

[Search Help](#) [HANSARD 1803–2005](#) → [1950s](#) → [1959](#) → [February 1959](#) → [20 February 1959](#) → [Commons Sitting](#)

# COMMON LAND

*HC Deb 20 February 1959 vol 600 cc687-754* [687](#)

§ 11.5 a.m.

§ [Mr. E. C. Redhead](#) (Walthamstow, West)

I beg to move, “That this House welcomes the Report of the Royal Commission on Common Land and, subject to points of detail upon which further consultations may be deemed expedient, urges Her Majesty's Government to give early consideration to the recommendations of the Commission and to announce its intentions thereon.” Whatever differences and reservations there may be on points of detail, I am sure that no one who has read and studied the Report will be otherwise than deeply impressed with the extremely competent manner in which the members of the Royal Commission have discharged their very difficult task. It is not only a technical competence which is revealed by the Report, but an evident feeling and genuine concern for a very important subject, expressed in a colourful and imaginative way, which is very rarely to be found within the covers of a Royal Commission's report.

It is indeed refreshing to find within such a document that the draftsmen have broken away from the customary legalistic and prosaic language of official publications. The document brings together, probably for the first time, a wealth of invaluable information and historical record in a manner which captures and retains the interest of the reader throughout and, for full measure, unusual if not unique, illustrates its points with some very valuable photographic illustrations. The achievement of producing so eminently readable a publication and so enlightening a Report is all the more remarkable in view of the fact that, as the Commission itself records, the subject of its inquiry was “a very complex one involving difficult questions of law, history and land use.” The recommendations of the Commission were reached with complete [688](#) unanimity. In general, those recommendations have been greeted with warm approbation by the many diverse interests involved. This, too, is a remarkable feature of a problem of such potentially controversial a character which has been the subject of fierce struggle and contention for centuries. That degree of unanimity and general approval is such as I hope will encourage the Government to do something positive about it and not to allow this Report to suffer the fate of so many reports of Royal Commissions, of being pigeon-holed and forgotten.

The Report unfolds the long, fascinating and sometimes very sad story of the centuries of disputation, struggle, and, let me add, sometimes downright robbery in respect of common land and commoners' rights. It traces the history, with the aid of an invaluable Appendix contributed by a member of the Commission, Dr. Hoskins, from the early days, when such was the meagre population of these islands that there were vast acres of wasteland and untilled land with the unchallenged exercise of commoners' rights or practices, of pasture and grazing, of wood and fuel gathering, and of open public access.

The record is carried through to the days of increasing population, increasing pressure upon the land and of a growing land hunger; with the interludes provided by the manorial system and its decay, the temporary retreat from and neglect of the marginal lands following the Black Death on to the ever-increasing limitation of common rights and the steady encroachment upon common land, sometimes legal, sometimes otherwise, sometimes for laudable reasons but often with disastrous consequences; through to the days of industrialisation and the urbanisation of a very large percentage of our population and the creation of a great landless proletariat cut off from their heritage in their native land; the filching of common land from the people, though as Dr. Hoskins records in his appendix: "There can be little doubt that, originally common land was common property." And so the story goes on, noting in passing that from the 1830's there was a growing awareness of the social disadvantages of inclosure and a gathering momentum of public concern about the encroachment and an effort at protection and preservation pursued by individuals and amenity societies who, by the pressure they created, were to a large extent [689](#) responsible for the setting up of this Royal Commission, and deserve the tribute which is paid to them. It continues right down to the present day; with the added complications of modern conditions and circumstances.

Now, according to the Commission's findings, there remain only about 1½ million acres of reputed common land in England and Wales, or rather little more than 4 per cent. of the total acreage, to which the public has access, in a clear legal way to little more than 250,000 acres. But such are the complexities of many diverse legal traditions of use and practice, some of great antiquity and all with historical and legal obscurities, overlaid by specific limited statutes, that the very term "common land" has no precise meaning or universal legal definition; and many of the reputed commons and commoners' rights are of doubtful validity in law, and proper management and maintenance of common land is frustrated by obscurities of ownership leading to neglect and deterioration.

Above all, we are presented with a picture that the multiplicity of such common land defies any clear classification, although we may speak loosely of "amenity commons," "hill pastures," "upland commons," "woodland commons," etc. It would appear that no two commons present identical features, added to which are the problems associated with commons in or near the urban areas where the balance of varying public interest is somewhat different from that in the rural areas; and upon this is imposed the problems, which have been intensified during the last century by the development of the highways and motor traffic and the attendant limitation of the exercise of grazing rights because of the danger both to traffic and to animals, and the consequent deterioration of the land itself.

This, then, is the very complex problem with which the Royal Commission has had to grapple. What emerges from the detailed and painstaking examination which the Commission undertook is the very welcome and encouraging declaration in paragraph 404 of the Report: "... as the last reserve of uncommitted land in England and Wales, common land ought to be preserved in the public interest. The public interest embraces both the creation [690](#) of wider facilities for public access and an increase in the productivity of the land. Our recommendations are designed to carry out these principles." What the Commission proposes to give effect to that purpose is in its broadest aspect comprehensive and relatively simple of application to individual commons, greatly as they may vary among themselves. The Commission's proposals are, I feel, capable of effecting a reconciliation between the diverse interests in accordance with modern conditions and modern needs.

At the end of its Report the Commission summarises 70 major recommendations, and other suggestions are to be found in the body of the Report. It is not necessary that I should take time to examine all these recommendations in detail, even were I competent to comment on some of the highly legal technicalities which are involved. I would merely say in passing that there are extremely valuable and welcome

recommendations on specific topics, such as village greens and allotments; upon the proposed utilisation of the Public Trustee for the exercise of functions of ownership in particular circumstances; about those most frequent despoilers of the countryside, the Service Departments, to whom advice is given about their use of common land, and water undertakings.

I do not wish to dilate upon those recommendations, important and valuable though they are. Broadly, the Commission proposes that within a period of eight years all land claimed to be common land and claims to commoners' rights and ownership of such land shall be registered, with a further period of four years being allowed for the registration of objections to such claims, with machinery for determining disputes. Secondly, it is recommended that provision shall be made for the promotion of schemes for the improvement and management of common land. This is particularly to be welcomed when one sees evidence of so much neglect because of the obscurity which has hitherto overlaid the subject. Thirdly—and this, too, is most welcome and important—that public access should now be conferred as a legal right in respect of the common lands; subject to the safeguards against abuse and damage provided in the Second Schedule to the National [691 Parks Act](#) and Access to the [Countryside Act, 1949](#).

The effect of these proposals would be, first, clearly to establish and define the common land—that would be of tremendous advantage—secondly, similarly to put beyond doubt for the future the nature and extent of commoners' rights; thirdly, to make possible the ordered regulation, management, maintenance and good preservation of the common land; fourthly, to open up beyond challenge or dubiety public access to considerable areas of moorland, fenland and hillside country to which at present there is no clear legal entitlement.

In these propositions the Commission has displayed a liberal and constructive approach which, if followed by the implementation of its recommendations, will constitute a great landmark in the history of what is probably the most ancient of English institutions.

