF WELSH CULTURE."**

Rob Lewis,  
Elan Valley, Brecon & Radnor



# Governance of common land

Common land is land owned by a person or collectively by a number of persons, over which other persons have certain common rights, such as to allow their livestock to graze upon it, to collect wood, or to cut turf for fuel. Common rights are a permanent feature, sometimes referenced in the deeds of the right-holder's property. The rights are intrinsic to the farms that hold them and they cannot be taken away.

The legal position concerning common land is routed in numerous pieces of legislation. Most recently the Commons Act 2006 – though not all aspects of the Act have yet been enacted in Wales. This Act includes powers to establish Commons Councils which have the aim of enabling commons to be managed more sustainably by commoners and landowners working together with powers to regulate grazing and other agricultural activities.

Commons Councils would have more powers than Commons Associations. It is not yet clear whether they would adequately protect the rights of common right-holders as individuals and/or collectively from other parties and influences, such as non-active graziers who could seek out more active roles and priorities that interfere with right of common of the active graziers.

In the context of developing future agricultural policy, it is important to recognise that positive examples of collaborative agreements on common land do exist with Glastir Commons agreements delivered through Commons Associations. However, in some instances, collaborative agreements have not been possible to achieve. In these cases, the BPS has been central to underpinning the continued active management of common land.



**IT IS FARMERS WHO MANAGE THE COMMONS ON A DAY-TO-DAY BASIS AND WHO HAVE THE KNOWLEDGE AND EXPERIENCE TO ENSURE THAT FUTURE MANAGEMENT AGREEMENTS DELIVER THE BEST OUTCOMES FOR THE ENVIRONMENT AND ARE PRACTICAL AND ACHIEVABLE ON THE GROUND."**

Kath Whitrow, Swansea Valley, Brecon & Radnor





# NFU Cymru key recommendations

Common land is a vital resource to those farm businesses who hold common land rights, to the rural economy, particularly in Wales' upland areas, and to wider society for the multiple benefits it provides. Common land also plays an invaluable role in our cultural heritage, language and traditions. Its ongoing management is central to the delivery of Welsh Government's climate, biodiversity and wider objectives.

Without appropriate policy interventions and support through future agricultural policy the economic position of Welsh farm businesses who manage common land is threatened. Further losses of the proactive management by grazing, so central to the condition of common land, could occur.

As a result, NFU Cymru believes that Welsh Government, through its future agricultural policy, needs to ensure the multiple economic, environmental, social and cultural benefits delivered by farmers with common land are safeguarded for the future. Key to this will be providing stability to underpin farming and food production through the inclusion of a baseline stability support measure.

As the proposed Sustainable Farming Scheme is developed, NFU Cymru has the following specific policy asks to support farmers with common land rights:

- Given the significance of common land to Wales, Welsh Government's proposed Sustainable Farming Scheme should be accessible to all common land right holders. Common land right holders should be able to access support across the three proposed tiers of support i.e. the Universal, Optional and Collaborative Action layers.
- As with the BPS currently, common land must continue to be included as eligible area for the purposes of future support including the proposed Universal layer for which farmers will receive a baseline payment. For farmers with common land, the baseline payment should be paid directly by Welsh Government to the farmer apportioned to rights held.
- Strategies are needed that maintain and restore grazing livestock, including cattle, to address under grazing on common land. Future policy approaches on commons must recognise the fundamental role of grazing livestock and reward what is there already in terms of active management through grazing, rather than driving destocking and further loss of this irreplaceable resource. Stronger financial incentives are needed to achieve the desired grazing patterns.
- Given that it will not be possible for common right holders to deliver many of the proposed Universal Actions, including proposed tree cover, on common land, NFU Cymru believes the common land eligible area, whilst included for the baseline payment, should not be included in the development of targets for Universal Actions.
- There must be no tree planting on common land without the agreement of 100% of common land right holders. The right of common must be protected. Tree planting on commons must also be subject to full Environmental Impact Assessment (EIA).

- A framework should be developed to guide land use change decisions that considers the economic, environmental, social and cultural impacts. This framework should include consideration of whether the farm has common land rights together with the cumulative impact of the loss of multiple farms to the effective management of the common in the future.
- All future agricultural support for common land must be targeted at common rights holders (the occupier, including tenants, of the land who has the benefit of those rights) and not the owners of common. Further policy must recognise it is the right holders who actively manage commons, through grazing, and it is this management that is central to the delivery of environmental outcomes. Common land right holders should not be prejudiced from entering the future scheme because of the actions of the landowner, for example, engaging in carbon markets.
- Higher level environmental outcomes should be delivered through the Optional layer and Collaborative agreements developed and delivered by Commons Associations. There should be a focus on farmer knowledge and expertise in the development and implementation of these collaborative agreements, so they are practical and achievable. Funding should be focused on activity on the ground rather than advisory and administrative costs and a capital works element will be needed to deliver a broad range of maintenance and restoration activity.
- The rights of common right holders are sacrosanct and must be protected – the powers of veto for common right holders must be retained and not diminished through Commons Councils, should they be enacted. The development of Commons Councils, how they will operate in practice and how they would be enforced must be the subject of consultation.
- Welsh Government must take steps to support farmers during the transition to the Sustainable Farming Scheme to avoid and mitigate the impacts of the 'cliff edge' in support expected at the end of 2023, when all Glastir Commons agreements are expected to end. Transitional funding to replace Glastir is needed.
- There needs to be greater ambition reflected in future budgets for the management of common land at the Universal, Optional and Collaborative levels. Payment rates must go above cost incurred, income foregone calculations and provide fair reward. A long-term commitment to funding is also needed to secure the ongoing delivery of outcomes.
- The impact of Sustainable Farming Scheme proposals on farms with common land should be modelled to understand impact. The aim should be to minimise redistributive effects at farm and regional level and to avoid unintended consequences, such as further destocking which would undermine Welsh Government's SLM objectives.

