

**Contested Common Land:
environmental governance, law and
sustainable land management c.1600-
2006**

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**Start Date: 1 February 2007, Duration:
36 months**

 Landscape &
Environment



The Common land of England and Wales is an important common resource with multiple (and often conflicting) land uses. It provides some of our most ecologically sensitive environments and landscapes; it is an important agricultural resource (especially in the uplands); and a recreational resource that provides public access to the countryside for walking and other recreational uses. This collaborative project will bring together historians from Lancaster University with expertise in manorial court archival research, and environmental lawyers in Newcastle Law School, to examine the environmental governance of common land from an interdisciplinary, historical and contemporary perspective. Virtual reality imaging software is being developed by the Institute for Informatics at Newcastle University.

The project has two interdisciplinary foci; (i) an examination of the management of common land since the 17th century using historical methods of enquiry. This will examine the legal mechanisms for regulating land use and the principles applied to the governance of common land e.g. through the former manorial court system. And (ii) an examination of modern governance mechanisms and the emergence of sustainable land management as a discrete objective for the future of our Commons. Modern farming methods, intense recreational use and other land use pressures have resulted in the degradation of much common land. This has important policy implications for the delivery of nature conservation, recreational access and other land use priorities for our commons. The Commons Act 2006 will introduce a new legal framework for the governance of common land, aimed at improving the environmental governance of common land and improving the protection of both the biodiversity and landscape values of our commons. The Commons Act 2006 is based on a self-regulatory model. It introduces measures enabling commoners to establish statutory commons councils with legal powers to pass binding regulations to regulate agricultural activities, the management of vegetation and the exercise of common rights on each common. They will also have power to enter into binding agreements on behalf of their members with governmental agencies to promote sustainable management. The research project will place the sustainable management of Commons in historical perspective by using four case studies to illustrate the changing patterns of land use, differing management principles and regulatory mechanisms applied to common land from c.1600 to the modern day. These will be drawn from Commons in Cumbria, North Yorkshire, Norfolk and Powys. The research will marry archival evidence with qualitative data generated by semi-structured interviews with stakeholders in the four case study areas. Commoners, land managers, voluntary groups and the public agencies responsible for the governance of common land in each case study area, will be involved in the project through the process of qualitative data collection and through participation in seminars for stakeholders to be held in each case study area in the concluding phase of the research project. The project will conclude with an assessment of the impact of different models of self-regulation on the biodiversity and landscape values of the commons in each of the four case study areas, and for the effective implementation of the wider objectives of the Commons Act 2006. Virtual Reality imaging software will be used to illustrate the impacts on the biodiversity and landscape of each case study of different land management options for delivering sustainable management.