



**Minutes of the meeting of NSA-WCF
Monday 21st August 2017 1pm
At NFU Offices Royal Welsh Showground Builth Wells**

In attendance

Phil Stocker NSA CEO and Helen Davies NSA Cymru/ Wales Development Officer
Edwin Harris Chairman WCF John Staley Treasurer WCF

1. Apologies:- Eric Jones, Caegurwen & Penlle'rfedwen Commoners Association, Brian Barney, Preseli Common, Tom Evans, Kate Jones, John Jones Vice Chairman, Evan Williams, John Thorley OBE, Sarah Warman Secretary Blorenge, Graham David, Derek Morgan, Abercrave, Julia Davies, Mid Letten Common and Bryn Williams, Penderyn / Manor Commoners.

2. Present:- Mrs Diana Samuel, Aberedw Hill Commoners Association, Mr Emlyn Morgan, Black Mountain Graziers, Mr John Morris, Black Mountain Graziers, Mr Johnny Davies, Black Mountain Graziers, Mr David Gatehouse, Llangorse Lake Common, Mr Ieuan J Morgan, Penderyn / Manor Commoners, Mr Dilwyn John, Vaynor Common, Mr Tom Roberts and Mr Mike Strange of Blorenge Common, Mr Graham Jones, Egwylsilian Mynydd Mayo and Graig Evan Leyshon Brinkers Association, Mr Edwin Roderick, Fforest Fach Commoners Association, Mrs Maureen Lloyd, Llandeilo Graban to Glascwm Hill Graziers Association, Mr Gareth Price, Llangoed and Llandefalle Commoners Association, Mr Thomas Phillips, Middle Eppynt / Beacons Commoners, Mrs Mary Morgan, Ogmores Commons Association.

3. Discuss minutes of the meeting of the meeting of the 5th June 2017. Minutes duly agreed. It was noted that despite requests, Terry Jones of the Egwylsilian Commons dispute had still not supplied his CRN number.

4. Action Points

General discussion in relation to the piecemeal manner in which the various local authorities approach the record keeping of commons registrars. Powys Local Authority were noted as being one of the best and are actively updating their registrars at present in terms of whom the Secretary and Chairman is for each common. Carmarthen Local Authority was also noted as being efficient. It was noted that Torfaen for example will not update the registrar unless land is either sold or apportioned etc. Torfaen had tendered this work out in addition to animal health and Powys County Council have taken on those contracts. Similarly Blaenau Gwent have also sub contracted to Powys County Council. It was noted that Rhondda Cynon Taff Council refuse to update names on the commons registers. Often when the registers are examined the rights are still recorded in grandparents names etc despite the ownership of the land to which the rights attach having been passed down to the next generation etc.

Action point:- John Staley suggested that a letter be sent to Spencer Conlon WG raising the issue with Torfaen and seeking an explanation as to their approach to the maintenance of the commons register.

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5. Action Points

Update on Eglwysilian Common.

Problems involving this common were noted as being ongoing. Mr Graham Jones of Eglwysilian Common, providing a general overview on the situation Forty acres of Eglwysilian Common having been ploughed has now produced a blanket crop of thistles. At present the litigation concerning the common as a whole is at a preliminary stage further to proceedings having been issued. However there has been some development in that Terry Jones Holdings Ltd has sent correspondence to Mr Tambling with a pre litigation offer to the effect that the contested sum of approximately £12000, would be waived provided the right holders waived their grazing rights.

A meeting of AM's seems provisionally positive with the AM's supporting all parties concerned in regard to the conduct pursued by Terry Jones Holding at Eglwysilian Common. A meeting was to be held on the 29th August 2017 in which AM Vicky Howells is to attend. Mick Antoniow AM has also sent correspondence to the Cabinet Secretary expressing concerns on behalf of his constituents, users and right holders to the common.

There are concerns regarding graziers finding themselves subject to threatened financial charges further to the manorial purchase that has taken place in relation to the Common. There are issues with regard to the construction of structures upon the Common and the lack of enforcement power with regard to their removal. There are also issues with regard to the closure of rights of ways and the deposit of sewerage on the common.

The issue of attendance at this meeting was discussed by the Committee. Mr Graham Jones explained that his AM had indicated that any attendance must not fall within the definition of lobbying and that the AM was to clarify the position on this and return to him. There has been an indication from AM's that this is a cross party issue. Mr Tom Roberts Bloreng Common suggested that the WCF should be in attendance at the meeting of the 29th August 2017. The outcome of the Court case on Eglwysilian will have a potentially profound ramification for all Commons across Wales and needs close attention. Mr Tom Roberts stated it was essential that WCF attend the meeting.

