



Chailey Commons Local Nature Reserve

**First report and recommendations for
the introduction of a grazing scheme**



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First report and recommendations for the introduction of a grazing scheme

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Summary

Chailey Common LNR is typical of many commons in lowland England, where economic uses have long ceased, but the site retains important elements of its former status as an open heathland. In recent years, parts of the nature reserve have become grown over with woodland and scrub and the former wildlife interest has suffered. With increased leisure time and more people living longer to enjoy it, like many other places, the nature reserve has come to be seen as a valued open space by local residents and others.

The residual wildlife interest, however, has been sufficient for the site to be designated a Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR), and an awakening appreciation of the importance of lowland heath has generated an interest in conserving and restoring heathland, not only locally, but in the echelons of local, national and European Government.

Chailey Commons LNR has a complicated history and status with multiple ownership, commons rights holders and a Local Nature Reserve Management Committee, made up of representatives from a number of bodies, and run as a committee of East Sussex County Council, who, together with Lewes District Council, pay the cost of a ranger service. Other management costs are covered by a small grant via Countryside Stewardship.

In line with Government policy for heathland, the LNR Management Committee has been looking for a sustainable way of managing the nature reserve, and has concluded that grazing is the most realistic way forward. They have therefore appointed Footprint Ecology as an independent consultant to advise and facilitate a grazing scheme.

An examination of the available scientific evidence shows that grazing and trampling by domestic stock creates a heterogeneous and varied structure to the vegetation of lowland heathland, and that this will provide the conditions needed by a biodiverse assemblage of heathland plants and animals.

This report, having considered the options for the future from a nature conservation, amenity and financial standpoint, concurs with the Management Committee's views that grazing is the best option for the future of Chailey Commons LNR. Having also examined the alternative ways by which grazing might be managed; this report also concludes that perimeter fencing would be a practical, safe, and cost effective way of proceeding.

A previous attempt to take forward a grazing and fencing scheme, however, met with considerable local opposition, and a new attempt will therefore need to be planned with considerable care. The local community has a number of legitimate concerns about the introduction of grazing and the erection of fencing around the

nature reserve. They need a new opportunity to make their views heard, and it is important that no decisions are finally taken before this consultation is completed.

It is recommended that a small action group be set up to consider and plan the best ways of proceeding with public consultations and a number of recommendations are made as to mechanisms for doing this in an inclusive way, and for feeding back to consultees. It is also recommended that the management committee consider a number of issues which may change future ways of working.

There are a large number of practical steps which will need to be taken to implement any scheme that is adopted and recommendations are made for these also.

Finally, it is recognized that, if an application is made to the Secretary of State for fencing the Commons, he may decide to call a public inquiry, and it is recommended that the investigations, plans and consultations be conducted as though an inquiry was inevitable. To proceed in this way would seem to be the best way to persuade the Secretary of State that an inquiry is not necessary, but if one is called, then, by following this route, the potential costs will be minimised.

Introduction.

Heathland is a rare and declining habitat that has been given priority for nature conservation because of its nationally and internationally important plant and animal communities. In England only about one sixth of the heathland present in 1800 now remains, but this still represents about 20% of the world total. Other than the British lowland heaths this important habitat is confined to parts of northern Germany and through coastal Europe from Scandinavia to Portugal and northern Spain. Heathland is now classified as being of principal importance for the conservation of biological diversity in England. The list of habitats and species of principal importance for the conservation of biological diversity is published by the Secretary of State for the Environment, Food and Rural Affairs. The duties of the Government, in relation to these principal habitats and species, are set out in the ODPM (Office of the Deputy Prime Minister) Circular 06/2005. The action plan and targets set out by Government for existing heathland are to maintain the extent of the heaths, and to improve by management all lowland heathland currently in unfavourable condition. Characteristically, heathlands are on sandy, free draining and nutrient poor soils and it is these conditions, along with a history of human intervention that has resulted in the unique assemblage of heathland flora and fauna. Adapted to this habitat are a number of specialist species of invertebrates, birds and reptiles. With exacting habitat requirements, many of these species are partly or wholly reliant upon the heathlands for their existence, and are therefore of nature conservation concern following the substantial declines in the area of heathland nationally in the last few decades.

In the south-east of England there are 19,248 ha of common land, of which 10,394 ha is designated as SSSI. Of this 5142ha has been classified as in unfavourable condition by Natural England with 55% (2841 ha) consisting of lowland wet and dry heath. In East Sussex, there are six SSSI commons with a total area of 3706ha.

The heathland area in East Sussex has shrunk by 50% over the last 200 years, and most of what remains is within the 2600 ha Ashdown Forest. Chailey Commons LNR is the only significant fragment of lowland heathland remaining in the Low Weald ¹.

Chailey Commons LNR is a 169ha remnant of once more extensive waste of the Manors of Houndean and Balneath The LNR is divided into five blocks, separated by the busy A272, B2183 and the minor C204/C322 road from North Chailey to Wivelsfield, and bounded by the A275 and minor C321 and U5320 roads at Warrs Hill Lane and Fletching Common. Altogether there are about 6.4 Km of metalled public highway adjoining the Common, approximately 42% of the 15.1 km total boundary.

¹ Sussex Biodiversity Action Plan. Sussex Biodiversity Partnership

The five areas making up the Common were notified as an SSSI in 1954 for the heathland habitats and plant, bird and insect communities, and were declared a Local Nature Reserve in 1966.

Chailey Common LNR is important for its dry and wet heathland habitats and species such as marsh gentian (nationally scarce), round-leaved sundew and bog asphodel, both plants of wet, open habitats. It is also important for its heathland insects including the nationally scarce silver-studded blue, the local grayling butterfly and the nationally scarce weevil, *Apion genistae* (found on petty whin). There are also a number of nationally notable invertebrate species and the endangered fly, *Acinia corniculata*.

Of the heathland bird species listed in Annex I of the EU Birds Directive, nightjar has bred in small numbers and Dartford warbler has been recorded recently. Woodlark has not been recorded although it can be found on Ashdown Forest nearby.

Any reading of the recent biological history of the LNR strongly suggests that these typical heathland species have declined in the last few decades and that their populations are now precariously low and a number of species are clearly vulnerable to extinction on the LNR. It also seems likely that there could be relict populations of heathland invertebrates, (some of which, although undiscovered could be similarly threatened) as this group has not been thoroughly recorded. There is additional concern that the areas of wet and dry heath are fragmented and threatened by the encroachment of scrub, and the domination of purple moor grass and bracken, to the detriment of the heathland wildlife and the amenity value of the LNR.

Common land has always been used by people, and in the past this would have taken the form of exploitation of the vegetation for grazing, collecting firewood and cutting timber as well as turfing and grazing-associated burning. These activities have now largely ceased as the connection between heathland and low-intensity agricultural use has been lost. Over the last thirty to fifty years the LNR has reverted to woodland and scrub, with extensive areas of bracken or purple moor grass in the wetter areas.

The approximate areas of the main habitats on each part of the nature reserve (excluding some areas of woodland) are shown in Table 1. From this it can be seen that about 40% of the site is covered by bracken and nearly 34% by woodland. Much of this area would formerly have been dry heath, while most of the grassland areas would have included wet or humid heath. It is probable that since this estimate was made, areas of gorse and scrub have increased.

