



2.5 Cultural landscapes

Cultural heritage makes a particular contribution to the character of our landscapes, and here we highlight two elements: historic parkland and common land.

2.5.1 Historic parkland

Parkland remains one of the most distinctive of all landscape features in England. While some parklands were laid out in the medieval period, many were created or heavily modified in the 17th, 18th and 19th centuries. As well as being of cultural and historic environment value, parks today provide the location of much of England's remaining wood-pasture. The biodiversity interest of parkland and wood-pasture is examined in Section 3.5.

At the turn of the 20th century, the Ordnance Survey mapped the extent of parkland and associated woodland at just over 400,000 ha (this period was considered as the 'high water mark' for the extent of parkland landscapes in England). At least 35% (143,000 ha) of this stock was woodland associated with a park. Almost 100 years later, the amount of parkland recorded by the Ordnance Survey had reduced to approximately 220,000 ha – a significant loss of some 45%. The woodland component still accounted for 143,000 ha or 65% of the total stock. In many instances, this woodland has become isolated in the countryside and does not adjoin existing parkland.

In total, some 180,000 ha of parkland and associated woodland has been lost. Analysis of available data (ODPM 2001) shows that approximately 16,000 ha has been lost to urban and other forms of development. The majority, however, has been lost due to changes in agricultural land management, mostly through changes from pastoral management to cropping (RPA 2005) – at least 100,000 ha is now managed for other crops or land cover types. The remaining 64,000 ha was lost to other non-agricultural uses, most notably golf courses. As an indication, some 227 former parks now have a golf course associated with them (Ordnance Survey 2004).

Just over a quarter of parkland that was in existence almost one hundred years ago receives payments under agri-environment schemes. Some 64,000 ha that was defined as parkland in the early 20th century are under agreement as well as 47,000 ha still defined as parkland in 1995. However, the existence of an agreement does not mean that parkland areas are being restored – in fact, for many, the payments relate to arable crops.

2.5.2 Common land

Commons of the 21st century are relics of ancient land-use systems. The recent legislation governing common land, the Commons Act of 2006, repeals the Commons Act of 1285 ('The Statute of Westminster'), demonstrating the antiquity of common land. Collective management for agricultural purposes was widespread and perhaps universal before the Norman Conquest. The codification of custom and practice into legally recognised rights came through the development of common law established after the Conquest. The manorial system, within which commons formed part of the pasture, woods, arable, meadow and waste, was the prevailing system through which commons were managed until the system went into demise in modern times. Other land management systems, such as the Royal Forests, which once covered one quarter of England, also afforded strong security to commoners, whose rights were given express protection in the Magna Carta and the Carta de Foresta, both passed in the 13th century.

2.5.2.1 Extent

In medieval times, common land probably covered over half of England. Now there are 7,052 surviving commons (defined as those registered under the 1965 Commons Registration Act or specifically exempted from it) extending to just 398,414 ha or 3% of England. Despite the antiquity of common land systems, this Act was the first attempt to quantify such rights and land in England and Wales. The Act did not cover commons with their own local or private Acts of Parliament – these include the New Forest (c22,000 ha), Epping Forest (c2,500 ha), and 17 other commons or suites of sites, ranging from Mitcham Common at Merton (174 ha) to Cassiobury Common (Watford) at less than 1 ha.

Area of common land by Region

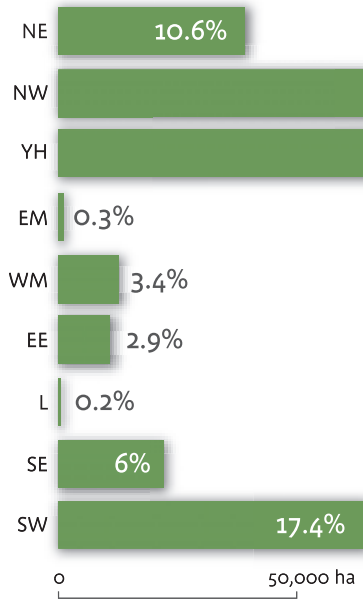
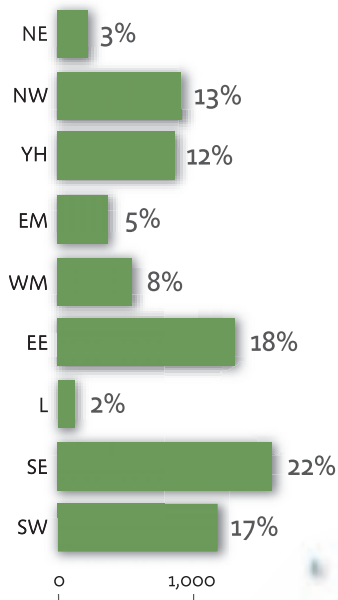


