



DRAFT

Minutes of the meeting of NSA-WCF

Monday 20th November 2017 1pm

At YFC Offices Royal Welsh Showground Builth Wells

In attendance

Mr Phil Stocker NSA CEO, Mr Edwin Harris Chairman NSA-WCF and Mr John Staley Treasurer NSA-WCF.

1. Apologies:- Mr John Thorley OBE, Mr Eric Davies, Mr Graham Davies, Mr Arwyn David, Mr Colin Bowdley, Mr Gwynfryn Harris Chairman of the Black Mountains Common (West), and Ms Kate Sills, Mr Eric Jones and Mr Peter Davies Caegurwen & Penlle'rfedwen Commoners Association.

2. Present:- Mrs Diana Samuel, Aberedw Hill Commoners Association, Mr Emyln Morgan, Black Mountain Graziers, Mr John Morris and Mr Jeff Gwillim of Black Mountain Graziers East, Mr Johnny Davies, Black Mountain Graziers, Mr David Gatehouse, Llangorse Lake Common, Mr Ieuan J Morgan, Penderyn / Manor Mawr Commoners, Mr Dilwyn John, Vaynor Commoners, Mr Tom Roberts and Mr Mike Strange of Bloreng Common, Mr Graham Jones, Mr Terry Jones, Mr Jonathan Huntley of 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 David Davies and Mrs Michelle Davies Beacons Commoners, Mrs Mary Morgan, Ogmere Commons Association, Mr B Barney of Preseli Common, Mr Dyfrig Morgan of Garreg Goch Common, Mr Gwilym John of Epynt Common, Helen Breakwell and Mr Richard Broad of the Rare Breeds Survival Trust, Mr John Pierce Jones and Mr E Rys Williams of Llanllechid Commoners and Mr WH Williams of Coity Wallia Commoners.

Guest Speakers Ms Ifath Nawaz of Setfords Solicitors, Guildford, Mr Lesley Blohm QC of St John's Chambers, Bristol and Mr John Sharples Barrister at Law of St John's Chambers, Bristol. Presentation and lecture notes given by all three Speakers as followed by a question and answer advisory session.

3. Minutes

Discussion in regard to the minutes of the meeting of the meeting of the 21st August 2017. Treasurer Mr Staley proposed that the minutes be agreed. Minutes duly agreed.

4. Action Points

It was noted that some affiliated commons are experiencing a lack of continuity in notices, letters and minutes being received. In some instances letters are being received minus the minutes, some affiliated commons are not receiving letters etc. It was agreed that this needs to be reviewed. Mr Stocker confirmed that where affiliation fees had not been paid only renewals and notice of meetings, and not minutes would be sent out to those parties. Paid up commons are then requested to provide two contacts, ideally the Chair and the Secretary to which full papers are sent. It is up to the chair and the secretary to decide who to send to meetings and it is their responsibility to forward papers on. It is important that the NSA are given contact names and details.

Contact NSA - WCF: The Sheep Centre | Malvern | Worcestershire | WR13 6PH | Tel: 01684 892661 Email:

gill@nationalsheep.org.uk www.nationalsheep.org.uk/welshcommonsforum/

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5. Action Points.

Update on Commons Registrars

Correspondence of Spencer Conlon Agriculture and Sustainable Development Division as dated 18th October 2017 read out to the meeting by Chairman Mr Edwin Harris.

General discussion of the correspondence. Mr Tom Roberts of Blorenge Commoners making the point that all the Local Authorities are aware that they have a duty at law to maintain and update the Commoners registrars. However many of the Local Authorities deal with this on a unilateral basis. For example Torfaen will not update the registrars until there has been a change in ownership by way of sale or apportionment of land. Mr Roberts noted that his own personal experience and that of the Secretary to the Blorenge Common was that the registers are not updated and are still in the names of their Grandparents respectively. No regard appears to be paid to the transfer of land by way of inheritance etc.

It was agreed that Mr Phil Stocker should write to the Association of Commons Registration Authorities outlining the difficulties that certain Commoners are experiencing with the various Local Authorities. It was agreed that a copy of that correspondence should be sent to the various Commoners Associations who report problems with the maintenance of their registrars. It was also felt that the correspondence could be circulated throughout all the Commoners Associations as a matter of update.