Table 1. Approximate areas in hectares of main habitats on Chailey Common LNR
(percentages in parenthesis)

<i>Common Parcel</i>	<i>Dry Heath</i>	<i>Wet/humid Heath</i>	<i>Acid Grassland</i>	<i>Bracken</i>	<i>Gorse</i>	<i>Birch/oak Woodland</i>
Romany Ridge	6.2 (20.7)	3.9 (13.1)	3.9 (13.1)	4.2 (14.1)	0.03 (0.1)	11.6 (38.8)
Pound	2.3 (7.9)	1.4 (4.8)	3.6 (12.2)	17.3 (59.3)	---	4.6 (15.8)
Memorial	1.8 (7.3)	0.6 (2.3)	4.1 (16.4)	10.9 (43.5)	0.3 (1.2)	7.3 (29.2)
Red House Lane	3.6 (6.2)	2.3 (3.9)	5.2 (8.7)	28.0 (46.8)	0.2 (0.4)	20.3 (34.0)
End	---	1.9 (13.7)	0.4 (2.9)	2.2 (15.9)	---	9.5 (67.4)
Total	14.0 (8.7)	10.2 (6.3)	18.1 (11.3)	63.4 (39.6)	0.6 (0.4)	54.0 (33.7)

The nature reserve is now used as an amenity and open space by those living in the area, with dog walking, horse riding walking and nature study being favoured pursuits. The area is clearly regarded with proprietary interest by local residents, who see it as 'their' common, and take a keen interest in its future.

Chailey Commons LNR-Status and Legal Background

Chailey Common is a registered common under the Commons Registration Act 1965 with two registration units, CL3 which covers Pound, Romany Ridge, Memorial, and Red House Commons, and CL4 which applies to Lane End Common. Commons rights are attached to 16 properties adjoining or within a short distance of CL3, with collective rights to graze 171 cattle, 234 sheep, 6 goats, 30 pigs and 30 horses, together with various rights of estovers (firewood and timber), turbary (turf), and pannage, unspecified (the right to turn pigs out on

the Common). Rights on CL4 have been registered to two properties with rights for 3 cattle, 5 horses and estovers and collection of bracken litter.

The LNR is owned by Chailey Parish Council, North Common Freeholders Ltd, and Mr J. Sclater. Apart from Romany Ridge Common (North Common Freeholders) and Lane End Common (Chailey P C) which are wholly owned by a single owner, the other commons all have shared ownership (Table 2).

Table 2 Ownership of Chailey Commons LNR

<i>Common Parcel</i>	<i>Ownership</i>
Romany Ridge	Single owner
Pound	Shared ownership
Memorial	Single owner
Red House	Shared ownership
Lane End	Single owner

Under a scheme for the regulation of common or waste land under the Commons Act 1899, within the Parish of Chailey, North Common, Lane End Common and other common land in the Parish of Chailey is regulated, and the management vested in the Rural District Council of Chailey (since subsumed into Lewes District Council (LDC)). This scheme gives LDC certain rights and duties in relation to the management of the Common, including the making of byelaws.

Byelaws were made in 1952, and revised in 1997. These impose a fine on summary conviction for inter alia, taking vehicles (including bicycles) onto the Commons, or, without lawful authority, dumping litter, removing plants, timber, turves or gravel, lighting fires, using model aircraft, using firearms or camping on the Common.

Under an agreement dated April 1966, between the then owners of the land and East Sussex County Council and Chailey Rural District Council, it was agreed that the land would be managed as a Local Nature Reserve under the National Parks and Access to the Countryside Act 1949. This agreement provided for the study and preservation of the geology and wildlife of the nature reserve under a management committee with 10 members nominated by the two Councils, the Parish Council, the Commons Society and the Sussex Naturalists Trust (now the Wildlife Trust). The County and District Councils make such contributions as they regard as appropriate towards the costs of management.

The Management Committee and those authorised by them have full rights of access for management and for work of a scientific nature.

Chailey Commons were notified as a Site of Special Scientific Interest (SSSI) in 1954, revised in 1966 and then renotified in 1966 and revised in 1990. The site was notified as a good example of the sub-Atlantic English heath habitat, with marsh gentian, pale heath violet, divided sedge and species uncommon in East Sussex, including bog asphodel, round-leaved sundew and heath spotted orchid. The notification also mentions the presence of silver studded blue, grayling, pearl-bordered fritillary and high brown fritillary butterflies.

Under the Environment Protection Act, the condition of SSSIs has to be monitored and English Nature (now Natural England) carried out a series of assessments of the units of the SSSI in October 2003 (except Lane End, in June 1999). These are summarised in Table 3. The monitoring is intended to assess the condition of the features for which the site is designated.

Table 3. Condition assessment of Chailey Common LNR

Unit No.	Name	Area (ha)	Condition	Comments
1	Red House-S	44.04	Unfavourable-no change	Lack of heathland structure Excessive birch, gorse, bracken
2	Red House-N	17.03	Favourable	Broadleaved woodland Non-intervention area
3	Memorial-Pt	17.43	Unfavourable-no change	Lack of vegetation diversity Excessive bracken birch, moor grass
4	Memorial-Pt	10.81	Favourable	Broadleaved woodland
5	Pound	31.56	Unfavourable-no change	Lack of heathland diversity Excessive bracken, birch, gorse
6	Godleys* Green	5.70	Favourable	Broadleaved Woodland
7	Romany Ridge	30.32	Unfavourable-recovering	Lack of heathland structure Excessive birch, bracken, gorse Being addressed by management
8	Lane End	13.99	Favourable	Management by cutting has resulted in regeneration of heathland

* Godleys Green is not included within the terms of reference of this report

The assessment notes that although management has been ongoing, in some units it has not been sufficient to address all the reasons for unfavourability. Generally, the areas of mature woodland have been assessed as in favourable condition, and with the exception of Lane End, the heathland areas as in unfavourable condition. The Government has set a target for 95% of SSSIs to be in favourable or unfavourable recovering condition by 2010. Under the

Countryside and Rights of Way Act 2000, Natural England has powers to formulate a management scheme to restore the interest features of a site, and where the owner or occupier is not giving effect to such a scheme, serve a management notice requiring the owner or occupier to carry out work on the land, or enter the land and carry out the work and recover the cost from the owner or occupier. There are a whole range of notice times, and appeal procedures within these provisions, and the most draconian provisions seem very unlikely to be invoked except in extreme circumstances.

Chailey Common LNR-existing financial background

The LNR has been entered into the Countryside Stewardship Scheme under which it receives the basic payment of £20 ha, or about £3700 pa towards management. Under the existing scheme there is also a possibility of contributions to identified management projects. In addition, The County Council and District Council make an annual contribution which essentially pays for the ranger service, but not for management.

History of recent consultations and decisions on fencing

Consideration was being given to the introduction of a grazing scheme on Chailey Common LNR in the late 1990's and a meeting to discuss the implications with members of the Chailey Commons Society took place in Nov. 2000. By March 2001, the possibility of grazing the LNR was being reported in the local press, and in May 2001, a grazing group was set up by the Management Committee, representing local interests to consider the introduction of a grazing scheme. This group distributed about 1,000 circulars, and received back some 250, of which 67% were not opposed to a scheme. The issue was discussed at a number of local fora during the summer and autumn of 2001, and North Chailey Residents Association held a meeting in September at which the proposals were presented and discussed.

In March and April 2002 some 1200 leaflets were distributed door-to-door, and many more distributed via local shops and services and handed out on the LNR. Maps of the proposals were displayed in the Village Hall and on the nature reserve from April. A drop-in-day meeting was held at the sports pavilion in July with 30-50 attendees and a 60%-40% majority against fencing. These activities had been covered in the local press and reported in local newsletters and magazines from about October 2001.