Figure 2.13 Registered common land in England*

Number of commons by Region



* Land registered in accordance with 1985 Commons Registration Act, therefore excluding the New Forest, Epping Forest and certain commons exempted from the Act
Source: Natural England, 2008

Registered common land occurs in all regions and counties, but has an extremely uneven distribution in both area and number (Figure 2.13). Some 35% of all English common land is in the North West Region, and the three northern regions together with the South-West, account for over 87% of common land by area. In contrast, the East Midlands Region has only 0.3% of the total. However, these data contrast with the number of registered commons. For example, the South East, which has only 6% of common land by area, has 22% of the total number of commons, more than any other region. Overall, the southern lowlands have large numbers of very small commons, whereas the northern and western uplands have fewer but larger commons.

Common land covers virtually all terrestrial and coastal environments, ranging from saltmarsh, dune and intertidal shingle, to upland scree and freshwater. Upland and acid soils predominate, with over 50% of the total common land area comprising just three habitats – acid grassland (23%), heathland (17%) and blanket bog (11%). Broadleaved semi-natural woodland covers 4% (but across 44% of commons) and less than 1% is calcareous grassland (Aitchison *et al.* 2000).

2.5.2.2 Definition and types of common right

Common land is generally defined as land where legally recognised rights exist that enable certain people (right holders) to take the produce of land even though the land belongs to someone else. It is a popular misconception that common land belongs to everyone. Such ideas, while legally incorrect, have persisted since at least Tudor times, showing the powerful link between communities and what they consider ‘their’ commons.

While land was formerly used communally for a diverse range of domestic and agricultural purposes, only certain categories of common rights have survived with any certainty today. Of these, pasturage (the right to graze domestic stock), is by far the most familiar and most registered. Twenty per cent of commons having rights to graze cattle, 16% rights for sheep, and 13% rights for horses. Other types of common rights include estovers (the right to take sticks or limbs for fuel and minor works, or bracken for bedding) on over 10% of commons, turbary (the right to cut peat or turves for fuel) 8%, pannage (the right to graze pigs on acorns or beechmast in autumn), and piscary (the right to fish). There are also rights to exploit the soil (minerals, freemining), and the animals (*ferae naturae*) – for example, the right to take certain wild animals such as waterfowl for domestic, but not recreational purposes. There are no data available on what common rights are exercised today and how often.

2.5.2.3 Designation and public benefits

Commons probably contribute to a more diverse range of social and environmental benefits than any other single category of land. Despite the modest area of common land surviving, it is of great value to the public. Table 2.5 shows the range of national and international designations associated with common land. Over 88% of all common land has at least one of these statutory designations and most commons are available for public access.

Table 2.5 Contribution of common land to nature conservation, landscape, access and historic environment

Designation	Area (ha)	Common within designation (ha)	% of all common land	% of designation
National Park	1,051,275	176,660	48	17
AONB	2,063,611	112,204	30	5
SSSI	1,076,980	211,003	57	20
SAC	967,923	179,528	49	19
SPA	727,890	122,107	33	17
Ramsar	374,932	8,265	2	2
Scheduled Ancient Monument	49,742	5,504	1	11
Land with any above designations	4,082,621	323,739	88	8
Access land under CRowW	935,685	369,394	100	39.5

See Glossary for definition of terms.

Common land total = 369,394 ha

(Source: Natural England, 2008)