I wish to call attention to only a few points of detail upon which I have some degree of reservation. Other hon. Members with greater knowledge of the law than I have, or with knowledge of particular local circumstances, will doubtless call attention to others. First, as to registration, eight years may seem on the face of it an ample period in which to register claims, but bearing in mind the considerable obscurity which is associated with many common lands and the probable necessity of undertaking quite extensive research in order to establish evidence for such claims, I would submit that it might be worth while to consider some continuing provision for necessarily belated registrations.

Again, the Commission proposes that the local planning authorities, the county councils and the county boroughs, should be the commons registration authorities. I have some hesitation whether these authorities are really the best suited or equipped for a purpose of this kind, although I must confess that I similarly have some doubts about the alternative which I have heard canvassed, that this responsibility should be vested in the Ministry of Agriculture. That, however, I do feel is a matter for very careful consideration, and I hope that, whatever be the difficulties, an acceptable and efficient method will be found, having regard to the responsibilities which will rest [692](#) upon the registration authorities for this aspect of the proposals.

As to the schemes of improvement and management, while welcoming those recommendations in general and whilst appreciating that not all commons will require new formal schemes, the Report seems deficient to me in not providing for some central authority to take the initiative in those cases where those directly concerned, or the local planning authorities, fail to promote such a scheme, where it is demonstrably necessary to prevent a common from becoming derelict.

I would plead, too, for consideration to be given, in the promotion of schemes for improvement and management, to representation on the management authorities, and for consultation about such schemes, to the position of all those voluntary bodies, both local and national, which have done so much to protect and preserve the rights of the public in this respect. It would be not only a gesture of gratitude for their public-spirited work, particularly over the last century, but, I think, a prudent thing, to harness their knowledge and experience in making for the harmonious and effective working of the machinery which needs to be set up to carry out the recommendations of this Report.

I have one last point of detail, and I suppose that in this I ought, in a sense, to declare a personal interest. I reside on the edge of Epping Forest, one of the woodland commons to which the Royal Commission refers in its Report, a highly valued and attractive resort for public pleasure and enjoyment lying to the northeast of London, stretching through Leyton, Walthamstow, Wanstead, Woodford, Loughton, Buckhurst Hill, Chigwell and Epping.

The forest is owned and controlled, strangely enough, by the City of London Corporation. There exists in respect of the forest some ancient common rights of grazing exercised, as paragraph 17 of the Commission's Report records, to provide summer fattening for some 200 head of cattle annually. In fact, such cattle roam the forest throughout the greater part of the year, but their roamings are by no means confined to the forest alone. They all too frequently and persistently invade the highways, and some of the highways which intersect Epping Forest are extremely busy roads. This has given [693](#) rise to a number of accidents and near-accidents and has been the subject of very grave local anxiety. Moreover, these wandering cattle have created many complaints about their invasion of private property and damage to fences and hedges, of their trampling over and causing extensive damage to private gardens.

In this resides my personal interest. I have been a frequent sufferer myself, and like all the many aggrieved residents of that vicinity find myself with no real remedy or redress. I have, of course, written to my M.P. about it, the hon. Member for Walthamstow, East (Mr. J. Harvey), whom I am pleased to see in his place this morning and in whose constituency I reside, as indeed do my right hon. Friend the Member for Rochester and Chatham (Mr. Bottomley) and my hon. Friend the Member for Leyton (Mr. Sorensen). I know, therefore, that he has had scores of letters of complaint on this matter from many of his irate constituents, but so far his efforts have been as unavailing as have been the efforts of many individuals and of several local authorities who have been the recipients of numerous petitions from aggrieved people.

I hope, Mr. Speaker, that the hon. Member will be fortunate enough to catch your eye in this debate and will be able to elaborate this point. I shall certainly be gratified to have provided him with an opportunity to explore the matter further, with more success, I hope, than has so far attended his efforts upon this matter.

The City Corporation, unfortunately, has not been particularly helpful on this problem, claiming that the present state of the law precludes any remedy. This I feel to be an illustration of where the existence of commoners' rights in an urban area conflicts with the equally important public interest of many more people, motorists and householders and, I would add, reputable dairy farmers in the vicinity, who are very perturbed about the risks of the spread of disease by the wandering animals, which I should say from their appearance are for the most part a mangy collection of bullocks.

The solution offered by the Royal Commission to this problem is that local planning authorities should be empowered, apparently largely at their own expense, to provide roadside fencing. In this instance, whatever may be the value [694](#) of the suggestion in respect of other commons,

perhaps in rural areas, I really cannot believe, having regard to the appalling cost which would be involved, that it affords a practicable solution, quite apart from the limitations on ready public access to the Forest which would be involved in implementing such a proposition.

However, I do not want to end on a critical note on a point of detail in this Report, for nothing which is said about points of detail ought to be allowed to detract from the fact that this Royal Commission has performed a very fine service and done a very fine job.

It has, as I think, earned the commendation of the House and of the public. If its proposals in general are followed, as I earnestly hope they will be, by equally far-sighted and energetic action by the Government, I am sure that the result will be to the tremendous advantage, both of the rural communities and of the populations of the urban areas who seek respite from the overcrowded conditions, the dust and the dirt, the turmoil and the ugliness so often associated with the towns and go out in search of recreation of mind and body and refreshment of the spirit into the clean air, into (he beauty and the peace of what is left of England's green and pleasant land.

§ 11.30 a.m.

§ *Mr. John Harvey* (Walthamstow, East)

I beg to second the Motion.

I am glad that I have been able to catch your eye, Mr. Speaker, so soon after the hon. Member for Walthamstow, West (Mr. Redhead) suggested that I might usefully do so. I am certain that there are many of us from a variety of constituencies, and for a variety of reasons, who will be grateful to the hon. Member for the fact that he has given us an opportunity of discussing today this lengthy, important, historically fascinating and, in many ways, urgently interesting Report.

I should like to follow the hon. Member in paying a tribute to the members of the Royal Commission for the excellent work they have done, and particularly to the Secretary, with whom I was in quite voluminous correspondence at one time, for the understanding and sympathetic way he dealt with me. It was in 1955 that I first sought to raise, on behalf of [695](#) my constituents, the question of the damage done and the danger occasioned by cattle straying from Epping Forest into the streets and gardens of those whom I represent. It was in January, 1956, that the twenty-one-year old only son of two of my constituents was killed on the main A. 11 road when the motor cycle that he was driving hit one of these straying animals in the dark.

I have already been in some correspondence with the then Parliamentary Secretary to the Ministry of Agriculture before this tragedy. In reply to the telegram and letter which I sent when this unfortunate young man was killed, he suggested that the Royal Commission was an appropriate body to which I might usefully refer the whole problem. I hope, therefore, that the House will understand my reason for wishing to confine myself to the relatively narrow sector of the Report of most immediate interest to my constituents.

This is a matter which affects both the Walthamstow divisions, and it has brought me considerable correspondence from the Leyton, Woodford, Chigwell and Ongar and Epping divisions. Indeed, I found myself reminded as I drove past the Whipps Cross home of the hon. Member for Leyton (Mr. Sorensen) the other morning, in fog on an icy road, of the great chaos that can be caused when, on top of that, twelve or more of

these cattle wander about the road. Only this morning, as I drove to the House, I counted about twelve or fourteen of them in much the same spot alongside the road. While it is true that on this stretch of road there are now "Beware of cattle" signs, it is also true that a new sign has been put up within the last few days increasing the speed limit to 40 m.p.h.