Objections began to surface in late summer 2002, and there was a spate of correspondence in the local press from those supporting and those opposing the proposal to fence the Common. During the summer of 2002, these objections culminated in the organisation of a petition against fencing the commons without having first held a public enquiry, and a petition in support of grazing and fencing, prepared during the summer of 2003.

Following advice from English Nature that a study detailing best practice for consultation over the fencing of common land had been commissioned, and was expected to report during 2004, The LNR Management Committee decided to hold back on an application to the Secretary of State. In the event, the report, 'A common purpose; A guide to agreeing management on common land', was not published until September 2005.

The Management Committee decided to revisit the consultations in the light of the earlier representations and perceived softening of views, and also decided to appoint outside consultants to take the matter forward as independent advisors.

Terms of reference for current project

Footprint Ecology was appointed in September 2006 to undertake the project with the following terms of reference:

To facilitate the reintroduction of extensive grazing to Chailey Commons Local Nature Reserve:

- Review methods of achieving the reintroduction of extensive grazing
- Seek relevant specialist advice
- Consult landowners, organisations, residents, users and any other parties with an interest in the reserve
- Build consensus on a way forward
- Facilitate the implementation of the preferred grazing regime.

The work is to be carried out in three phases:

1. Seek relevant specialist advice, review and outline methods of achieving the reintroduction of extensive grazing
2. Consultation, investigation and recommendation of the optimum method (or methods) for reintroducing extensive grazing
3. As appropriate, either draft an application to the secretary of State for consent to fence, or facilitate the implementation of a grazing regime that does not involve fencing requiring the secretary of State's consent.

This report marks the completion of Phase 1 and seeks to:

1. Summarise the practical, ecological, financial and legal considerations relevant to the introduction of a grazing scheme on Chailey Commons LNR
2. Review alternative methods of reintroducing extensive grazing with recommendations on a way forward
3. Make recommendations on further consultations to be undertaken as part of Phase 2
4. Produce a timetable for consultation
5. Make recommendations on other aspects of the scheme

6. Report on the advice sought and consultations to date

Why graze heathlands?

Effects of livestock presence on lowland heathland

Grazing has been reintroduced to a large number of UK lowland heathland sites in the last few years and there is now some research evaluating the success of grazing in achieving these aims (Byfield & Pearman, 1994; Bullock & Pakeman, 1997; Lake, 2002). There is also a significant body of work on the impacts of livestock activity on upland heathlands although much of this work assesses the impacts of grazing in an agricultural context.

In general, livestock activity on heathlands is shown to reduce vegetation cover and create an uneven aged mosaic in the dominant heathland species. Succession can be slowed or changed, generally, with heavier grazing through a shift from heathers to grasses and the inhibition of scrub growth. The creation of bare ground can lead to an increase in leaching of soluble nutrients and help maintain the low nutrient levels characteristic of heaths although dunging may lead to local enrichment. These processes may be expressed differently across the spectrum of heathland vegetation types from dry through humid and wet heath to valley mire.

Impacts of livestock presence on dry heath communities

Studies on grazing dry heaths are mainly from the uplands, where changes in heather cover and structure through grazing are shown to depend on grazing intensity. Heather cover, height and biomass decline with heavy livestock presence, but increased under lighter grazing (Welch, 1984). Structural diversity may be maximised by light grazing which may stimulate young growth while not adversely affecting mature or degenerate plants. Absence of grazing may eventually lead to heather degeneration. *Erica* spp. tend to be grazed only lightly or avoided altogether. In general, intermediate grazing is likely to favour *Erica* spp. in a mixed sward, while heavier grazing will decrease both *Erica* spp. and *Calluna*.

Grazing also affects the relative proportions of dwarf shrubs (heather and *Erica* spp.) and grasses in heathland swards. Generally, light grazing leads to an increase in dwarf shrub cover and heavy grazing leads to the replacement of heather with grassland species (Hartley, 1997; Alonso *et al.* 2001). In the uplands Welch (1984) found that light grazing favoured small increases in the cover of heathers and lichens. Heavy grazing favoured grasses and herbs, while mosses showed variable responses. Once grassland areas become established

within heathland, grazing may further encourage their expansion, as dwarf shrub species are more vulnerable to trampling and heavy grazing than grasses. The increase in grasses and herbs in heath vegetation is also facilitated by seed dispersal in dung, and on animals' coats and in hooves. No work has been carried out on how long species introduced in dung persist in heath communities. However, on dry lowland heathlands where there are heathland/grassland mosaics, such as the New Forest, grassland communities are often of considerable nature conservation interest in their own right (Sanderson, 1998). Characteristic heathland species have been shown to form large and long-lived seed banks. These seed banks may be exposed by livestock trampling

Given that dry heath communities are botanically intrinsically species poor (Rodwell, 1991), the main beneficial impacts of intermediate grazing pressures are to increase structural diversity with benefits for animal communities (Lake, Bullock & Hartley, 2001).

Impacts of livestock presence on wet heath communities

A decrease in plant richness in wet heath and valley mires has been correlated with an increase in *Molinia caerulea* (purple moor grass) cover following cessation of grazing (and vice versa) over time scales varying between three and 40 years in Pembrokeshire, the New Forest and Dorset (Clarke, 1988; Evans, 1989; Byfield & Pearman, 1994; Chatters, 1996; Cox, 1998; Lake, 2002). For example, Cox (1998) and Lake (2002) showed an increase in characteristic mire species such as bog asphodel *Narthecium ossifragum*, oblong-leaved sundew *Drosera intermedia*, round-leaved sundew *Drosera rotundifolia*, cotton grass *Eriophorum angustifolium* and some *Sphagnum* species, together with a decrease in purple moor grass and dwarf gorse *Ulex minor*, after three years of moderate grazing. This is corroborated by Clarke (1988) and Sanderson (1994), where higher diversity in grazed areas was seen in the bryophyte and sedge groups, together with herbs. There are, however, drawbacks to the methodologies used in the Clarke and Cox work, most notably a lack of replication between monitored plots.

An increase in structural diversity has also been recorded following livestock grazing and trampling. Lake (2002) found that cattle grazing increased the structural diversity of both wet heath and valley mire swards, and increased the amount of micro-topographical relief, providing opportunities for characteristic wet heath and valley mire species.

Impacts of invasive plant species

On wetter lowland heathlands with little or no disturbance, dominance of purple moor-grass leads to a reduction in species and structural diversity and can be problematic for conservation managers. Grazing is generally considered an appropriate tool to reduce purple moor-grass cover (e.g. Diemont & de Smidt, 1987; Edwards, 1985 and Tubbs, 1986). The work on wet heath communities

discussed generally showed declines in the abundance of purple moor-grass after grazing. This is supported by observational information from 11 site managers interview by Lake, Bullock and Hartley (2001) who all considered that purple moor grass was being controlled through grazing on their sites. In the uplands, there has been some work carried out on the amount of grazing required to reduce purple moor-grass.