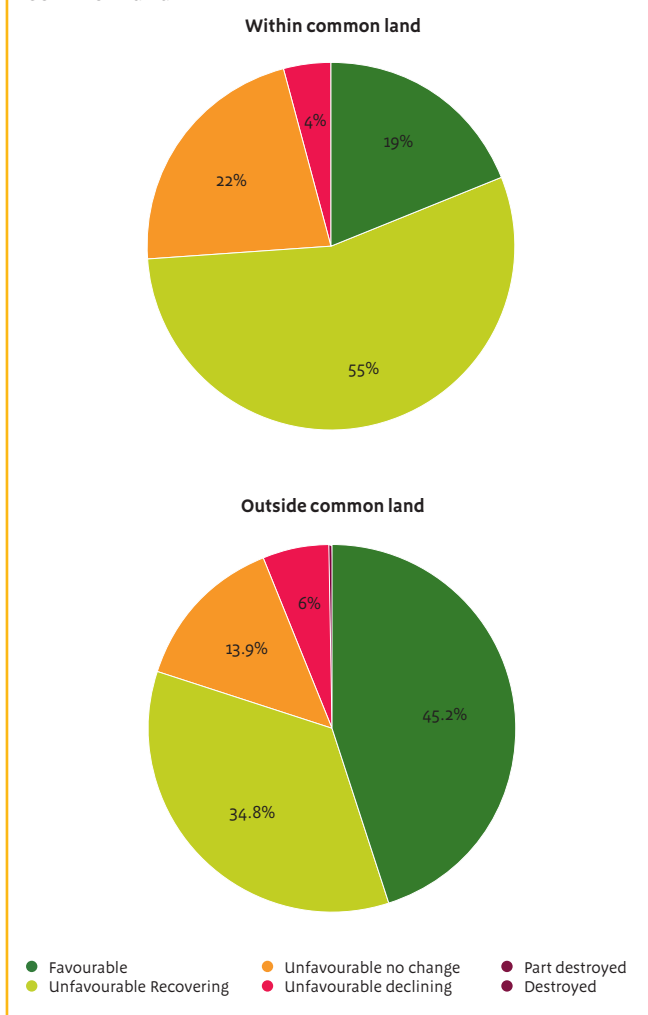
The particular values of common land are:

- Access**
 Of 935,685 ha of mapped access land under the CROW Act, 40% (370,000 ha) is registered common. Commons such as New Forest and Epping Forest, also enjoy certain rights for recreation.
- Landscape character**
 Common land contributes to landscape character, from the small community commons to those that form part of the vast hills and fells of the Lake District. Seventy eight per cent of all common land lies within National Parks (48%) or AONBs (30%). Many commons outside these protected landscapes have settlements clustered around them, where associated links between common and settlement reinforces a sense of local identity.
- Biodiversity**
 Twenty per cent of land designated as SSSI contains common land and 57% of common land is designated as SSSI. Much of this is also of international importance (Table 2.5).
- Historic environment and culture**
 Eleven per cent of all Scheduled Ancient Monuments are associated with common land. This is likely to be because the unploughed soils of commons offer greater protection. As commons have become integrated into local communities, they are often referred to through art and literature and may also be the settings for traditional local customs and gatherings, many traceable through history.

2.5.2.4 Condition

There is no monitoring programme in place against which overall condition of each of the 7,052 English commons can be calculated for each of the public values and designations above. However, the picture for the 57% of common land designated as SSSI is likely to be replicated across all commons.

Figure 2.14 Condition of SSSI within and outside common land



SSSI common land is in less good condition than SSSI land outside commons (Figure 2.14). A major reason for this is the difficulty in negotiating collective management and agri-environment funding when there are multiple right owners and stakeholders concerned with the wide range of public values.

The most frequent causes of adverse condition on upland commons are overgrazing, inappropriate moor burning and poor drainage management. In contrast, lowland commons, especially in the south-east, often suffer from undergrazing. Such commons may be located in areas with few domestic stock and many of those people holding common rights are now no longer farmers. The number of active graziers may be very small compared to the number holding rights. In Minchinhampton, Gloucestershire for example, where rights have existed since the late 13th Century, there are just six active commoners amongst 250 holders of 1,300 rights.

Where there are few active commoners, management of lowland commons usually requires intervention through community and volunteer groups. However, members of such groups may not have a full understanding of how commons used to look and how they were managed. For example, there may be a reluctance to use grazing animals where there is no living memory of this.

2.5.2.5 New legislation

The Commons Act 2006 is the first consolidating statute after 700 years of legislation on common land. The Act contributes to the management of commons by providing the mechanism for commoners and those interested in common land to set up Commons Councils. The Act also provides a streamlined process for gaining consent for works on common land, and such applications will have to take account of effects on public interests, including landscape, biodiversity, access and the historic environment.

Chapter 2 Landscapes

Evidence gaps

Areas where we believe we need more evidence on the condition of England's natural environment, how it is used and the most effective mechanisms to address the challenges we face.

- 1 More refined evidence on the condition of landscapes and changes in landscape character.**
- 2 A common monitoring framework and indicators for protected landscapes (National Parks and AONBs).**
- 3 A national dataset and common recording standards to enable reporting on the distribution and condition of locally and regionally important geological sites.**
- 4 Better evidence on the socio-economic benefits of geodiversity sites.**
- 5 Greater understanding of the role of soils in carbon storage and in supporting biodiversity.**
- 6 Evidence on the condition of, and cultural significance of, common land.**