



Open Spaces Society

THE CASE FOR CATTLE-GRIDS ON COMMONS

Information Sheet B7

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November 2008

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INTRODUCTION

1. This information sheet shows how the use of cattle-grids in conjunction with perimeter fencing is an acceptable way to introduce grazing onto commons which are sites of special scientific interest or special protection areas or where the local, rural or suburban economy requires it.

2. In 1995 the National Trust and what was then English Nature—now Natural England—put cattle-grids across the road over Middlebere Heath between Slepe and Scotland Farm in the Isle of Purbeck in Dorset. An extensive area of former heathland had been ploughed in the agricultural revolution of the 1960s. The death of the owner Ralph Bankes caused the entire 16,000-acre Corfe Castle and Kingston Lacy estates to be left to the National Trust. History could now be reversed for the benefit of conservation.

3. Longhorn cattle were chosen for grazing, coupled with internal fencing which was resisted by the Open Spaces Society, led by its chairman Rodney Legg, as well as many others. Finally it was decided to put a fence around the perimeter of this and the adjoining conservation land to merge what used to be three separate units into one nature reserve. This extends across Hartland Moor to Stoborough Heath and the Arne peninsula.

4. Once this was all common land but only one small area, at Langton Wallis, was successfully claimed as a result of the Commons Registration Act 1965—repealed by the Commons Act 2006. Now it has been brought together again as open country by the Countryside and Rights of Way Act 2000, and the remnants of stressed flora are expanding their coverage every year.

5. Even the cattle-grids have proved popular. They can be taken at a sensible speed by cars and cyclists and over the past decade there has been no loss of cattle due to traffic accidents.

Suggested solutions

6. This could be called the New Forest solution, though its small-scale application is more akin to Exmoor. One might have been able to cite the Quantocks but the Secretary of State has, in his wisdom, granted roadside fencing so destroying the open nature of the hills. In the New Forest, traffic-calming is further enforced by a general 40-mile speed limit with areas where it is reduced to 30mph.

7. In the Cotswolds, the National Trust has owned Minchinhampton Common since 1937. This, and the neighbouring Rodborough Common, has been grazed in common for over a thousand years. People live all around the

commons where public access is crucial. The high commons are crossed by roads which are used as main thoroughfares to the towns of Stroud, Nailsworth and Cheltenham. These commons are a site of special scientific interest and a special area of conservation with scheduled ancient monuments. In the spring, 16 types of orchid flower here. The approaches are guarded by cattle-grids with carriage gates, as are the private drives and small roads. A 30-mph speed limit helps to slow traffic as do the large numbers of grazing cattle. Some cattle fatalities (six in 2005) do occur due to negligent driving, but there are over 600 head with followers on the commons during the summer.

8. Anecdotal evidence suggests that more accidents occur if scrub is allowed to grow or remain near roads as this restricts visibility both for the animals and drivers. Wild deer also have to be expected on both fenced and unfenced roads.

9. Public recreation on Minchinhampton occurred by right even before the Countryside and Rights of Way Act 2000 brought a general right to walk on all commons. It is extremely popular, with a golf course, footpaths, bridleways and cycle tracks crossing the land. There is a high level of tourism and a number of nearby pubs as well as shops.

10. The same experience has happened in West Berkshire on the once infamous Greenham and Crookham Commons. These commons, or most of them, were reclaimed from the Ministry of Defence and are now run under the

Greenham and Crookham Commons Act 2002. The common was fenced almost up to the perimeter. Now they have cattle-grids and are grazed.

Unfortunately the adjoining lane was designed for normal private cars and light vans, not the 40-tonne, 55-foot lorries which now use the small lane to bypass Newbury. Visibility has been allowed to degenerate and could be a major cause of the few casualties.

11. There was a noticeable failure to introduce grazing with roadside fencing on Odiham Common in Hampshire 1995. On review at a public inquiry into a renewed application in 2004, to maintain the internal fencing, the case for the grazing regime was not proved in this woodland setting and the fencing has now been removed. However, a new solution is being sought here with the involvement of the Open Spaces Society.

12. There seems to be widespread opposition to cattle-grids. It seems to emanate from two sources. The first is local residents, whose only experience is bad design and sub-standard construction, resulting in excessive noise. The second is the police and highway authorities who will not accept that traffic needs to be slowed when crossing commons. We need lower speeds with open and clear visibility, as occurs on Dartmoor (though here it needs more enforcement against speeding). In Dorset, as in Surrey, the greatest danger is from deer jumping out from behind roadside bushes. If the first deer does not get you the second will.

13. The issue with neighbours and

sound would be easy to solve given slower and restricted traffic and properly designed and maintained grids, but there are always residents who fail to accept that the common stops at their boundary and that it is for them to fence it out. Some see it as wild land to be purloined for car parking and gardens. Double fencing creates strips of no man's land which deprives the land of grazing and scrubs up into dense hedging, reducing the area of open and unenclosed common.

14. Such opposition has spiked similar plans for part of the heathland reserve west of the Atomic Energy Establishment at Winfrith Newburgh, and was the case for the opposition at the recent and awaited public inquiries at Holt Heath in Dorset and Telscombe Tye in East Sussex.

15. Of course there are times when compromises have to be made such as to take account of geology or terrain, but the guiding principle must be to preserve the integrity of the commons as a whole and to keep this last vestige of historic landscape open and unenclosed, with both physical and psychological public access.

16. Such a vision cannot be found at Holt Heath in Dorset where ditches and banks have been constructed unlawfully to thwart incursions by travellers and other illegal users of the common, only to fill up with litter and expanding roadside scrub. Nor can it be seen at Ripley Green in Surrey where the parish council wants to make money out of licensing car parking all around the edge.

Action against unlawful works on commons

17. Encroachments are nothing new and go back to Anglo-Saxon times but, thanks to the Commons Act 2006, any person (and that includes corporate bodies) can take action in the county court against unlawful works erected after 28 June 2005. Unfortunately, nothing can be done retrospectively if rights' owners and local authorities have been turning a blind eye, but it is worth remembering that any replacement of old fencing, for instance, would be covered by the new legislation.

18. Various internet mapping-sites provide easy access to detailed aerial photographs that could be invaluable in proving changes are both recent and actionable.

Open Spaces Society policy

19. Cattle-grids should always be to the specification in the British Standard BS4008:2006.

20. The society's policy is to oppose applications for fencing of commons unless there is an overriding need which cannot be met by alternative means. If the society is satisfied that (a) there is an overriding need to introduce grazing (rather than to adopt other solutions) to manage the land for its habitat and diversity of wildlife and for public access and (b) the steps described in *A Common Purpose: a guide to agreeing management on common land*

(National Trust, Natural England and Open Spaces Society, 2005, available on www.oss.org.uk or www.english-nature.org.uk) have been followed, it may not object to perimeter fencing of the common with cattle-grids as necessary. Our aim is to maintain our commons as open and unenclosed, not as privatised places.

Based on an article by Rodney Legg, chairman of the Open Spaces Society and Bob Milton, member of executive committee

The Open Spaces Society is unable to accept liability for any misinterpretation of the law or any other error or omission in the advice in this paper.

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