Studies in the uplands have shown that Scots pine *Pinus sylvestris*, birch *Betula* spp. and juniper *Juniperus communis* regeneration can be controlled by high grazing intensities (Miles, 1979), and that upland heath may succeed to woodland if grazing is excluded (French *et al.*, 1997). Similar studies in the lowlands are few. Circumstantial evidence suggests that heavy grazing may inhibit the growth of scrub and trees on lowland heaths (Marrs *et al.*, 1986, Tubbs, 1991; Tubbs, 1997). However, Bokdam & Gleichman (2000) found that medium-intensity cattle grazing and sheep and goat grazing were found insufficient to maintain open heath landscapes in Holland and northern Spain respectively (Bokdam & Gleichman, 2000; Bartolomé *et al.*, 2000). Grazing livestock will have some effect in removing or reducing the size of tree seedlings (Bakker *et al.*, 1983; Pratt *et al.*, 1986) and have been reported to open up areas of scrub by pushing through it and eating growing tips (Read & Williams, 1997; J. Brooks, H. Garlik, R. Ekins, pers. comm.). Tubbs (1991) noted that pony browsing in the New Forest can kill gorse *Ulex europaeus* regeneration following burning. Livestock species and breeds that are predominantly browsers may have more of an impact (Oates & Bullock, 1997). Goats and Hebridean sheep are considered to have significantly reduced extant scrub and/or controlled regeneration on a number of lowland heathland sites (R. McGibbon, C. Fitzgerald, pers. comm.) Livestock ability to control or reduce scrub invasion appears strongly influenced by livestock type, in addition to grazing pressure and the vegetational composition of the site. The ability of livestock to control areas of recently cut scrub may differ from their effect on more mature, uncut trees and shrubs.

Summary

Grazing management of lowland heathlands for nature conservation is generally aimed at maintaining open dwarf shrub vegetation with a high diversity of heath species while helping to control scrub and other unwanted species (Bullock & Pakeman, 1997).

In summary:

- At intermediate stocking densities, grazing is likely to produce maximum species and structural diversity on all heathland vegetation types.

- High and low extremes can both lead to an increase in grass cover and a reduction in dwarf shrub cover; low density will generally allow an increase in scrub cover.
- Livestock presence can control and reduce invasive purple moor grass but will not necessarily control scrub and tree species without additional management.
- The impacts of livestock presence on lowland heathland vegetation will vary according to stocking density, livestock type, grazing season, vegetation start point, site characteristics and climate (see Lake, Bullock & Hartley 2001 for a review).

Note: For ease of reading, only the most important references have been included in this section, but a full reference list is appended at the end of the report.

Grazing at Chailey Common LNR

The findings of this review of grazing on heathland and heather covered upland have a number of conclusions which are especially relevant to the spread of purple moor grass and scrub across the LNR.

Purple moor grass is a persistent grass of wet ground where the ground water is usually moving rather than stagnant, and relatively well oxygenated. It is a deciduous grass, forming a dense mass of dead vegetation in winter, and can grow either as tussocks or as scattered shoots growing up through other vegetation. Both forms occur on Chailey Commons LNR, but generally it forms a tussocky sward on ground which is waterlogged in winter and surface dry in summer. This is the normal habitat of wet heath communities with cross-leaved heath, *Calluna* heather, plants of open wet ground such as sundews and marsh gentians, and some *Sphagnum* mosses. Where it is slightly wetter, a more permanent mire community can develop with larger *Sphagna* species and bog asphodel. Extensive grazing can reduce the purple moor grass cover, encourage the growth of heather and cross-leaved heath, and through both grazing and trampling, create bare ground for *Sphagna* and annual heathland plants such as sundews to colonise.

On dry heath, grazing, if set at an appropriate level, will favour heather over grass and help to control tree and shrub regeneration by grazing and trampling. However it will almost certainly be necessary to supplement grazing on dry heath with some additional scrub and bracken control. A number of the flower and invertebrate species for which Chailey Common LNR is particularly important are threatened, and although not the only management needed, extensive grazing is part of the immediate solution and long term answer to their conservation.

There are also a number of advantages in the suitability of the LNR as amenity and open land from the introduction of a grazing scheme. These include:

- A reduction in dead plant material from grazing and trampling will reduce the potential fuel loads in case of wild fires
- A reduction in the need for cutting rides and paths as sheep grazing will create short turf
- The opening out of areas of scrub and bracken through grazing and trampling, improving access for the public to greater areas of the LNR.

Thus, the suggested objectives in introducing a grazing scheme on the LNR are:

To contribute towards the enhancement and maintenance of a diverse heathland habitat by the introduction of sustainable long term grazing management, for the benefit of both the heathland flora and fauna and for the people who use and enjoy the amenities Chailey Commons LNR has to offer.

Other Management Options

The alternatives to grazing the Local Nature Reserve are to continue with the present management or to withdraw from management, the do-nothing option.

The present management has been very successful in keeping open and extending areas of dry and wet heath on the LNR, but with diminishing returns. This is because the larger the area which is restored, the larger the area which needs to be maintained every year and the limit to maintenance given existing levels of resources seems to have been reached. Furthermore, although much of the management has been beneficial, the existing management has not succeeded in reducing the distribution of either bracken or purple moor grass to any extent, and any break in the management of existing areas will see a rapid return to dominance by these two species. Moreover, far from anticipating an increase in resources, the closing of the existing funding scheme (see later) will mean a decrease in the current low level of maintenance funds currently available within a few years.

Should the County or District Council decide to withdraw from funding the existing ranger service, (and there are always enormous pressures on Local Government budgets), there could be problems in finding alternative funding for future management, but at the end of the day, this is likely to fall on the local community in one way or another. A likely scenario in the short and medium term in this event might be a low level of maintenance to keep open the paths and some management for threatened species through local efforts.

Under either of these options, there is likely to be a continuing decline in the heathland and its associated wildlife, extinction of some of the threatened

heathland species and further degradation of the LNR as an amenity for local communities.

Stock control options

There are a number of options for stock management on the LNR. These have not been costed, but where cost is likely to be a major factor it has been noted.

1. No fences-shepherding
2. No fences-tethering
3. Full perimeter electric fencing-all commons
4. Temporary electric fenced exclosures
5. Full permanent perimeter fencing
6. Full perimeter fencing some commons
7. Combinations of above
8. Cattle grids on public roads

Shepherding

Shepherding systems are used on lowland heaths in Holland and Germany, but no scheme could be found in the lowlands of the UK. A scheme operated by the Nottinghamshire Wildlife Trust, with a Dutch shepherdess, runs sheep on fenced commons and other sites. The continental sites grazed by shepherds tend to be large (4000ha+) and to consist of a mixture of heathland, grassland and arable. The sheep are taken onto the heaths by a shepherd, who stays with them all day and controls them with trained dogs. Dogs are usually large Turkish or Caucasian shepherd dogs, used in their native lands to guard against wolves and bears. The shepherds use them as they are intelligent, can be well trained, and can guard against other dogs chasing sheep. In the late afternoon the sheep are taken off the heath and folded for the night into a barn. This system operates for 365 days pa, except during lambing in early spring. At this time, the sheep are kept off the heath from the first lamb through to about three weeks after the last lamb, when they return to the heaths. During this time they are kept on lay-back grassland. The shepherds and their flock are an attraction to both the local people and tourists, but tend to operate in areas where the numbers of other users are low, where dog walkers have to keep their dogs on leads by law, and where there are very large open spaces. Each shepherd looks after a flock of about 400 ewes, with 50 wethers, 6-8 rams and 350 lambs.

The advantages and disadvantages of shepherding on the LNR would be:

Advantages.