Many as are the complaints I have received from road users, there are many more from householders. All local Members of Parliament have been approached at one time or another. I have details of a petition sent to the right hon. Member for Woodford (Sir W. Churchill) as long ago as 1950, and a petition sent to the Walthamstow Borough Council as recently as last summer. But always there is the same sort of answer from the Ministry, and there is always the same sort of answer when local authorities approach the City of London [696](#) Corporation. They always say that nothing can be done.

I have been away, suffering from influenza, all the week. When my doctor called yesterday, I told him that I simply had to be here today. He took out a pen and began to write, but it was not a prescription. He wrote: "...for years I have suffered from cattle straying in my front garden, damaging the lawn and flowerbeds and eating my wallflowers. This is the third year that I can remember having lost over twenty mature plants, among others." I hope that the House will bear with me while I mention other, and worse, examples.

The former Vicar of St. Peter's-in-the-Forest, Walthamstow wrote: "The cattle have frequently invaded the churchyard, tramping over graves and pulling up plants and flowers. This has brought me a number of complaints, both recently and over a number of years. During the last fortnight I have had to chase cattle out of the vicarage garden, comprising the space of an acre, where they have done a considerable amount of damage. On the last occasion I counted eleven head of cattle as I drove them out." The Reverend R. Crawford, of The Friary, Woodford Green, writes: "The cattle are constantly coming into our property destroying the plants and beds of flowers. More than this, they have got in recently and eaten all our vegetables which were growing in sufficient quantity to feed our community for several weeks." One of my constituents writes: "A herd of six cattle entered my neighbour's garden and broke the fencing, which was weak, into mine. I have a fairly large garden supplying a great deal of foodstuffs and fruit and this entails much hard work, but by the time the cattle had been driven out the garden was a shambles, almost everything had been eaten, destroyed or damaged." Another constituent writes: "I regret to have to complain again of cattle making a wreck of my garden early this morning. Unfortunately, I had a bad fall and badly hurt my left arm. My husband is a very bad heart case and is unable to do anything to help and I had to go out and clear mud, which was all over the front of the house, with pails of water. My husband is a retired teacher on a pre-war pension and he cannot afford to keep paying out for repairs for damage caused by cows." The Secretary of the Hale End Horticultural Society writes: "It has been brought to my notice that once again a great number of residents in the [697](#) Highams Park and Woodford Green area, including many of our society members, have been troubled by cows wandering about unattended. This problem has plagued these areas for several years but has recently become far more troublesome, the cattle wander in groups and invade front gardens, trampling upon plants and generally causing great inconvenience to householders." A local schoolmaster writes: "During the last year, about ten times, groups of straying cows came into our school grounds causing the following damage: although resown and replanted, time and time again, we lost about 70 per cent. of all our vegetables; seed beds and flower beds were trampled down and most of the flowers for summer—and spring—display were eaten or pulled out; 50 per cent. of the fruit trees in the newly established fruit garden were partly damaged; soft fruit bushes were broken and trampled down, onions, shallots from beds eaten; most of the 150 chrysanthemums, including new varieties were eaten or pulled out; nearly all seedlings in the nursery eaten, fences broken several times, pea and bean nets torn to pieces." I shall give one or two more examples and ask the House to remember that this is only a small selection of the dozens and dozens of complaints which I have received.

The owner of an off-licence, who subsequently had a petition drawn up in the district, wrote to me as follows: "They are constantly cluttering up the highway, they even leap walls and fences, causing endless damage and destruction. Here, at my address, we were very proud of our flowerbeds, filled with tulips and wallflowers almost ready to burst into flower and now the whole lot are a complete ruin, chewed up and trampled upon." The headmistress of an infants' school wrote: "On several occasions...six cows were found grazing on our front lawns well before 9 a.m. They remained, and moved round the two school buildings throughout the entire school sessions. No attempt to remove them was made by anyone. Their presence thoroughly disrupted the routine of my school, and it was extremely difficult to move them from the main gate, in order to allow the children freedom to enter and leave the building. At times, they were even found in the playground. I became extremely concerned, when several five year olds began to run home, because they were too frightened to enter the school on seeing the cows so close to the gates. Whereas my anxiety for the safety and wellbeing of the children in my care, are of course, my main concern. I feel I cannot overlook the damage to the school gardens. Several plants were eaten, rose trees trampled down in the nursery garden, and another tree was badly torn." [698](#) My last quotation comes from a letter written to me by our Housing Manager in Walthamstow: "I have been getting a number of complaints with regard to the cattle that roam about the town...I have had to take action in erecting fencing to one Council Estate in Greenway Avenue and I am now very concerned...(about)...the Hylands Estate in Forest Road, which premises are occupied principally by elderly people. These tenants, being elderly, find difficulty in getting the cattle away and back into the forest, and the elderly ladies in particular are frightened of the animals." I am grateful to hon. Members for having allowed me to quote those letters and, as I have said, they are only a small fraction of the total number I have received.

Paragraph 17 of the Report states: "Epping Forest, reaching into the heart of East London, has, under the control of its owners, the City of London Corporation, helped to provide summer fattening for some two hundred head of cattle annually." My constituents make no complaint of this. They share with others a love of Epping Forest. Indeed, many of them probably live there because they love the forest. They share the appreciation for the generous public interest that the City of London Corporation has shown in acquiring and in preserving this forest land for the people of London. My constituents appreciate the observation in page 109 of the Report that: "...grazing is the most suitable mowing machine for such an area." What they do not appreciate is the application of this type of mowing machine to their own gardens, their own plants and their own produce, and they are tired of people telling them that nothing can be done. When they write to him, our Town Clerk replies: "You will, I am sure, understand that the Council receive many complaints with regard to these cattle but regret that, as a Council, they are quite unable to take any action in the matter." The same Town Clerk writes to the City of London Corporation asking it to consider taking steps to secure the discontinuance of rights to pasture cattle in Epping Forest. He receives a reply from the Corporation quite rightly saying that the Corporation has no power to take steps to discontinue the grazing of [699](#) cattle. That reply of 16th July last had the following addition: "The Epping Forest Committee have also directed me to inform you they are not contemplating any action to vary the present position." That sounds very like saying to my constituents that the Epping Forest Committee is not in the least concerned about the problems facing these householders, not only in my constituency but in many others, in this respect. It seems to me that there is room for a closer understanding between the City of London Corporation and local authorities. As one anguished constituent wrote: "We need some common sense about commoners' rights!" It is not necessarily a question of seeking to extinguish any existing rights; it is a matter of recognising that, since the existing rights were given new rights have been acquired by many other people and have surely to be taken into consideration. We ought to strive for a compromise between the old rights and what clearly must be new ones.

It will not do to say to old people, "First catch your cow, then impound it, then, if you can, identify the marks upon it, and then you may be able

to sue somebody for the damage done to your property." As somebody said to me, "Supposing we try to catch one? Think of all the damage that will be done while we keep the thing there waiting for someone to come and take it away." It will not do to suggest that people must protect themselves against these animals, which is the implication sometimes given to me in the suggestion that it is up to people to keep their fencing in good order. Most of these people try to do so and, as I have already suggested from extracts from a number of letters, the animals do not worry too much about fencing, even when it is in good order. But there is another important point. The Report states specifically in paragraphs 388 and 389: "We have considered very carefully whether an obligation ought also to be placed on the owners or occupiers of adjoining land to fence their land 'against the common'...Even if our terms of reference permitted us to do so, we think it would be wrong for us to recommend that an obligation of this kind should be placed on the occupiers or owners of land abutting on a common. It would conflict with the accepted rule..."