There was a discussion in relation to previous meetings that had been requested with Lesley Griffiths which had been cancelled. The offices of Lesley Griffiths were not replying in any meaningful fashion to the Chairman Edwin Harris, if indeed at all. Mr Harris had sent a number of emails.

After general discussion amongst the Committee, Chairman Edwin Harris suggested that WCF would attend, providing they were invited to attend, given that it was a private ministerial meeting. The point of lobbying would also need to be clarified.

General comment was made in relation to the fact that the meeting of the 29th August 2017 appeared to be convened of select attendees rather than drawing from all interested parties to allow a democratic input. Mr Ieuan Morgan, Penderyn / Manor Commoners made the point that the WCF needed to be recognised as a credible organisation and should be invited to all meetings concerning common land.

Mr Tom Roberts and Mr Graham Jones emphasised the importance of WCF attending meetings involving Welsh Ministers and the decisions that were being taken in relation to all Common Land, in addition to those current meetings concerning the issues which are arising in relation to Eglwysilian Common. The Eglwysilian case is of utmost importance given its potential to set a precedent adverse to the interest of all those who hold Commoners rights. A meeting needs to be held with Lesley Griffiths and associated parties before the conclusion of the case. The Law must not be allowed to be overridden.

Mr Ieuan Morgan of Penderyn / Manor Common indicated that the Eglwysilian case was of such importance that the NFU were funding the defence of the litigation brought by Terry Jones.

Chairman Mr Edwin Harris indicated that in relation to the issue of meeting with Lesley Griffiths, he took a recent opportunity to speak with Mr Emyr Roberts NRW. Mr Roberts denied any knowledge of the meeting or issues at hand.

Chairman Mr Edwin Harris read correspondence which had been received from NRW. The correspondence seemed to indicate that the NRW and Ms Julie Bowen, Welsh Government Ecologist, had sanctioned the spreading of sewerage waste upon the Eglwysilian Common. Mr Dilwyn John, Vaynor Common made the point that there was no provision under the CRA 1965 or the CROW Act 2006 which allowed for the "improvement" of the common. Treasurer Mr John Staley mentioned that the letter referenced an environmental impact assessment report, yet it appeared that no such study had in fact been done.

Mr Phil Stocker NSA CEO stated that he meets with Ms Lesley Griffiths on a regular basis and that the WCF had a terrible name and reputation. This meant that other organisations did not wish to engage with the WCF as they felt as if they were going to get beaten up. Mr Stocker said that no one could convince him that the WCF did not have a bad name. He felt that this was the reason why WCF was not invited to meetings and therefore did not have a platform from which to engage with other bodies.

Treasurer Mr John Staley responded to the point made about the reputation of the WCF and indicated that the WCF had worked with other agencies with success in the past. For example the CCW and Snowdonia National Park worked with WCF on a dispute similar to that of Eglwysilian with success, albeit before Mr Stocker's time, and therefore he did not accept Mr Stocker's comments on this occasion.

Action point: It was suggested by Treasurer Mr John Staley that the WCF write to Lesley Griffiths AM and request a meeting. (It was suggested but I don't think we agreed this as an action point. The action point I think was that I would speak to Lesley Griffiths about engagement with NSA WCF when I next met with her). It was also suggested that any correspondence be copied to Mr Spencer Conlon. It was suggested that WCF write to Julie Bowen to invite her to the next WCF meeting.

6. Action Point

Glas Tir

A discussion was had on the current position with regard to Glas Tir. There was a developing concern about the long term impact that this scheme will have. Farmers who engaged in this scheme are now worried about the long term impact of stock reduction at the end of scheme expiry periods. In accordance with the terms of Glas Tir stocking levels require to be negotiated Commons which had entered into the Glas Tir Scheme would be required to apply to NRW to agree new stocking densities.

Mr Phil Stocker NSA CEO indicated that there was an environmental concern in that bracken and other coarse vegetation was becoming a significant problem. Many of the commons were becoming overgrown and inaccessible. He noted that there is now an emerging narrative in which it was being recognised that sheep stocking levels were essential to the management and sustainability of the uplands and commons..