- No need for fencing-a saving on capital costs

- Control of sheep allows direction of grazing to greatest conservation benefit
- Seen as traditional land use by members of the public
- Provides local employment
- There would be someone on-site all the time, able to talk to other commons users and explain the benefits of grazing for biodiversity

Disadvantages:

- This type of system only works with sheep or goats, not cattle or ponies
- The best sheep for conservation grazing such as Hebridean are not the best for this system, as primitive breeds tend to scatter when alarmed, unlike continental sheep which tend to bunch
- This system works best on large sites where dog walkers have to keep their dogs on leads. On a small site with nearby roads, with loose dogs, where there is a risk of the flock suddenly meeting a strange dog, sheep can panic and run into traffic
- There would be a need to employ one full-time and one part time shepherd. Shepherding skills have been largely lost in the UK so recruiting the right staff would pose difficulties.
- There would be a need for layback land for lambing, keeping sick animals, winter feeding off the heath etc. A building for lambing and winter folding would also be desirable.
- Because the shepherded flock could only be grazed on one of the five commons sites at a time, if a flock of sufficient size to support a full time shepherd was used, moves between the five commons would need to be frequent (every few days in some cases) to prevent overgrazing.
- The animals could not be moved to the more distant commons on foot, so a land rover and trailer (or stock lorry to avoid multiple journeys) would need to be provided.

It is concluded that although this is an attractive option in the right circumstances (large open sites with few roads) the practical problems of using a shepherding system to graze Chailey Commons LNR, particularly those associated with the safety of animals and traffic on adjoining roads to the small areas of nature reserve, together with the limitation of this system to sheep only, would make this solution untenable.

Tethering

Tethering involves attaching an animal, usually with a head halter to a 6m rope which is tied to a peg driven into the ground. Each animal so tethered must have enough food, water and shelter and be within sight and sound of other animals. Animals must be inspected at least twice a day, and more frequently during cold, windy or hot weather. They should be brought in when the weather is very bad. If tethered on grass, they must be moved every day to fresh forage. Tethering is not suitable on wet ground, for sheep or goats (as they could be worried by dogs) or for young cattle (under 6 months), and tethered animals would be vulnerable

to wild fires. Tethered horses must be inspected four times a day, must not be tethered overnight, nor in places where free ranging horses are also present. These conditions are recommended in a number of codes of practice, and tethering is not normally recommended for conservation grazing by the Grazing Animals Project (GAP) on welfare grounds.

Given these welfare concerns, the extremely onerous requirements in terms of manpower and time, the difficulties of obtaining a balanced grazing regime rather than intensively grazed circles it is not considered to be a practical option on Chailey Commons LNR.

Full perimeter electric fencing

Electric fenced exclosures around the boundary of each common would need flexi-netting for sheep, and batteries or solar panels would have to be installed and regularly changed or checked. Sheep electric flexi-netting could be unsightly, and would have to be kept clear of vegetation and remain in the open. It could cause problems for animals (both sheep and wild animals such as deer) which got caught up in it. This would need regular (for sheep, twice daily) checking. Apart from this, there could also be problems as vegetation would need to be cleared regularly over many kilometers, there would need to be health and safety notices at regular intervals, special arrangements for access would need to be made at each entrance and path, and the system could easily be damaged, turned off, broken or stolen. By its very nature, electric fencing, though easily repairable, is temporary and would be likely to have only a short life. If only parts of the common internally were to be electric fenced, this could engender a greater level of opposition than perimeter fencing. Any fencing, whether permanent or temporary would require the approval of the secretary of State. The conclusion is that electric fencing around the commons would be labour intensive, could cause health and safety problems for people and animals and would have no advantages over more permanent fencing.

Temporary electric fenced exclosures

Electric fenced exclosures have been used to graze sheep on the common. Fenced exclosures have the advantages that they can be placed in the most beneficial location and grazing density can be precisely managed. However, they have to be moved at regular intervals, are far less stockproof than conventional fencing when used on rough ground and are impractical around large areas. Temporary water supplies have to be provided. As stock are confined in small areas they are more vulnerable to dogs or fire, and such exclosures are best placed some distance from roads which introduces limitations on their value, where conservation sites needing this type of grazing regime are next to roads. In addition, they require constant attention to prevent shorting out by tall vegetation, or have to be placed on a pre-mown strip every time they are moved. Inevitably, when fences are moved, the mown strip is left and becomes, temporarily at least, an unattractive landscape feature. However, where a tight grazing regime is

required on small areas, electric fencing is a viable option for conservation management as has been demonstrated in the past.

Full permanent perimeter fencing

This option is expensive and requires a major, capital intensive input at the start. To install a permanent fence, a vegetation strip would have to be cut, including the removal of some trees, cattle grids installed on open access points for vehicles, and a considerable number of gates installed. However, once in place, little maintenance would be required and the fence should last for at least 15 years, and the gates and grids rather longer.

In most places, the fence would be rapidly concealed by vegetation, but would, in any case, be consistent with existing fenced fields in the landscape. A permanent fence around the perimeter of the commons would allow natural extensive grazing, with animals having choices about where to feed, lie up or seek shelter or shade, but would not facilitate more controlled grazing of particular areas for species or community conservation. Care will need to be taken to prevent deer getting caught up in the fences, particularly with sheep netting and wire, and deer jumps will need to be made at regular crossing points. Allowance will also need to be made for badgers, which may involve badger gates in some places. Special arrangements will also be required for horse riders at entrances. Permanent fences are likely to engender more public opposition than other solutions and will require the approval of the Secretary of State.

If finance is available for installation, permanent fencing is likely to be the best option for facilitating extensive grazing on the LNR.

Full perimeter fencing on some commons

The issue here is whether all the five parcels of land that make up the commons should be grazed, and therefore, if permanent fencing is the option chosen, fenced. All five parcels have areas of dry and wet heath, both of which would benefit from grazing.

All parcels except Lane End Common have recorded Marsh gentian and, all but Pound and Lane End Commons, bog asphodel. Other species including round-leaved sundew, marsh violet and notable invertebrate species have a more restricted distribution, but all may be present either in the seed bank or unrecorded on other areas. Silver-studded blues have been recorded on Romany Ridge, Memorial and Pound Commons. Important areas for Molluscs have been recorded on all five parcels with a red data book species found on Romany Ridge and Lane End Commons. It is not clear how recording effort for each group has been distributed across each parcel, but there seems to have been more recording done on the southern commons. The distribution of habitats across all commons strongly suggests that they would all benefit from grazing management, with the distribution of species suggesting the priorities in terms of timing. Thus it is not recommended that any of the commons remain outside an

application for fencing, but that some commons should be fenced to expedite extensive grazing before others (see below).

Combinations of the above

There seems little advantage in a perimeter fence which is partly permanent and partly temporary (electric), but there may be circumstances where this might be desirable, for example, where it was necessary to take down part of the fence for access to a local event. If a case was put forward which justified this approach, as the Secretary of State's consent would be needed in any event for the fencing, it could be possible to accommodate such an arrangement. It might also be desirable for conservation reasons to graze small areas more intensively, at least in the short term, so temporary enclosures may still be advantageous, but a permanent fence would remove the problems of escaping stock onto the roads and allow smaller enclosures next to roads, using a permanent perimeter fence for one side. Shepherding would remain an option with fencing, but would be dependant on an approach from someone wishing to carry out this type of stock management, which seems unlikely unless linked to a larger scheme, if one was instituted, say at Ashdown Forest. At present this remains hypothetical. It is difficult to foresee any circumstances under which tethering would be an option.