[700](#) May I remind the House that many of the complaints of damage come not even from householders of land abutting Epping Forest, but from people who live quite some distance away, who are subject to the depredations of these animals as they wander from one patch of forest, through busy streets, to another.

There are large areas and large numbers of people affected, and they do not want any more excuses or evasions. They are good citizens and good ratepayers who happen to believe that they, too, have their rights. The sacred cow may be an institution in the streets of Calcutta but it is not equally venerated in the streets of Walthamstow or Woodford or Leyton, and these people look to this House to champion their rights. Therefore, I urge hon. Members and I commend to the Parliamentary Secretary that these people should not have to continue much longer to look here in vain.

§ 11.47 a.m.

§ [Mr. Arthur Creech Jones](#) (Wakefield)

I do not seek to follow the hon. Member for Walthamstow, East (Mr. J. Harvey) in his comments on certain aspects of the Report of the Royal Commission on Common Land, important as those aspects are. I want to give my general support to the broad recommendations of the Report, and to impress on the Government the importance of early action upon it. I thank my hon. Friend the Member for Walthamstow, West (Mr. Redhead) for introducing the subject of this debate. If I may say so, it was an excellent introduction, with a great sweep of history, and a recognition of the complexity of the problems confronting anyone responsible for legislation in the future.

I myself had the privilege of placing on the Statute Book twenty years ago a private Measure concerned with access to mountains, heathland, moorlands and foreshores. That Act, the [Access to Mountains Act](#) was not recognised as worthy of a Second Reading by this House until fifty years of hard struggle for it had passed. Therefore, I am closely interested in the recommendations of the Royal Commission, which asks that public access to all common land should now be conferred as a legal right.

I join my hon. Friend in congratulating the Royal Commission, Sir Ivor Jennings and his colleagues, on an extremely liberal and constructive Report. The Royal [701](#) Commission has put forward its views with astonishing clarity. The whole subject is one of very great complexity. As someone has said, common lands constitute the oldest surviving institution in this country. It is a subject encased in ancient rights, privileges and obligations. There is a great variety of practice in various parts of the country, and in our own history the subject has aroused great feeling because of the struggle for rights, over evictions and the extinction of commoners' enjoyments of profound importance to them. Yet these

remaining 1½ million acres in England and Wales represent a very considerable heritage to the British people.

At this point I should like to express—I know that many local authorities share this view—our great indebtedness to the late Sir Laurence Chubb and his colleagues of the Commons. Open Spaces and Footpaths Preservation Society. They have done a most valuable work, often in consultation with the Ministry of Agriculture, Fisheries and Food and other Government Departments. They have given sound advice to local authorities about some of the problems which have come to their notice, and in safeguarding common rights have done an extraordinarily important job.

I appreciate the remarkable appendices in the Report which have been written by Sir Ivor Jennings, Dr. Hoskins and Dr. Dudley Stamp relating to the law, extent and history of common lands. We are all aware that until now these lands have been in considerable danger, and they are still in danger. Encroachments may still be made and public access may still be denied. Areas have been fenced off for private use. The Armed Forces and the domestic services concerned with water and electricity make inroads on the commoners' rights. In addition, the needs of industry have to be considered. Buildings sometimes find a lodgment on these common lands. Therefore, it is vitally important that there should be some regulation, some systematisation of the whole problem, not only that access shall be available to the general public but that the right uses of the common land may be registered and properly safeguarded.

The recommendations of the Royal Commission embody three or four main propositions. First, they lay down the rights of the public and declare that [702](#) access should be properly safeguarded. We are all conscious of the vital importance of that, but while there should be safeguards, it is important that the maximum degree of access should be available to the public. Further, it is most desirable that the common lands should be registered, and methods and machinery whereby registration can be achieved are set out in the Report. After registration there should be established schemes of management.

I would agree with some of the smaller points of criticism made by my hon. Friend in regard to the constitution of the boards of management, the place of the Ministry of Agriculture and the local authorities in the machinery which is contemplated, the rights which should be enjoyed not only by the interests which are specified in the Report but by others in regard to the initiation of schemes of management, and also the degree of supervision by the Ministry of Agriculture itself so that reports may be available to show how the management committees are discharging their duties.

It is not my intention this morning to cover the wide range of the Report. I merely say that in broad principle, the whole House is happy about its recommendations respecting a frightfully complicated problem. I hope that the Government will bring in early legislation embodying the recommendations and that they will take very early action about the proposals which do not necessarily call for legislation.

My hon. Friend referred to paragraph 404 of the Report, which says: "We have come to the conclusion that, as the last reserve of uncommitted land in England and Wales, common land ought to be preserved in the public interest." That is the Royal Commission's broad conclusion. I hope that the Government will lose no time in bringing the whole problem under review in the light of the recommendations of the Report, that further deterioration, neglect and loss of common lands will be brought to an end and that these lands will be preserved and improved in the general interests of the British public.

§ 11.58 a.m.

§ *Sir Harold Webbe* (Cities of London and Westminster)

First, I should like to join in the thanks which have been [703](#) expressed to the hon. Member for Walthamstow, West (Mr. Redhead) for having introduced this subject. I congratulate him on the extremely lucid and complete way in which he dealt with what he rightly described as a very complex picture. I listened very carefully to all that he had to say, and I can say without any reservation whatever that I found nothing in it with which I would wish for a moment to disagree. He presented his case with great fairness, balance and reasonableness and with both understanding of and a real concern for the matters he was discussing.

We have also heard my hon. Friend the Member for Walthamstow, East (Mr. J. Harvey) talking about his "devastated areas." It is principally because of his speech that I ask the House to grant me a few moments' indulgence. I am very sorry that the hon. Member for Walthamstow, West has been so unlucky in his representations to my hon. Friend the Member for Walthamstow, East, and I hope that next time he will approach another hon. Member who, representing the City of London, has some concern for the conservation of Epping Forest.

My interest in Epping Forest goes back a long way further than my knowledge of the City of London, because over 50 years ago, as an inspector of schools in Essex, I visited village schools in what today have become large, heavily built-up towns, almost cities. I then knew the forest fairly well, and I have very happy memories of it. Although, perhaps, I poked a little fun at my hon. Friend the Member for Walthamstow, East, I very much sympathise with him and with his constituents. I have not lived in that area, but I have received visits from cattle in my own garden.

It is quite astonishing to me why these animals have never been thought of as weapons of war, because a couple of cows can do more damage than any atomic bomb of which I have ever heard. The only difference I have found is their preference not for wallflowers but for delphiniums. It is certainly no joke to have a visit from cattle, and, in modern conditions, there is also very serious danger from straying cattle and straying horses—perhaps even more in the case of horses—on public roads.