Mr Emlyn Morgan stated that it was increasingly not economically viable to turn sheep to the mountains given the labour intensive input, current costs of production and the poor sale value of those animals. He made the point that he felt that most of the uplands and commons would simply be planted for Forestry in the coming years. This will of course destroy centuries of indigenous natural habitats and the beauty of many of those areas, but that was the commercial reality given the way things were going.

Mr Phil Stocker NSA CEO made the point that he had a meeting in the imminent future with the Minister Lesley Griffiths and would be happy to make the suggestion that WCF would like to meet with the minister. Mr Stocker cautioned that the WCF needed to be careful in its approach as it cannot be seen to be wanting to beat people up. WCF needed to go in and have a meeting, raise their concerns and start to rebuild.

Mr John Staley, Treasurer made the point that when WCF have tried to engage with say for example Brecon Beacons National Park they felt they were treated in a derisory manner. On the occasion of responding to a consultation with BBNP, WCF attended a professional meeting with BBNP. BBNP representatives provided a writing pad and told WCF to write down what they did not like about the consultation document. That was the level of courtesy paid by BBNP. Additionally BBNP misused the logo for WCF. It was not accepted that WCF did not act professionally when other organisations are equally capable of being improper. The problem that WCF has is that it exists to represent those who exercise and hold commoners rights, which inevitably conflicts with the agenda of other bodies who are opposed to those rights, hence the fact that many organisations do not like to engage with WCF.

Mr Emlyn Morgan suggested that BBNP should be invited to attend at WCF meetings to have constructive discussion and help the understanding of the issues affecting graziers.

Action: Mr Phil Stocker CEO NSA to speak with Minister Lesley Griffiths about recognition of WCF and see if a meeting can be arranged. To speak with the minister in his next meeting. .

7. Action points

Consultation Document - Welsh Government - Taking Forward Wales Sustainable Management of Natural Resources - Number WG31811

Mr John Staley Treasurer referred the committee to chapter 4 of this document. The suggestions in terms of other uses for common land detract from the principles of law embodied in the CROW Act 2006. The emphasis is clearly on the recreational use of commons with little or no regard to the Commoners / Graziers. The Consultation needs to be replied to.

Mr Ieuan Morgan, Penderyn / Manor Common indicated that he has sought some guidance on this matter from a Ms Rachel Lewis Environmental and Land Advisor for the NFU. Ms Lewis has broken down the contents of the consultation for him and will be drawing up a response for him. Mr Morgan made a copy available for the meeting and those points were read out by Mr Phil Stocker NSA CEO.

Mr Ieuan Morgan will make a copy of the NFU Consultation response available for the WCF. Mr Dilwyn Johns, Vaynor Common will also make a copy available from FUU in terms of their response to the consultation. Mr Tom Roberts, Blorenge Common stated the CLA were also responding to the Consultation and that he would ask for a copy for the WCF. Mr David Gatehouse, Llangorse Lake Common indicated that retired Solicitor David Jones Powell had placed a letter in the Brecon and Radnor Express which gave a good response to the Consultation. He would obtain a copy for the WCF.

It was noted that the Consultation response deadline had been extended from 13th September 2017 to 30th September 2017.

Mr John Staley, Treasurer indicated that WCF needed to get on with the response as the time limits were constrained. Chairman Edwin Harris suggested that Mr Johnny Jones of Basc should attend at NSA headquarters for the necessary meeting in regard to the Consultation response for WCF. This was agreed by the Committee.

Action point

**Prepare and submit a response from WCF to the WG Consultation
Invite Johnny Jones of BASC to the consultation preparation meeting.**

8. Action Points

Llanllechid Common Update

Mr Edwin Harris, Chairman indicated that he had today received a correspondence by email from Ms Kate Jones which contained the response of the National Trust. Due to the manner in which it had been sent it was illegible but copies had been requested.

Mr John Staley, Treasurer gave a detailed historical overview as to the background of the current dispute on Llanllechid Common. Currently the owners of the common, namely National Trust had written to all graziers and alleged that some graziers were considered to be trespassers. Should anything result from this prior to the next WCF the committee authorises

that WCF should be involved and that the Treasurer and Chairman are to deal with matters in that regard.