Cattle grids

In order to institute an extensive grazing scheme it is highly desirable to have as large an area of continuous grazing as possible. Ideally this would link up all five parcels of the Chailey Commons LNR in a single scheme. This is not possible however with Lane End Common being some distance from the other commons, and Red House Common separated from the other commons by a fast main road. An underpass on the A 272, would, it is advised, cost in the region of £100K. This leaves the three southern commons, and discussions have taken place with the officers of the County Council Transport and Environment Department on the possibility of grids on Beggars Wood Road and the lane to Wivelsfield. The decision on whether to consent cattle grids is understood to lie entirely with the Transport Department of the County Council, and they are currently carrying out a health and safety audit and we await their response. It is worth noting in this context, that at Ashdown Forest some 22 sheep and one cow were killed on the gridded section of the road last year. Even with vegetation clearance, visibility along Beggars Wood Road would be poor due to earth banks and bends, and consent would be needed from an adjoining landowner for the siting of one of the grids. The cost of grids on the public roads has been estimated at about £20 K each.

Conclusions

The conclusion of this review is that permanent fencing, though expensive, is likely to offer the most practical solution for containing and managing stock under

an extensive grazing scheme for the LNR. The continuation of some temporary electric fencing for specific conservation reasons may also be desirable. Ideally, all the components of the LNR would be joined to allow for an extensive grazing scheme over the whole area. However, due to the distance between Lane End and the other components, and the costs of bridging or tunneling under the A272, this is not an option. If cattle grids were agreed, then Romany Ridge/Pound and possibly Memorial could be fenced in one operation. A decision on whether cattle grids are possible on any of the public roads is being obtained from the Highways Authority. For practical and financial reasons an application to the Secretary of State should include fencing on all the five main parcels of land which make up the Common, but this does not necessarily mean that they all have to be erected at the same time. In fact there could be some advantages to erecting fences in stages, in order to familiarize the public to free ranging, grazing stock on limited parts of the LNR, and to allow the Management Committee and Rangers to evaluate and deal with any unanticipated problems. Were the different parcels of the LNR to be fenced sequentially, then it is recommended that this is done as Romany Ridge>Pound>Memorial>Red House>Lane End Common. This sequence would enable grazing to benefit the threatened butterflies and flora as early as possible.. Once agreed, the line of each fence would have to be walked, and advice taken from the Forestry Commission as to whether a felling licence would be needed for tree removal. As well as fencing, a grazing scheme on the common would require handling facilities on each parcel (a simple pen for loading/unloading stock together with a movable crush and race for isolating or treating sick or injured animals would be sufficient) together with water troughs from a permanent water supply. A water bowser would also be useful.

Stocking rates

Lake (2001) gives examples of historic grazing densities on heathland (for agricultural not conservation objectives) of 2.3 sheep ha⁻¹ on dry heath at Lakenheath Warren in Suffolk, 1.3 sheep ha⁻¹ on the (dry heath) Suffolk Sandlings and 0.11 cattle and 0.18 ponies ha⁻¹ in the New Forest. English Nature (2005) recommends a stocking rate of between 0.125-0.5 cattle ha⁻¹, or 0.08- 0.2 ponies ha⁻¹ or 0.5-5.0 ewes ha⁻¹ on lowland heathland.

The objectives at Chailey Common LNR will be to control *Molinia* and prevent or retard colonisation by, mainly, birch, whilst increasing the existing frequency and cover of heather. It is difficult to arrive at a specified grazing formula which will achieve this, as:

- There are differences between and within parts of the LNR in the age and extent of the dwarf shrub vegetation
- Comparable figures with measured results are difficult to obtain
- The results from grazing by one individual animal (or even breed, Newborn et al 1992), may not be the same as another

- Results from experiments in the uplands may not be applicable to the lowlands

Based on the above figures:

- A density of 0.20 Grazing Livestock Units ha^{-1} (GLU-see below) could stabilise purple moor grass but might not be high enough to reduce it or to control birch regeneration.
- The possibility of wildfires on the site will to some extent control tree encroachment, so tree regeneration after fire might require a lower level of grazing for control than is suggested by the figures from Miller et al (1982)
- At above 0.4 LU ha^{-1} , grazing pressure would be likely to damage heather
- Grazing pressure will not be even across the site, as animals concentrate on better forage, notably the grasslands throughout the year and the wetlands in spring and summer

Stocking rates are usually expressed as a Grazing Livestock Unit (GLU) which equals an adult cow. A lowland ewe and lamb is the equivalent of 0.15 GLU and a pony, 0.6 GLU

Based on the above considerations it is suggested therefore that an initial stocking rate of 0.25-0.4 LU ha^{-1} should be put in place, averaged across the site. This accords with the recommended grazing density for Chailey Common LNR put forward in the existing Countryside Stewardship Scheme of 0.3 LU ha^{-1} at any time between March-Dec. These figures are intended as very approximate guidelines rather than exact prescriptions. Undertakings have already been given that not all the commons would be grazed at any one time, and it is therefore anticipated that three of the five parcels (or two of the four if Romany Ridge and Pound are grazed together with a gridded road) would be grazed at a time. Grazing should be carefully recorded as LU/ ha^{-1} /day and it is anticipated that an overall period of approximately four months grazing will be needed on each parcel of land per annum. Experience will dictate the precise levels and grazing periods to achieve objectives.

What stock?

Advice will need to be sought as to the availability and breed of stock best suited to the conditions at Chailey. The ideal grazing regime at Chailey would almost certainly involve more than one type of animal with sheep and cattle and possibly ponies.

The GAP Breed profile handbook gives the reasons for this as:

“There are difficulties here for nature conservationists in that many of the ‘problematic’ elements of the vegetation, such as scrub, some coarse grass and ruderal herbs, which conservationists seek to control, are selectively avoided by many grazing animals. Worse, in the absence of control, and where the more palatable herbs and grasses are heavily grazed, many of the less desirable vegetation elements will readily increase. A good example here is provided by

sheep-grazed Tor-grass swards; in the majority of such situations the sheep heavily graze the finer grasses but avoid the Tor-grass, and thus provide this coarse grass with ideal conditions for expansion.

One of the main challenges for nature conservation grazing is how to overcome selective feeding. Combined use of more than one species (eg. cattle with sheep) is frequently practised in agriculture but less so on nature conservation sites. This is an area worthy of review and development. Obviously, factors such as the timing and intensity of stock grazing are vital, as is the 'type' of stock used, especially when animal welfare factors are, correctly, taken into account".

Apart from the species, it is important to obtain stock which are used to grazing on rough vegetation and are of the right age and temperament. The precise breed is less important although the choice will be limited to certain breeds, and may additionally be constrained by local availability. It is possible that if a particular breed is found to do well on a certain site, local graziers are then prepared to build up a herd of that breed. In these circumstances they are likely to require some guarantee of continuity.

A decision will need to be made at an early stage as to the type and approximate numbers of stock required so that these can be sourced either via a local grazier or directly. Depending on the demand for grazing, it is possible that the Management Committee will need to acquire stock and find a stockperson to look after them, or find a local grazier to put their own stock on site. In either case a payment will probably be required.

Is grazing the simple answer?

Grazing and trampling will help to control scrub, maintain and increase the areas of wet and dry heathland, reduce purple moor grass dominance and create niches for specialist plants and invertebrates. Grazing will not control taller and denser areas of trees and scrub, and will play only a part in the control of bracken. Scrub cutting will need to continue, but once scrub has been cut, grazing will help to control re-growth, reducing future reliance on mechanical control. Controlled fire should also be considered as a management tool in some circumstances, and here too, grazing should form part of the subsequent maintenance. Fire is not a suitable management for bracken and cutting, bruising and spraying are the usual methods of reduction and control. Cattle and to a lesser extent ponies would help by trampling growing fronds, but they will not control dense beds of bracken. Cutting and bruising will weaken bracken and reduce frond height but increase frond density. The best treatment for large beds of bracken is spraying followed later by grazing.

