

Department for Environment, Food and Rural Affairs

Summary of responses to the consultation on the Brendon Commons Council Establishment Order

November 2013

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Introduction

Commons councils can be created under Part 2 of the Commons Act 2006 and allow the various interests on a common to come together to manage the agricultural activities, the vegetation and the rights of common on the land. Commons councils operate on majority rules and have statutory enforcement powers, which can be especially helpful on commons where there is disagreement related to management practice.

The Secretary of State can establish a commons council by order made under section 27 of the 2006 Act. However, before he can do so he must consult on a draft order. The order can only be made if substantial support is shown.

When considering consultation responses, the Secretary of State must have particular regard to responses from persons who have a legal interest in the land and are likely to be involved in or affected by the commons council. Those persons are:

- persons with a right over, or who occupy, the common (other than rights of common);
- persons who have rights of common over the common; and
- persons who have a legal function related to the maintenance or management of the common.

The consultation on the draft Brendon Commons Council Establishment Order (*the Order*) was published on 4 October and ran for four weeks until 3 November. There were two questions:

- (1) Do you support the establishment of the Brendon commons council through the Brendon Commons Council Establishment Order 2013? Yes or no.
- (2) Do you have any comments?

Consultation responses

Question 1

There were 53 responses and 47 (89%) responded in favour of the Order and 6 (11%) were against it.

Regarding persons with a legal interest, to whom particular regard must be paid, responses were received from the commoners, the landowner and the Exmoor National Park Authority. There were 46 responses, 40 (87%) were in favour and 6 (13%) were against.

In terms of the commoners only, of 33 commoners only 4 did not respond. Responses were received from all active graziers, 15 (75%) respondents were in favour and 5 (25%) were against. Of the non-graziers, 20 (80%) were in favour, 1 (4%) was against and 4 (16%) did not respond.

Responses were received from six organisations, and from two local authorities and all were in favour of making the Order.

Question 2

Whilst comments are of secondary importance to the question of whether the Order is supported, the comments received which are both relevant and went beyond the scope of Q1 have been listed below.

Positive

- In my 30 years of countryside management experience, the only way to ensure the Commons is managed appropriately and sustained for future generations, is to establish a dedicated management body.
- We support the establishment of the Commons Council as an effective management structure for common land in National Parks, particularly as it opens the opportunity to access to agri-environment schemes aimed at securing environmental management and enhancement
- Brendon Common is currently one of the most well managed Commons in the National Park. Traditional swaling and grazing is carried out, there are excellent access arrangements, and Brendon remains one of the most striking stretches of moorland landscape on Exmoor.

Negative

- A commons council is not suitable for small commons like Brendon. [This comment was received from three commoners].

Government response

The Secretary of State is satisfied that substantial support has been shown for the making of the Order; accordingly he will make the Order. The Order must be laid in Parliament for a minimum of 21 days before it can come into force. The coming into force date of the Order is 1 January 2014. The Brendon Commons Council will come into being on 1 April 2014.

The Secretary of State will appoint a returning officer to prepare the first elections of the council and notify the participants of the Brendon Commons Council and other relevant parties such as local authorities. This work must take place during the three months

between January and April 2014 to ensure that the Brendon Commons Council is fully functional from day one of its existence.

List of respondents

The organisations which responded were: Derbyshire County Council, Natural England, The Exmoor National Park Authority, The Open Spaces Society, Dartmoor Commons Council, The Foundation for Common Land, The Federation of Cumbria Commoners and The Campaign for National Parks.

We cannot publish the names of individuals who responded to the consultation.