The responsibility for managing or conserving Epping Forest rests by Statute [704](#) upon the City Corporation, and the machinery which it has to employ to carry out its duties is laid down. It is not an easy job, and it is unfortunately true—or I would think fortunately true—that the City Corporation as conservators has no power to restrict commoners' rights. When the Clerk to the Walthamstow Council was informed, apparently by the Clerk to the City Corporation, that the latter had no intention of taking action to alter the present position, I think in the context and in view of the letter to which it was a reply that clearly meant that it had no intention, at that time at any rate, of introducing legislation to restrict the rights of commoners.

That, of course, would be the easy way to do it, but I am perfectly sure that all hon. Members who are interested in this kind of thing, and, indeed, all hon. Members who still hanker after the preservation of all the freedoms we can get, agree that it is highly undesirable, if it can be avoided, that we should begin passing legislation, even though in a local Bill, which would set a precedent for taking away rights which were given to the citizens centuries ago.

Therefore, legislation should be only in the last resort, although clearly there is a responsibility on the City Corporation to do something, and

indeed to do something substantial, to make sure that in the exercise of the rights of the commoners there is not a serious nuisance, and indeed an offence, committed against the rights of the people who live near the forest.

The City Corporation, or rather the Epping Forest Committee, has been for well over 12 months endeavouring to arrive at an agreement with the commoners who graze their cattle and their horses in Epping Forest for a voluntary restriction of the rights which they enjoy. I believe that that is the right approach, and I am happy to be able to tell the House that the City Corporation has succeeded, after long and difficult negotiations, in persuading all the commoners who are exercising rights at the moment—at any rate, all who matter to the extent of exercising them in any important degree—to make a voluntary agreement with the conservators for certain restrictions of their undoubted legal and statutory rights.

[705](#) I think that is the right thing to do, and if these restrictions, to which I will refer in detail in a moment, are effective, I believe that the complaints—the very justifiable complaints—to which my hon. Friend from the battle-scarred areas has referred will very largely be disposed of.

What are the restrictions which the commoners have undertaken to accept—to impose on themselves? May I remind the House that Epping Forest stretches a very long way, roughly from south to north, and that the major portion of the forest, which is north of a line drawn along Chingford Lane, is very largely surrounded by rural areas, and, therefore, much more suitable for use by cattle and the exercise of the commoners' rights. South of Chingford Lane, the forest consists of rather small patches, mixed up with very dense urban development, and I am quite certain that it is in that part of the forest that the troubles principally occur.

Having regard to that, the City Corporation has reached agreement with the commoners for restrictions in the exercise of their rights. First of all, in future all horses wherever they may be put out to graze will be tethered. They will not be allowed to roam at all. Secondly, in regard to cattle in the area north of Chingford Lane, which is, of course, the principal grazing area, no cattle whatever will be put out to graze during the winter months—the three months from just before Christmas to about the end of March when, pastures being very poor, there is much more tendency for cattle to roam. No cattle will be put out anywhere in the forest between, I think, 21st December or just before Christmas, and about 24th March. That completely disposes of the problem for these three difficult months.

As regards the rest of the area, north of the Chingford Lane line, cattle will always be herded and will not be allowed to graze without someone being there to see what they are doing. South of the Chingford Lane line, cattle as well as horses when they are put out in nine months of the year will always be tethered, so that, south of the Chingford Lane line, at no time of the year will there be any untethered horses and cattle.

[§ Mr. R. W. Sorensen](#) (Leyton)

Will the hon. Gentleman tell me how that will [706](#) prevent cattle north of the line straying to south of the line, as they do today?

[§ Sir H. Webbe](#)

The prevention of that danger lies in the fact that cattle will always be tethered. They will not be put out without a herdsman to control their movements, and I am quite certain that, if the hon. Member knows the country well, that is the right answer. It is a much better answer than any other.

§ Mr. Sorensen indicated dissent.

§ *Sir H. Webbe*

The hon. Member shakes his head. I think that his experience of the country is different from mine.

§ *Mr. Sorensen*

The difference is that when cattle are in a field one can see them, but that if they are herded in or enter the forest one cannot see them and the herdsman does not know where they are.

§ *Sir H. Webbe*

The hon. Member is making a mistake. Cattle are not put out to graze in the middle of a lot of trees. They prefer to eat grass. They will be herded into the places where grass is growing.

Those are, broadly speaking, the positive steps which will be taken to limit this trouble, and I believe that they will prove to be adequate. If they are not adequate, further restrictions may have to be imposed, but I am quite certain that the City Corporation will not seek legal powers to enforce the restriction of the commoners' rights until every possibility of getting the nuisance dealt with by voluntary arrangements of this kind has been exhausted.

There is one further step which is being taken by the City Corporation. An arrangement is in process for fertilising and cultivating the grazing land in the northern part, which is the important part, in Leyton, Walthamstow and further north. The important part is going to be cultivated and fertilised with a view to improving the quality of the pasture there and so attracting the cattle to stay rather than wander. The basic principle which the Corporation has in mind, however, is that at the time when there is the greatest temptation for the cattle to stray, they shall be prevented from doing so; they will not, in fact, be put out at [707](#) all. When they are grazing they are to be constantly under control, herded in the north of the Chingford Lane line, and tethered in the southern part where the big ribbon development has encroached on the forest.

I hope that these steps, which have been taken voluntarily and sincerely by the commoners, will do away with what admittedly must have been a very grave nuisance to all those who now live on the borders of the forest. I am quite certain that if they are not adequate, the City Corporation will do its best to find a settlement, first by voluntary agreement, and that if it is proved necessary eventually to seek powers from this House to restrict the rights of the commoners, the Corporation will regard the rights of those who live around the Forest as being equally important as those of the owners.

§ 12.13 p.m.

§ *Mr. R. W. Sorensen* (Leyton)

I share with all other Members great appreciation of the manner in which my hon. Friend the Member for Walthamstow, West (Mr. Redhead)

moved this Motion, and also of the matter which he elaborated so clearly and lucidly. We are all indebted to him for the general contribution and also for the particular contribution as applicable to Epping Forest.

May I also extend my appreciation to the hon. Member for Walthamstow, East (Mr. J. Harvey), the constituency where I live. I am sure we all appreciate the public spirit which has prompted him to leave his sick bed to come here this morning to speak on behalf of his own constituents.

It is certainly encouraging and significant that not only has there been no controversy this morning but also, whether we be Conservative or Labour Members of Parliament, those of us who live in or near Epping Forest not only bear testimony to that great treasure enjoyed by all of the people in London but are joined in bringing public attention to bear on what undoubtedly is, if not a scandal, a very grave abuse in our locality.

Before I briefly add my own words on the subject of Epping Forest, which has already been dealt with so thoroughly [708](#) this morning, may I spend a few moments on the more general issue with which my hon. Friend the Member for Walthamstow, West dealt. The aim of the Royal Commission which he commends, as do we all, is to seek still further the preservation and enhancement of the common lands of this country. I maintain that all lands were once common. Nowadays, of course, only a small proportion of the land is, strictly speaking, common land, and the passage from general common ownership of the land at one time to the parcelling out of land into private ownership and various kinds of common ownership at the present time has undoubtedly developed a great many complex titles.