Financial Considerations

The Countryside Stewardship Scheme, under which management is currently carried out on the LNR, has now been ended for new applications and has been replaced by the Environmental Stewardship Scheme. The current scheme pays a basic £20/ha for maintenance management which includes mowing, path clearance, current grazing and bracken mowing, and extends to about £4000 p.a. Scrub clearance and scrapes can be given additional funding as one off capital items.

Environmental Stewardship (ES) has two levels of payments, an entry level, which is obtainable by right and offers basic payments, and a higher level, which is competitive and offers more generous payments. Unfortunately, applications for Environmental Stewardship payments for heathland can only be made for the higher level scheme. However, under this scheme, payments may be made for restoration of heathland from neglected sites at the rate of £200/ha, together with annual maintenance payments of £200/ha. Under this scheme payments can also be made for capital items including fencing, bridle gates, kissing gates, badger gates, cattle grids, water supply and water troughs and livestock handling facilities. Additional capital payments are also available for scrub clearance, mechanical and chemical bracken control, pond restoration and protection of archaeological and historical features.

Currently the ES scheme is the only major scheme offering general grant aid for conservation land management, although it is always open to land managers to put up imaginative proposals for one off costs to European funding schemes, or funding bodies such as National Lottery or the Aggregates Levy. The Government agency now responsible for the Higher Level Scheme is Natural England, and high priority will be given to restoration and management of SSSI sites in unfavourable condition, especially heathland.

However, Natural England has confirmed that they are unlikely to approve an ES scheme on heathland which does not have a sustainable maintenance plan, and that in practice, this would include grazing. Thus at Chailey Commons LNR, the position seems to be that there would be a good chance of making a successful application for ES Higher Level funds, but only if a grazing scheme is introduced. A grazing scheme would not only attract funding for the fencing and associated works, but would unlock the means by which other management such as bracken cutting and scrub clearance could be funded. The ES scheme is usually available for an initial ten year period.

In addition to the Higher Level Scheme, the other source of funding directly for grazing animals is the single farm payment. It is not clear at present whether graziers on Chailey Common would necessarily be entitled to this payment or what the rate of payment would be.

Consultations

From the information available, it seems that the main grounds for objection to the earlier fencing proposal (and this summary makes no judgment on whether or not these were reasonable or justified) were as follows:

- That there was inadequate consultation
- That the necessity for fencing as an integral part of the proposals was not made clear from the start
- Concern for the welfare of any stock put out on the LNR
- The safety of fenced stock in the event of wildfire
- Interaction with dogs, both from the point of view of safety of stock and safety of dogs
- That fencing would restrict access
- Fences would be unsightly
- That the scheme had not been thought through in relation to maintenance costs and stocking
- That it will be necessary to change the Bye Laws
- Concerns about responsibility for damage by or to grazing animals
- That fencing inside the perimeter would decrease the area of the common and encourage encroachment

It is hoped that by addressing these concerns a consensus can be found on a way forward which will safeguard the rich and distinctive wildlife interest whilst safeguarding the amenities of Chailey Commons LNR for present and future generations of local people.

The way forward

Preparation

Before consultations begin, it will be necessary to agree in principle the installation of fencing, handling facilities, provision of water and any other works with the site owners. There may be a need to incorporate any agreements into a legal document, and if so, this process should begin as soon as possible. Consultation with the Statutory and other Authorities should be instituted, including the Planning Authority, Police and Fire Service. (The Highways Department are already being consulted).

Agreement on fence lines will also be needed early on, so that maps can be prepared for consultation and any legal agreements.

Consultees

The stakeholders with whom meaningful consultations need to take place are, (in no order of priority):

- The landowners

- The commoners
- The adjoining owners and tenants
- Users of the Common
- The Parish Council (as locally elected representation as well as landowner)
- Local and national conservation and amenity organisations
- Lewes District Council
- East Sussex County Council, (e.g. Transport, Archaeology)
- Natural England
- Other Statutory Bodies and services
- Other interested parties

The objective of any consultation is to provide information to all those who have an interest in the issue, to allow time and opportunity for them to express a view, to consider those views and where possible to take appropriate action. It is anticipated that the process of consultation will need to be detailed in any application to the Secretary of State. In the event that the Secretary of State decides to appoint an inspector and hold a public enquiry, and the County Council and Management Committee decide to take proposals forward through this route, then again, evidence of the full consultation process will need to be presented to the Inspector.

Providing information

It is proposed that this be done mainly through a leaflet (or with correspondence, a short background paper) with an accompanying letter direct to all those who:

- Wrote to the County Council or Management Committee about proposals to fence and graze the common
- Signed the petition against or for the proposed scheme
- Have any legal interest in the Common (Landowners, Commoners)
- Have been consulted in relation to fence lines or any other matter in relation to the grazing/fencing proposal

Leaflets should also be made available through local shops and post offices, via members of the Management Committee and if possible via members of the Parish Council and Chailey Commons Society. Leaflets should also be delivered to all properties which adjoin the LNR and should be pinned to notice boards in all surrounding villages. Any other opportunity needs to be taken to make surrounding inhabitants aware of the proposals (eg traveling library van, local garages, pubs). The existence of the proposal and leaflet should be advertised in local newsletters, bulletins and papers. The cost of leaflet production rapidly declines per copy as more copies are produced, so adequate numbers need to be printed for all the above purposes.

It is suggested that a small number of people (a Steering Group) be asked to organize and manage this operation, and that leaflet drafts are made available to a further group, including both known supporters and objectors for comment. The purpose of the leaflet will be to give a factual and objective account of the reasons behind the proposal to graze the LNR and the options for containing stock, with recommendations. Obtaining comments on a draft from all sides beforehand will avoid the criticism that the information given is biased or incomplete (or allow such criticism to be answered), and will provide strong evidence of impartiality in any application to the Secretary of State.

Time and opportunity to express a view

A letter should accompany the leaflet in any post or house delivery, and both the letter and leaflet should make it clear how those who wish to, can respond or make further enquiry. It should also be made clear what procedure will be followed for passing on all representations to the Secretary of State and at what point this will be done. Prior to the leaflet going out, a clear procedure for recording and answering all subsequent communications will need to be agreed and put in place.

Two drop in days are suggested, held in North and South Chailey (or other appropriate location), and at least two guided walks, and the times and dates of these should be included in the letter and leaflet. It should be made clear that the purpose of the drop in days is for those who are concerned to obtain further information and express views

All landowners, commoners and objectors or others representing interest groups, together with any others who it is felt would require a face to face meeting or who specifically ask for such a meeting, should be given the opportunity for this. If numbers are large, the possibility of a public meeting should not be ruled out. Adjoining landowners should be contacted separately, and if necessary met on site, to agree final fence lines, gates, grids etc.

The appropriate roles of Footprint Ecology, the ESCC Countryside Management and others in the consultation process will need to be decided. A clear timetable for consultation needs to be set and made clear to all consultees, and at the end of the consultation process, a summary of views collated. A decision will need to be made on feed-back from the consultation generally, but all consultees who have raised specific issues should be contacted to let them know whether the proposals have been modified accordingly. Following consultation, if a decision is made to go ahead with an application to the Secretary of State, whether amended or not, then this should be notified in the local press and on notice boards as before. At this point, local and regional organisations should be contacted and invited to send letters of support.