Mr Emlyn Morgan noted that in one instance where there was a problem with Commons registers not being correctly maintained and updated the help of the NFU had been enlisted and their representations led to the correction of the issue.

After some further discussion it was agreed by those present that a letter should be sent to all the affiliated Commons Associations advising that should they experience any difficulties with regard to the maintenance of their Commons registers that they should notify the NSA-WCF or alternatively contact ACRA. Mr Phil Stocker agreed that he would write to all the affiliated Commons Associations in order to see what their responses were to this issue. Upon receipt of responses we will then contact ACRA to engage their assistance with regard to contacting the various Local Authorities and advising them of their obligations. This proposal was duly agreed and was seconded by Treasurer Mr John Staley.

6. Action Points

Update on Eglwysilian Common

Correspondence dated the 13th November 2017 as issued from the offices of Lesley Griffiths AC/AM was read by Chairman Mr Edwin Griffiths. No comment was made in reply by those present.

Mr Terry Jones provided his update as to the situation involving Eglwysilian Common. Mr Jones stated that there had been a lot of misinformation on the subject as published via mainstream media. Mr Jones stated that it was not correct that his claim had been struck out. The Solicitors whom had been instructed to act on his behalf had missed a deadline in regard to the filing of particulars of claim. Mr Jones gave an explanation in regard to his understanding of section 19 (7) of the Commons Act 2006 which he stated had been enacted as of May 2017.

Mr Jones gave his explanation with regard to perceived fraudulent entries upon the commons register. Mr Jones gave his explanation with regard to the money claim that he is now pursuing as part of his general litigation concerning the legal disputes involving Eglwysilian Common. Mr Jones provided his explanation with regard to the striking out of his money claim and his limited company which had purchased part of the Eglwysilian Common and the RPS claim which had been applied for in respect of claim of the common.

Mr Jones explained that his BPS claim had been rejected and that he had appealed the same. Mr Jones discussed the fact that the EU had allocated payment per HA including that of the commons and that he believed that First Minister Carwyn Jones had stolen those entitlements from the commons giving them instead to the Commoners. Mr Jones stated that the Commoners had been given authority to claim on common land. Mr Jones made the point that most commoners on his mountain were recorded by way of fraudulent entries and that this was true of most of the commons in Wales. He stated that to have eligibility to claim for RPS payments on common land the claimant must have management control ie as purchaser of the land.

Mr Jones stated that the system implemented by First Minister Carwyn Jones was a contrivance. Mr Jones stated that it was the land owner whom had management control of the land. Mr Jones continued to state his point about fraudulent entries upon the commons registrar at Eglwysilian and the breach of EU regulations. Mr Jones indicated that he would be pursuing further litigation in regard of those two matters. Mr Jones indicated that effectively he was taking on all the Commons in Wales.

Mr Jones indicated that he currently had three appeals pending with the Welsh Assembly who were currently at this time not responding to him in regard to either three. Mr Jones indicated that he had received permits to undertake work on Eglwysilian Common from Ms Julie Bowes and those permits had not specified any restrictions or conditions in that he was not permitted to take off banks. Mr Jones indicated that he had since been penalised in terms of his CRN and at the present time the Welsh Government were not responding to him on this issue. Mr Jones stated that First Minister Carwyn Jones stole his entitlements off the Elwysilian Mountain. Mr Jones stated that since 2004 over £2million has been paid out to Commoners.

Mr Jones repeated that the media and the NFU were reporting incorrectly that Mr Tambling of Elwysilian Common had succeeded against him in the legal action and were only creating a bigger bill for him.

After Mr Jones had finished speaking Chairman Mr Edwin Harris invited Mr Tambling to put his side of events across to the meeting in an effort to achieve a fair balance between the facts from the viewpoint of the respective opposing parties.

Mr Tambling advised the forum that as far as he was concerned he went to Court in August 2017 with Mr Jones as his opponent and Mr Jones had alleged Fraud. The Judge in the case had granted Mr Jones 14 days to supply his particulars of claim and submit those to the Court. Mr Jones did not submit his particulars of claim and default judgement was therefore awarded in addition to the sum of £22000 in legal costs against Mr Jones. Mr Jones stated that his Solicitors had missed the deadline not him personally to which Mr Tambling replied that Mr Jones did not have any Solicitors and did not use Solicitors. Mr Edwin Harris drew this topic to a close.