In my own area there is not only Epping Forest but Hackney Marshes, Walthamstow Marshes, Leyton Marshes and a certain amount of other land called lammas lands. Many of my constituents have found it difficult to distinguish between the different nature of these various properties. Some cannot understand what lammas land is, although I know that the local councillors are well aware of it and do understand. They know that it derives from ancient times when certain land and crops were reserves for the "loaf mass", but the ordinary public are not aware of these distinctions. I do not intend to labour the point, but this is one illustration of the complexity of the subject with particular reference to the different titles and nomenclatures.

I said just now that in my view all land was common land. I presume that no one here can deny that, for when that famous gentleman known as William the Conqueror came here the land was presumably owned by the Anglo-Saxons who in turn, I presume, had dispossessed the British, after the Romans had returned to their own country, of their own enjoyment of common lands. It is thus extremely difficult to ascertain what is the derivation and basis of title to landed property.

I am reminded of the story attributed to Robert Blatchford. He said that a man who was once wandering over a large estate was accosted by the owner and upbraided. He was asked by the owner what business he had on the land. The trespasser, who had not known that it belonged to the other man, said, "How did you get the land?" The proprietor said, "I got it from my ancestors." The [709](#) trespasser then asked, "How did they get it?" The owner replied, "They got it from their ancestors." "How did they get it?" pursued the trespasser. The reply was, "They fought for it and won it." "Very well," said the trespasser, taking off his coat, "I will fight you for it and win it back."

That is an illustration which, however facetious, reminds us that the ownership of property began originally either by a simple settlement of a certain area or, on the other hand, by conquest, so that when one talks of common lands in this country one should bear in mind that they represent but a remnant of land which at one time belonged to all the people and not just to a few. Be that as it may, it is certainly heartening to

know that a still further effort is being made to retain part of these common lands for the enjoyment of the people and, not only that, effort is being made to deal with problems which did not exist when the common lands first came into being.

That is certainly true of Epping Forest. Epping Forest as it is now is but a small portion of the great Forest of Epping which stretched right out to the Wash. Gradually it has been encroached on, purloined, truncated and contracted until now we have an area 11 or 12 miles long and 3 or 4 miles broad, and it is a very precious possession. We are certainly in great debt to the Corporation of London in the last century for its foresight in preventing that Forest from disappearing altogether. There is no place so close to the centre of London—my own house is exactly ten miles from Westminster—which has so many rural amenities, so much open space and which is altogether so delightful an area as that in which the right hon. Member for Rochester and Chatham (Mr. Bottomley) and the hon. Members for Walthamstow, West and Walthamstow, East, and I live.

There is no other part within a radius of ten miles from here where there is so much delightful wooded scenery, so many pleasant places and where one can go out, as I have done, on a Bank Holiday and within half an hour find oneself in the heart of sylvan country, not hearing or seeing a soul for an hour or more.

I repeat that, whatever criticism we may have of the Corporation of London for being reluctant apparently to do any- [710](#) thing to assist the people of this neighbourhood, who have been suffering in this way, that does not in any way detract from one's deep appreciation of the foresight, imagination and public spirited-ness of the Corporation of London in those days, and indeed today as well. I am perfectly certain that the verderers, from the chief verderer downwards, are anxious to see that this precious land, with all its amenities, is preserved for Londoners and others. I can understand why they are reluctant, in the way which the hon. Member for the Cities of London and Westminster (Sir H. Webbe) has, described, to interfere with commoners' rights. At the same time, I submit that the mere fact that today he has, announced that action is being taken means that that action could have been taken some time ago, without any interference with the legitimate and valid necessity of preserving common rights in the way he has described.

I spoke just now of the fact—and I do not want to elaborate this at any great length—that a great deal of land has been transformed from what was common land to private land or has been in some other way restricted. One's mind goes back to the Inclosure Acts of the earlier part of the last century. What a great deal of trouble and hardship they caused. On the other hand, looking at matters objectively, one must realise that, on the whole, the Inclosure Acts were in some ways for the benefit of the people. They enabled land to be used in a way in which it would not otherwise have been used, to be used more economically and for greater food production than was the case previously.

I cite that merely as another illustration of the fact that new circumstances bring new obligations. We must preserve the rights that have been associated with the fragment of common land left to us, but we must also relate those rights to other rights and needs that have come along since that time.

I refer once again to Epping Forest, but not merely because I wish to concentrate alone on local grievances, although I think that the hon. Member for Walthamstow, East was not only entitled, but was in a sense morally required, to do so. I refer to Epping Forest more by way of illustration of many of the problems that have arisen. Epping [711](#) Forest has now shrunk to a much smaller area than it once was.

Let us remember again how it was that these rights enjoyed by some who lived adjacent to the forest came into being and were preserved. I believe I am right in saying that it was as a result of the prosecution of a very humble farmworker in Loughton for picking up wood in the forest that the eyes of the Corporation of London were opened to the dangers of the forest disappearing altogether. Therefore, we owe a very great debt to that humble farmworker for persisting in what he thought were his rights.

I would remind the House that, just as there are the rights I have mentioned of lopping, there are also the other rights of grazing. The commoners were required from time to time to see that cattle did not wander into the highway and become a nuisance to passers-by or to traffic. Hence, pounds were provided, and some still exist along the edge of the Forest. Cattle could legally be taken away from the main road and put into that strict confinement. That system has fallen into disuse, though in my younger years I remember it happening. Within a very few hundred yards of my own house there is still a rather broken-down pound into which those cattle should have been put, and no doubt were put in former days.

It seems to me that a case has been made out for improving further restrictions on those who have rights for grazing cattle, as the previous provision to try to limit their rights has fallen into disuse. It is quite true, as the hon. Member for Walthamstow, East has mentioned, that at present these cattle which are wandering about and which may look very picturesque, nevertheless can be, not merely a nuisance but a danger. Reference has been made to the sacred cows in Calcutta. I have seen, as other Members of the House have seen, how a cow can squat in a roadway in Calcutta and hold up all the traffic. I have also seen, within sight of my house, cows actually sitting down in the road whilst the trolley buses were held up. In our case, unlike in Calcutta where one must not touch the beast, we have gone along to push, shove and prod until it ambles off into the forest. That strange [712](#) sight and strange parallel with Calcutta has been my experience within a short distance of my own house.

The hon. Member for the Cities of London and Westminster gave very encouraging information about the action which the Corporation will take. Though I appreciate what is likely to be done. I must say that in my own constituency, which takes in part of Epping Forest, there are large open grass spaces. I do not know what will be done about those.

Reference has been made to the tethering or herding of cattle in the north of the Forest, which is not in my constituency. Many of the cattle which come to my area, the area of the hon. Member for Walthamstow, East and the area of the hon. Member for Walthamstow, West (Mr. Redhead), I presume begin their peregrinations up north. They wander down through the leafy glades of the forest and over the muddy ruts. They cannot find much grass there, but they are on their way to the grass. At least they reach it in my constituency or, if they cannot find succulent verdure there, they decide to wander into people's gardens. As a Socialist, it is a rather surprising confession to make, but I live in the only private road for miles around. Until a wire fence was put up, frequently the cattle wandered on to my road. More than once in the past I have got up in the early hours of the morning and run out in my pyjamas to chase half a dozen cows from my garden or the road back into the forest. I have done it partly out of concern for them, because if they had wandered down to the other end of my road, reached a small private gate and gone into the busy Wood Street they might in course of time have been injured or slaughtered.

