

# DRAFT STAGE

## 6.0 Common Land and “In bye” Pasture



**Figure 13. The Conservators’ Stockman and his dog “Roy” tending the Sheep on British Camp.**

### 6.1 Description

The vast majority of land owned by the Malvern Hills Conservators or under their jurisdiction is Common Land. This means that although the Malvern Hills Conservators own or manage the land it is local inhabitants with “commoners’ rights” who have the first right to graze, fish, feed pigs on beech mast and acorns, cut bracken or collect fallen wood from it, depending on which rights they have.

The five Acts of Parliament (1884-1995) confer 4 main duties on the Conservators to carry out their function as common owners and protectors:

1. To preserve the natural aspect.
2. To keep the area as open spaces for the recreation and enjoyment of the public.
3. To prevent un-lawful buildings, enclosures and encroachments on the Malvern Hills Conservators’ land.
4. The Conservators must not act in any way that would adversely affect the right of any commoner.

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The cultural significance of a traditional working common is hard to overstate. In Worcestershire you can count the number remaining on one hand and so it is vital that the tradition of local people using their common rights is continued and encouraged. It is not only the value to the local people who farm on the commons but also to those with a recreation interest. Many people comment that they like to see the cattle and sheep on the Hills and Commons and this is obviously more valuable and informative as a real working process rather than one re-created by an organisation. Only two common land units are currently used regularly by local commoners to exercise their rights of common. Two more common land units are grazed by livestock belonging to the Malvern Hills Conservators and a further four common land units are only used very occasionally for the exercise of the rights of commoners.

The urban commons owned by the Malvern Hills Conservators are not currently grazed and all rights upon them are currently dormant. They are still kept as open spaces for people to recreate but could no longer be described as working commons. They are currently mown short for the benefit of the main activity on these areas, recreation. The rural commons are managed for their agricultural and ecological value by both the Conservators and by commoners exercising their grazing rights. The ecological value is covered in the other “Features of Interest”.

There are over 200 Pollarded (pruned back hard) trees on the Commons and these were traditionally managed by commoners to provide them with firewood, fencing and building materials. These trees are largely Willows and Poplars and include Britain’s rarest tree, the Black Poplar. In recent times these practices have declined and so the Malvern Hills Conservators carry out this work to increase the lives of these important trees.

Until the year 2000 only a fifth of Common land in Britain was legally open to the public. The Malvern Hills and Commons was part of this “fifth” and the Malvern Hills Conservators are charged in their Acts of Parliament to “keep the Hills and Commons as open spaces for the recreation and enjoyment of the public”. As already stated over 1,000,000 people visit the land of the Malvern Hills Conservators every year and it remains an important tourist attraction and place of recreation for local people.

One of the main reasons that the Malvern Hills Conservators were set up in 1884 was to bring to an end the enclosure and encroachments upon the common land around Malvern. There is still a pressure of encroachments if not enclosure on the commons from new developments and garden/driveway expansion by neighbours to the common.

The “In Bye” pasture is currently used as supporting land for the grazing on the Hills. Some is kept in hand by the Conservators to support the grazing that the organisation has taken up and the remainder is leased to local commoners to aid them in grazing on the Hills and Commons. The wildlife value of the land is quite high and it is currently grazed to make sure that flowers can set seed and to make sure that it is not over poached (trodden up by livestock) in winter. The hedgerows associated with this land are periodically trimmed or layed in the traditional manner

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to maintain their importance as boundaries, landscape features and habitats in their own right.

## 6.2 Objective for Common Land and “In Bye Pasture”

On Rural Commons there will be a mixture of livestock grazing the commons throughout the year tended by local commoners exercising their common grazing rights along with their other rights. On urban commons there will be open spaces where the rights of commoners could be continued and there will be no action that has taken place by the Malvern Hills Conservators that would adversely affect the right on any commoner on these commons or any other. The urban commons will continue to be managed for their main use as recreational areas.

The extent of Common Land will be no less in area than in 2005 and the only new buildings, enclosures and encroachments upon the Hills and Commons will be those permitted by the Malvern Hills Acts or by permission from the Secretary of State for the Environment.

The various habitats will be managed by the Malvern Hills Conservators in cooperation with local commoners, and other interested parties. Where possible a consensus with relevant partners will be reached on the long-term management of each common. The pollarded trees will continue to be pollarded in rotation. Where the commoners do not carry this out the Conservators will.

The Common land will remain as open spaces for the recreation and enjoyment of the public.

The In Bye land will be a mixture of grasses and wildflowers in the summer that are allowed to set seed so that annual species may continue in the sward. Butterfly species such as Marbled White and Meadow Brown will be commonly seen and any bracken present will be fairly weak with the grasses and Wildflowers thriving under its broken canopy. It will also be a place open to the public for their enjoyment but will mainly be used as a place for the livestock of the Malvern Hills Conservators and other common graziers of the Hills and Commons when they are not on common land.

The hedgerows associated with the in-by land will be a mixture of layed coppiced and trimmed hedges, with varying ages of hedgerow regrowth present in all parcels of in-by land.

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## 6.3 Factors

- Number of ACTIVE graziers (Upper and Lower limits for each Common)
- Illegal Encroachments on the Commons (Upper limit)
- Local Opinion.
- Legal. (Malvern Hills Acts, SSSI, & Commoners rights).

## 6.4 Attributes

- Extent of Common Land (Lower Limit).
- Number of ACTIVE graziers (Upper and Lower limits for each Common).
- Open character free of illegal enclosure and encroachments (Lower limit).

## 6.5 Management actions

- Foster support with local groups for working commons.
- Completion of a Plan for the future for Castlemorton Common.
- Prevent illegal encroachments and enclosures.
- Malvern Hills Conservators to continue the tradition of grazing where too few commoners currently exercise their rights.
- Encourage local graziers to continue to graze/or take up their rights.
- Research the possibility of purchasing a farm/property with Commoners rights attached and let it on the basis that the common rights are exercised at an agreed level.

## 6.6 Recording and Monitoring Actions

- All attributes.
- Ability of commoners to graze.
- Local Opinion.
- Define all limits.