7. Action Points

Sustainable Management Consultation

Mr Phil Stocker updated the meeting and advised that the response to the Consultation had been prepared with the input of Mr Johnny Davies, Mr John Staley, Mr Edwin Harris and himself. Mr Phil Stocker confirmed that the response had then been submitted in compliance with the relevant deadline. Mr Phil Stocker confirmed that the response had been approved by the NSA and was aligned with their position on the issues.

8. Action Points

Update on Llanllechid Common

Treasurer Mr John Staley provided an update in regard to the position with regard to the legal issues affecting Llanllechid Common. Mr Staley referred to the correspondence that had been issued to various Commoners at Llanllechid by the National Trust who were alleging that certain Commoners were trespassing by means of their sheep / grazing and that the National Trust would be taking steps to identify those trespassers and thereafter pursue some form of legal action. Mr Staley stated that we will be keeping in touch with the Commoners Association and monitoring developments.

9. Action Points

Brecon Beacons National Park Authority.

Chairman Mr Edwin Harris outlined the recent meeting that had been organised with BBNP by Mr Edwin Roderick Cllr. The meeting was attended by Mr Edwin Harris, Mr Edwin Roderick Cllr, Mr John Staley, Mr David Gatehouse and Mr Emlyn Morgan.

Chairman Mr Edwin Harris gave an update as to the content of the meeting with BBNP, indicating that it had been very interesting. Brexit had been discussed in addition to the means by which value could be added to the local lamb product and the promotion of locally produced meat. Of greater significance was the discussion concerning the changes to the basic payment entitlement. The current system of payments would remain in place until 2022 and thereafter would be subject to revision. The need for new markets outside of the UK was discussed.

Mr Edwin Harris provided his thoughts in regard to the potential changes to the basic payment scheme. He felt it was very worrying that there appeared to be a suggestion for the administration of payments being localised and based upon certain areas of production. He felt that there was a suggestion that the BBNP should be delegated powers to oversee the administration and provision of the basic payment which he felt was sinister and would not be of benefit to the Farmer. There seemed to be a leaning or a suggestion towards the regionalising of subsidies and that it would be provided to encourage activities other than stock production ie environmental schemes and the like.

Mr Harris indicated that the NSA-WCF had never previously involved itself in lobbying with regard to subsidy related matters but it appeared that this issue was now starting to permeate and had relevance given the impact that a change in payments will have when it translates into change for the Commoner / Hill Farmer and whether it is sustainable for them to rear livestock over Mountain and Common land. Mr Harris indicated that his own instincts led him to believe that we will see changes to subsidies and the BBNP will be lobbying to ensure that any change it suited to their agenda.

Mr Terry Jones made the point that as a budget from the EU, Wales was allocated over 900 million and Carwyn Jones was not making this money available to the Farmer by way of schemes etc. Mr Jones stated that at least 671 million is diverted away from the Farmer and is not paid out. Mr Jones indicated that there was another problem in that with Brexit the UK will pay another 5 billion into the EU fund which then comes back in at a value of 2.7 billion. Mr Jones stated that the 5 billion should instead be available to us. Mr Jones stated that the First Minister Carwyn Jones could not now claim that the money was available to us.

Mr Terry Jones spoke of his knowledge of a contract for Lamb supply to Greece by means of the company Dunbia. Dunbia could not get an insurer to underwrite their contracts with Greece due to the state of insolvency in that country. The contract would have provided for over £4 per kilo which would have helped the small lamb trade. Instead we have New Zealand lamb coming into the country and St Merryns abattoirs being told that if they do not process that meat their grants would be cut.

Mr Jones stated that First Minister Mr Carwyn Jones should be made to explain why he is not making scheme money available to us. The current schemes are not working for us. We should be asking where the big money is going and looking at the bigger picture rather than at the smaller schemes which are a distraction.

Mr Edwin Roderick made the point that Mr John Staley had raised similar issues in the BBNP meeting and had put them straight. He had attended several meetings with the BBNP and it is recognised that Agriculture needs support. He claimed the lamb trade is at rock bottom.

Mr Edwin Roderick discussed the fact that he was a part of a recent delegation concerning the Southdown National Park in which Professor Bateman gave a presentation to Government Advisors. It was recommended that Agricultural Policy has to support farming.