Application to the Secretary of State

It will be necessary, if an application is made, to honour the pledges already given and forward letters and petitions to the Secretary of State, unless earlier representations are changed or withdrawn by the consultees. Efforts will need to be made to address previously expressed adverse views if a fencing proposal is taken forward. It therefore seems possible (but by no means certain) that the Secretary of State will call a public enquiry.

During the case of *Ashbrook (on behalf of the Open Spaces Society) v Secretary of State for Environment, Food and Rural Affairs* in relation to Wisley Common, the head of DEFRA's common Land branch confirmed that DEFRA will hold an inquiry where there are complex issues, or where further information about proposals is needed, or when a significant number of objections have been received. The investigations and consultations recommended in this report will, it is hoped, deal with the complexities and information issues. Every effort will also be made to reduce the objections previously voiced. It is not known what is meant by the word significant in relation to the number of objectors, but likely that DEFRA will interpret this fairly liberally as they prefer to hold an enquiry only as a last resort. However, an enquiry cannot be ruled out. Therefore all the preparatory work for a fencing application needs to be undertaken *as though it was being done in preparation for an enquiry*. If consultations are carried out with this in mind, not only will it be possible to demonstrate to the Secretary of State that everything has been done that could have been done, making an inquiry less likely, but if, despite this, he decides to hold an inquiry, then much of the preparation will have been done, and the costs may be relatively modest, should it be decided to proceed nonetheless.

Other Issues

There are some other issues which may have a bearing on the background to introducing grazing at Chailey Common LNR and these are discussed here.

The Management Agreement

The Management Agreement for a local nature reserve was entered into in 1966 and provides for the management of Chailey Common for the study of, and research into, matters relating to the fauna and flora of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area, or for preserving flora, fauna or geological or physiographical features of special interest.

In other words, the aims are to study and preserve the wildlife. A glance at the aims and objectives in the management plan shows that the management has much wider aims today, 40 years later, including restoration and enhancement of

the nature conservation interest, promotion of amenity, and education objectives. At the next review, the attainment of favourable condition may also be included. The existing agreement has served the Common well down the years. Whilst the purposes set out in the agreement are the statutory ones, this does not preclude additional and wider aims being incorporated into an updated Agreement.

The Management Committee

The membership on the Management Committee was also set by the Management Agreement, and it may be an appropriate time to review whether that membership is still representative of the main stakeholders in the management of the LNR.

The Management Plan

It has become normal practice for some consultation on the contents of management plans to be undertaken with representatives of main stakeholders when plans are written and reviewed. It is not recommended that such consultation takes place on the present plan. However, if a grazing scheme were to go ahead on the LNR, then at that time, it would be sensible to review and amend the management plan to take account of the new circumstances, and to carry out some limited consultation on the amended plan.

The Byelaws

It may be desirable to reconsider the content of the byelaws if the LNR is grazed. However, it would be better to wait until grazing is in place and there is a demonstrable problem for which amended byelaws would be the remedy before taking this further. In fact it seems probable that no amendments will be needed and that any problems, eg vandalism, can be dealt with under other provisions, possibly more effectively.

Website

The Management Committee should consider setting up a website (probably simply as a set of pages within the East Sussex County Council website). Not only would a website be very useful as part of the consultation process, but it could also be used to consult or inform on other issues such as the management plan, changes in grazing practice or locations, information to the public on management happening on the ground, advising on information for volunteers and so on.

Recommendations

The biological records for the commons should be pulled together on a single electronic database, with the distribution noted under each of the five parcels of land that make up the LNR. This would allow the database to inform management, especially grazing management, which can be varied for each parcel. This should be done by or with the assistance of the Sussex Biodiversity Record Centre.

In order to investigate the practicalities of introducing grazing it is recommended:

- That a grazing scheme be set up on Chailey Commons LNR with wide consultations on alternatives including a perimeter fence around all five parcels of the Common
- That a group be set up to action another round of public consultations with each member having clearly defined roles
- That a new round of consultations be instituted based on personal letters, a leaflet, two drop-in days and other measures
- That following consultation, there is a clear feed-back mechanism to consultees to advise on the results of the consultation and the way forward
- That permission be obtained for any works (including possible fencing) with the freeholders of the land
- That a final decision on road cattle grids be obtained from ESCC Transport and Environment Department
- That, where necessary, meetings on site be held with all adjoining owners and occupiers to agree details of any gates, grids, fences, or other works which might eventually be proposed
- That the Forestry Commission be approached to obtain advice on the necessity for felling licences for any trees along any potential fence lines
- The Management Committee set up a website
- Instructions for any legal agreements with the site owners be given to the County Solicitor as soon as possible together with advice on the importance for these to be completed quickly
- GAP be consulted, if necessary with a site visit, to advise on suitable types and breeds of stock
- Following advice from GAP, any requirements for loading/unloading and animal handling facilities be decided upon which will need to be included in any application to the Secretary of State and receive consent from landowners
- An investigation be conducted with local graziers, starting as soon as possible, to ascertain:
 1. Whether they would be interested in grazing the common and on what terms
 2. Whether they have, or would be prepared to get, suitable animals for the site

- The availability and location of mains water around each common land parcel be investigated at the earliest opportunity and locations of troughs agreed with landowners
- When all the necessary facilities have been investigated and specified, competitive quotations need to be obtained and consultations held with Natural England and others over capital and maintenance grants
- An annual budget for grazing be prepared covering the next five years, to include estimates of annual maintenance of fences, gates, grids, stock handling facilities and any other structures associated with the grazing
- By the time any application is made to the Secretary of State, genuine expressions of interest from graziers have been obtained, who have, or can get, the right stock, an acceptable estimate for the cost of the work and a clear understanding of the source of funds to pay for the work, and the costs and a source of funds to pay for maintenance, at least for five-ten years.

Finally, it will be very important to co-ordinate all these activities. On the one hand, if a grazing scheme is to proceed, then some preparatory steps need to be taken as quickly as possible as the lead in time for, say legal agreements, felling licences, road works, etc. can take many months. On the other hand, the initiation of these processes could lead to the charge that a scheme has already been decided upon, and that the consultations are not genuine, a view already held by some over the earlier consultation.

Discussions and Consultations

Prior to this report, the following have so far been consulted:

Short presentations have been given and questions answered from
 The Chailey Commons LNR Management Committee
 The Committee of the Chailey Commons Society
 The Chailey Parish Council

Consultees and contacts:

Mr John Smith Chairman Chailey Commons LNR Management Committee
 Mr Christoffer Hewitt English Nature
 Miss Jane Mortimer -Natural England
 Dr. Louise Bardsley Natural England
 Mr Nick Squirre -Natural England
 Mr Jim Swanson Grazing Animals Project
 Dr Sophie Lake Grazing Animals Project
 Mr Chris Marrable Ashdown Forest Ranger Service
 Mr Richard Alum Ashdown Forest Ranger Service
 Ms Kate Ashbrook Open Spaces Society
 Mrs Sharon Davy Lewes District Councillor

Mr Charles Langtry-Nottinghamshire Wildlife Trust
Ms Sarah Chimbwandira-Surrey Wildlife Trust
Mr Chris Luff East Sussex County Council Transport & Environment Dept
Mr M. Evans Chailey Parish Council
Mr. Tony Ewell Chailey Parish Council
Mr. C Kniestedt Chailey Commoner
Mr. J Schlup North Chailey resident

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