[§ Sir H. Webbe](#)

No one will say that any arrangement short of solid and very substantial fence all round the area in which one wants the cattle to remain could ever be quite certain of preventing them straying. The point that I was anxious to make was that, if all the cattle on the north side of Chingford

Lane, which is a very nice clear dividing line, are in the charge of a herdsman, the likelihood of their wandering is very substantially reduced. South of Chingford Lane they will be tethered cattle all the year round.

§ Mr. Sorensen

I do not want to labour this too much. I still fail to see how we can prevent cattle wandering north of this line, even if we put a notice up for the cattle to read, saying, "Do not pass this line." I cannot see how we could prevent them, even with a herdsman. They will disappear into the forest, and the herdsman cannot and will not follow them. They will wander down, as they do now.

I assure the hon. Member for the Cities of London and Westminster that I appreciate, as I am sure the hon. Member for Walthamstow, East appreciates, that there is an excellent intention on the part of the Corporation. We hope that what is proposed will lead to some beneficial result. I will leave it there, because it would be unfair to keep the House too long on what may seem to be purely a local matter and, some may think, even a trivial matter, although I assure the House that it is far from that.

I turn from the illustration of the Forest to the general matter of the preservation and the enhancement of the common land. The same problems which exist in our locality are to be found elsewhere. There is the problem of fencing. Just as in the case of Epping Forest it would be intolerable and impossible to contemplate the vast expenditure of money necessary to provide durable fencing—and indeed, it would be an eyesore—so it would be elsewhere. However, there are other means of limiting these dangers.

It has been stated this morning that there is to be some encroachment on what were earlier recognised as commoners' rights. I do not want to see all common land enclosed with fences, but in some cases it will be necessary in order to prevent cattle wandering about. In these days of fast traffic, something should be done, in the interests of the general public to limit such rights.

I do not see in the Report any reference to the relevance of footpaths. I know that there is an excellent society that has done much to preserve these footpaths. My own county, and some other counties at one time indicated on maps those county public footpaths. In addition, before the war, notices were displayed to inform the occasional wanderer in the countryside that there was a public footpath over a field. That is excellent [714](#) work, but it should be more widely co-ordinated.

Further, I hope that the bodies that will supervise the registration will be linked with other bodies. We do not want a number of piecemeal organisations, but some co-ordination not only to register for all time what are public rights, but to ensure that those rights are known to the general public.

I share with other hon. Members appreciation of the service done today by my hon. Friend the Member for Walthamstow, West, and the hon. Member for Walthamstow, East, and I hope that any undue emphasis on matters of local concern will not blind the House, and the Government, to the general principles involved, or to the work that has to be done to mitigate local problems and to establish more firmly in the future the people's right to their fragmented inheritance.

§ 12.33 p.m.

[§ The Joint Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food \(Mr. J. B. Godber\)](#)

It may be helpful if I intervene to explain the Government's attitude. In doing so, I have no wish to inhibit in any way the discussion; rather would I hope to stimulate it, as I believe this is, and should continue to be, a most helpful debate.

First, I should like to join with other hon. Members in congratulating the hon. Member for Walthamstow, West (Mr. Redhead) on his luck in the Ballot, and on his choice of subject. I can say unreservedly that the Government welcome this opportunity to hear the views of the House on the complicated and historic question of common land, and on this massive Royal Commission Report.

The remarks of hon. Members this morning on the wider issues—I shall refer to Epping Forest later—demonstrate that if any difference of opinion exists about the recommendations of the Royal Commission, it does not extend to the way in which the Commission discharged its task. The lucidity and comprehensiveness of its treatment of this complex and many-sided problem is a matter for congratulation, and I am happy to express the Government's gratitude to the Chairman, Sir Ivor Jennings, and his colleagues, for their distinguished contribution to a difficult subject.

[715](#) I am also happy to tell the House that the Government accept the Motion, though, for reasons that I shall explain in a moment, I cannot at this stage express the Government's view on the Royal Commission's recommendations. Judging from the terms of the Motion, the hon. Member for Walthamstow, West recognises that further consultation may be necessary, and it will come as no surprise to him when I say that this is the case.

The Commission's recommendations touch a wide range of interests, amongst others, agriculture, forestry, amenity and recreation, defence, local government at all levels, water conservation, various forms of development, and certain scientific studies. Consequently, following the publication of the Report, we thought it right to invite a wide range of organisations to furnish their comments. This was announced by my right hon. Friend in answer to a Question on 12th November, 1958, when he said that the comments would need careful consideration before the Government reached their conclusion on the recommendations.

I can tell the House that two-thirds of the unofficial bodies that were consulted have already provided comments, and those of the remaining one-third have all been promised by Easter. Some of the organisations whose comments are still outstanding have a major interest in the recommendations. I am confident that they are all as anxious as the Government that there should be no avoidable delay, but, with so complicated a subject, it would be a mistake not to allow adequate time for a thorough examination.

The intense local interest that common land often arouses also makes it very desirable that the examination should be conducted on the widest possible basis. While, therefore, several of the organisations that have already commented have urged the early introduction of legislation—as has, again, been urged in the House today—I feel sure that hon. Members will agree that the Government ought to wait, and to consider all comments before taking a final decision.

Incidentally, I was interested to see in the report of the conference of the Commons, Open Spaces and Footpaths Preservation Society that the Chairman of the Commission, Sir Ivor Jennings, said [716](#) that if a Bill were ready by November, 1960, the Government would have shown

unusual expedition. I cannot say when a Bill will be ready, but the House will have taken note of Sir Ivor's remarks. As hon. Members will also appreciate, the drafting of legislation on the lines recommended would be a major task, and I suggest to the House—and this is the reason for my early intervention—that today we should try to concentrate our attention on a number of the questions to which the Report gives rise.

I have selected half a dozen or so, some of them in the light of comments already received, and hon. Members may wish to add other subjects of their own for discussion. I want to emphasise that, at this stage, the Government have an open mind on the recommendations. The views of the House will be of the greatest value to us in the further consideration of the Report, and we shall study very closely everything that is said today.

First, however, I think that it would be advisable for me to try to bring the problem of common land into a wider perspective. The Commission made a brave attempt to discover the extent of common land today and, as can be seen in Table III, in pages 25 and 26 of the Report, it estimated the total area in England and Wales to be about 1½ million acres, of which something approaching half a million acres lie in Wales.

The Royal Commission would be the first to admit that this is not an exact figure, but it is fair to assume that it is a good deal nearer the mark than the two million acres that have usually been quoted in the past. Even though the new figure represents a reduction of about one-quarter, 1½ million acres is still a lot of land, and amounts to a little over 4 per cent. of the total surface of the two countries. It would, however, be an illusion to believe that this constitutes a vast reserve of untapped resources. As the Report shows, the 5-000-odd separate units of common land in England and Wales are very unevenly distributed.

I have already indicated that nearly one-third of the total area is to be found in Wales. In England the great expanses of common land are situated predominantly in the hilly and mountainous country of the South-West and [717](#) the North. Ten counties—Cornwall, Devon and Somerset in the South-West and Cumberland, Westmorland, Lancashire, Northumberland, Durham, and the North Riding and West Riding of Yorkshire in the North—contain about three-quarters of all the common land of England.