Mr John Staley, Treasurer discussing the implications of Glas Tir, how it interacts with the law governing common land and the fact that Llanllechid did not go into the Glas Tir Scheme. General discussion of the emerging consensus view, was many commoners wish they had never gone into Glas Tir. Economic forces pushed many into signing up to the agreements against best advices and cautions to the contrary. The practical implications of reduction in stocking levels was now starting to become evident as many commons and uplands are unkempt and overgrown, diminishing wild life, pasture, accessibility and aesthetics. Mr Phil Stocker NSA CEO repeated his early indication that these problems were now being recognised. Mr John Staley, Treasurer stated that the commoners views and knowledge of the uplands should have always been respected as they had been proven right in terms of the concerns voiced previous.

Mr Edwin Roderick Cllr, Fforest Fach Commoners Association was congratulated on his recent appointment as Councillor.

Mr Edwin Roderick Cllr gave his insight into the lack of grazing and the subsequent encroachment of mollinia grass and bracken. It was stated in discussion that the BBNP are benefiting from the heavy use of the Beacons, but Brecon is not. Ecologically there was significant damage to the Beacons in terms of erosion from walkers and also the disturbance of wildlife and sheep. There is also a massive problem with illegal parking on the clear way across the Beacons. Those visitors bring nothing of economic benefit into Brecon town. Brecon town is struggling and it is a disgrace.

From some of Mr Roderick's Cllr recent meetings with BBNP, he feels that these problems are now starting to be acknowledged. He suggested a meeting with BBNP and Ecologists on these issues. After a general discussion of the Committee it was agreed that a meeting with BBNP should be arranged and that it should be convened of Mr Dilwyn Johns, Vaynor Common, Mr Ieuan Morgan, Penderyn / Manor Common, Mr Edwin Harris, Chairman and Mr John Staley, Treasurer. Someone will be required to keep minutes at that meeting and thereafter there would be a report back to the WCF Committee.

Action point: Invite a meeting with BBNP to discuss problems associated with undergrazing. I thought that the BBNP had already contacted Edwin asking to meet and that it was agreed Edwin should accept that invite and attend with the above people.

9. Action point

NSA Update

Mr Phil Stocker NSA CEO gave an update in relation to NSA activities. NSA are currently involved in relation to discussions with UK Livestock, Brexit Group, NFU, CLA and about 21 other organisations. Mr Stocker provided information in regard to the recent applications by Lynx Trust UK to release Lynx in the North of England and Scotland and the Pilot scheme that is underway. There is a concern about the release of such a predator which could threaten local farming enterprises.

Mr Stocker gave information on the launch of a feasibility study in relation to our more traditional sheep farming systems and the related marketplace. The emphasis on this study being on whether we can create market demand for these specialist products that often don't fit with mainstream specifications and get upland a traditional outputs supported via the marketplace and not such agri environment schemes. He feels this will be an exciting project. The committee discussed the commercial difficulties with such a concept given that many of the abattoirs had been closed.

Mr Emlyn Morgan, Black Mountains Graziers raised the point with regard to the error in the RWS 2017 with regard to the sheep championship.

10. AOB

A petition was handed to Ms Christine Glossop on the NSA stand at the Royal Welsh show as started by Mr Gwyn Davies. NSA facilitated the hand over of this petition. It was noted that Ms Glossop remains hostile and that her view was sheep were still the biggest concern in terms of disease risk so the amended rules on movement restrictions will not be changed. The negative impact of these changes were discussed by the committee with regard to the impracticality and the resultant breaches that will inevitably occur.

Bracken encroachment was discussed. Deductions were being made from SFP payments etc on the basis of diminished acreage. Glas Tir penalties are also being taken out of SFP. Retrospective penalisation is also being noted. It appears that all Commons have been mapped and Bracken areas measured for that purpose.

Mr David Gatehouse, Llangorse Lake Common stated that he had heard money was being given towards Bracken control (within the Black Mountain Land Use Partnerships SMS project?) in the region of some £100,000, nothing had been offered to the farmers who actually have rights to use the affected uplands and are directly affected by the Bracken encroachment. This is a significant problem. Bracken poses a problem in terms of access, disease, destruction of the natural habitat, disease i.e. cancerous spores, ticks, lyme disease, fire hazard and diminishment of natural pasture. Phil Stocker and John Morris responded by saying that the sums within that project for bracken control are closer to £330,000 and that local farmers and contractors are being encouraged to bid to carry out the control work. The intention is to keep as much money within the local economy as possible. The work is being done because it is recognised that bracken creates a significant problem for most interest areas of the uplands but in particular for farming and grazing.

Date set for the next meeting agreed as Monday 20th November 1pm. Venue to be confirmed. If necessary the meeting will be called forward pending developments. **Meeting concluded 430pm.**