Mr Edwin Roderick felt that Government do not support Agriculture and we need to also remind ourselves that the Parks are not in charge of us. The Parks however are becoming more aware that Agriculture is not rosy and that it cannot survive on its own.

Treasurer Mr John Staley made the proposal that the NSA-WCF meet again with the BBNP. The NSA-WCF has to be involved in all meetings with BBNP particularly at high level as we cannot allow the Parks to speak on our behalf in terms of matters of Agriculture. Mr Edwin Roderick indicated that there would be another meeting at the end of January.

Mr Edwin Harris posed the question to the Forum in regard to whether they would want the Basic Payment system to remain as it was. The consensus was that yes change was not welcomed at this stage.

Mr Phil Stocker indicated that the WCF is part of the NSA and the NSA have given the WCF a place on the UK Tech and Policy Committee which discuss and make recommendations to the NSA Board. . As yet no attendance has been made but the WCF are part of NSA and both need to have one voice and one line when engaging with Government or BBNP etc on such issues with regard to Brexit etc.

There was a general discussion regarding Pillar 2 money and the suggestion that NRW will get a significant amount of money earmarked for agriculture. Mention was made of the fact that NRW were looking to plant about 4000 acres of trees within Wales. The point was made that although Agriculture is allocated a large sum of money little of it makes it way to the Farmer on the ground. Our markets should be supported instead of reliance being placed on subsidies.

Mr Edwin Roderick made the point that he felt the general public did not like Farmers due to the fact that they were receiving subsidies. Many farms without the support of subsidies would not be viable and Mr Roderick gave the example of a Herdwick Farmer that he had spoken to who was farming in the Lake District. Mr Roderick stated that the public ought to be educated about the costs of food production and the struggles that farmers face in supplying cheap food.

Mr Phil Stocker made the point that NSA policy is that we expect farmers to get access to the same amount of money and we need to be able to explain what this provides society. . Mr Stocker indicated that Farmers should be recognised for what they are doing and not always required to do more or reduce production on an income foregone basis.

Mr Edwin Roderick made the point that farmers should be recognised in terms of the cheap food that they are providing and it is cheap food that is being subsidised for the public not the farmer because their businesses are unviable.

A general discussion was made in terms of suggestions as to how subsidy schemes should work and the regional experiences of subsidy. Mr Tom Roberts made the point that a recent article on the Countryfile programme reported that about 3500 acres in Surrey were deemed not good enough for arable so was planted with trees and the landowner was still receiving SFP even though the land was not producing anything. More was being paid for this than what the farmer could make off the land. It made no sense. The experiences of the systems in New Zealand were discussed and the fact that withdrawal from subsidy had been to the benefit of the farmer in the longer term.

Mr I Morgan made the point that there was to have been a meeting with the Snowdonia, Pembroke and Brecon Beacons National Parks and he wondered if this had taken place and if so whether they had provided their report on the same. Treasurer Mr Staley indicated that nothing had been received or notified to date. Mr Edwin Roderick stated he would check up on this.

After general discussion it was agreed that the NSA-WCF would meet with the BBNP at the end of January.

After general discussion it was agreed that the NSA-WCF should invite Chris Davies MP to a meeting to get an understanding of the policies and likely changes in terms of the basic payment scheme post Brexit. It was agreed that the Chairman Mr Edwin Harris would make the necessary enquiries to organise that meeting and get back to the Forum when arrangements had been finalised.

10. Action Points

Election of Forum Officers

It was agreed by the attendees that the current Chairman Mr Edwin Harris be re elected as Chairman and that John Jones would continue as Vice Chair.

It was agreed by the attendees that the current Treasurer Mr John Staley be re elected as Treasurer.

Mr Phil Stocker gave a report upon the finances and noted that there had been an increase in funds which stood currently at £7694.00. Costs and expenses remained stable. Subscriptions had increased from 2016 to 2017. The Forum is building up its affiliations and some new Commons have joined.

11. Action Points

Any other business

It was agreed that a meeting be arranged for the end of January subject to the availability of Chris Davies MP. The meeting should take place after the NSA-WCF meeting with BBNP,

Mr John Morris noted that the NSA-WCF now had an operational face book page.

A general discussion was had in relation to a recent case of a Lynx having been shot and the fact that it had killed seven sheep. The implications with regard to the work of the Lynx Trust were noted.

Meeting concluded at 4.15pm.