Much of this land is rough grazing, with thin and impoverished soil, and it is badly exposed to wind and weather. It is an important, and often indeed an essential, adjunct to the hill farms, helping to sustain the nursery of hardy stock needed to replenish and invigorate the flocks of the Lowlands. I am confident that there are possibilities, such as the Royal Commission described, of improving these grazings and that the improvements would be valuable, but it would be idle to pretend that they would lead to a sharp expansion of the national agricultural output. There are also instances in both the hill country and the Lowlands where common land could be used more intensively, but it is perhaps significant that even under the spur of war-time shortages not much more than 20,000 acres of common land were requisitioned for food production.

It is true, as my Ministry said in its evidence to the Royal Commission, that more might have been requisitioned if the county agricultural executive committees at the time had had the resources to handle more; but I think it is fair to say that, taking the 1½ million acres of common land as a whole, its intrinsic quality is inferior to that of enclosed farmland. I have thought it advisable to mention this since it would be a mistake to build extravagant hopes on its potentialities for agricultural production.

I turn now to some of the problems on which I should welcome the opinion of the House. Even in the uplands, commons are very varied in area and characteristics. In Merioneth, for example, eight large commons account for nearly 11,000 acres out of the total of 12,400 acres reported to

the Commission, while at the other extreme, in the north-east of the county, eight tiny village commons together have an area of less than ten acres. Similarly, the West Riding commons range from the 11,000 acres of one fell grazing down to a moor of about 5 acres at Bradford for which the City Corporation has considered making a scheme of regulation.

[718](#) The contrasts are indeed typical of commons generally throughout England and Wales. No one reading the Report could fail to be struck by the wide diversity within the definition of common land or the difficulty of generalising on any matter relating to commons. Village greens, metropolitan and urban commons, various inclosure allotments, the commons of Royal Forests and former Forests, the commons of the Lowlands and the mountain fell commons are all embraced by the Report. The Commission sketched in paragraph 379 a rough classification for schemes of management and improvement, but its recommendations would apply, with only minor variations, to all types of commons. It has been suggested in evidence to the Commission and in subsequent comments that categorisation might be taken further and that schemes should be tailored to the needs of each category. This is a suggestion which the House may feel merits some discussion.

Turning to the recommendations, the House will recall that the first seventeen deal with the registration of common land and rights of ownership and of common. The Commission proposed that local planning authorities—that is, county and county borough councils—should be registration authorities, that eight years should be allowed for claims, after which any unregistered claims should be held to have lapsed, and a further four years for objections. It also recommended that disputes should be heard by Commons Commissioners, subject to a right of appeal to the Lands Tribunal. I do not propose to delve into the legal implications of registration, although it is a matter on which I should be very glad to hear the views of right hon. and hon. Members.

From the standpoint of management, the Royal Commission painted a graphic picture of the difficulties which are caused by uncertainty as to the exact extent of common land and the identity of owners and commoners. These uncertainties could undoubtedly be removed by registration. The hon. Member for Walthamstow, West has already raised the question whether, if some form of registration were adopted, the local planning authorities would be the best bodies to be charged with the responsibility. He also raised the possibility of the Ministry of Agriculture doing this work, and then seemed [719](#) to cast doubts on our abilities at the Ministry to do it. I am not claiming that we should wish to do it. I am merely noting the hon. Member's views.

In repeating his question, therefore, I emphasise again that I am not intending to pass any judgment on the Commission's recommendation. There have, however, been proposals in evidence to the Commission that registration should be undertaken by an ad hoc body or by the Ministry of Agriculture. The hon. Member will be interested to know that the suggestion that the Ministry should be responsible has recurred in comments which, as I have said, have already been received from some of the bodies who were invited to send in their views. I would only add that whatever the body which might be made responsible for registration, it would need to be fully equipped in experience and resources for the task, requirements which the Royal Commission believed were met in the local planning authorities.

Opinion also appears to be divided about the length of the registration period. In his opening speech the hon. Member for Walthamstow, West referred to the possibility of a continuing provision. I have noted that possibility. There have been some suggestions that the proposed period is too long and, on the other hand, we have had proposals that registration should extend, perhaps indefinitely, to avoid the irrevocable loss of rights through the failure of the present holders to record them through ignorance or inadvertence. These, again, are matters which deserve full discussion and on which I think it will be seen, from what I have said, there is certainly no unanimity of view at present.

I come next to the Commission's recommendations for management and improvement schemes. Broadly speaking, they envisage that any holder of a registered interest in a common should be able to promote a scheme and that a local authority should also be able to do so if the purpose is public enjoyment. Schemes would be advertised and submitted via the commons registration authority to the Minister of Agriculture. He would hold consultations and, if desirable, hold a public inquiry. If he decided to approve a scheme he would lay it before Parliament in an order subject to Negative Resolution.

[720](#) The importance of these recommendations is that the Minister would be able to consider on their general merits practically any proposals for the better management and improvement of commons and would no longer be restricted to approving proposals only if they satisfy the difficult test of benefit to the neighbourhood. This test, in the somewhat archaic terminology of last century legislation, requires the Minister to satisfy himself that proposals should be for “the health, comfort, and convenience of the inhabitants of any cities, towns, villages, or populous places” nearby.

Greater flexibility in the preparation and operation of schemes has been suggested today, and the same idea underlies some of the suggestions which have been put to my Department. For example, it has been proposed that in addition to private interests and local authorities, voluntary societies which are concerned with common land should be entitled to take the initiative and themselves promote schemes, and, further, that there should be powers under which they and local authorities at all levels could enjoy representations on managing bodies generally, no matter by whom the schemes were promoted.

There has also been a suggestion that the reserve powers, which the Royal Commission recommended should be vested in common registration authorities for the acquisition of neglected commons, should be exercisable also by central Government. These, again, are questions which I bring to the notice of the House and which I think merit attention.

On one point, I think, we should all agree. If proposals for registration and schemes of management were adopted, some provision would have to be made as to the terms on which latecomers in registration would be able to participate in schemes or to surrender their rights. It would clearly be undesirable to perpetuate the present situation under which a hitherto undiscovered commoner would be able to negative what had already been done.

Finally, I would draw the attention of the House to two groups of recommendations—Nos. 23–28—the principal aims of which are the preservation of common land, and the extension of the public right of access to all common land, [721](#) subject to the general restrictions contained in the Second Schedule to the [National Parks and Access to the Countryside Act, 1949](#). These are recommendations to which the Commission attached considerable importance. The effect of the first is that proposals to develop common land would, as at present, have to clear a greater number of hurdles, and more difficult ones, than do similar proposals for ordinary private freehold.

The effect of the second would be that the public would have a blanket right of access even though, where schemes of management and improvement were authorised, this right might be curtailed or suspended. It has been suggested, both in evidence to the Commission and in subsequent comment, that there may be occasional parcels of common land which are well suited for development without any serious loss to public amenity or recreation. It has also been suggested that the blanket right of access may deter owners and commoners from promoting schemes, and thus interfere with effective management. I am not speaking in criticism or commendation of the proposals, but once again I would

say that they are matters on which I invite the House to express an opinion. It would be a great help to the Government if we could have the fullest possible advice from hon. Members on both sides of the House on all the aspects of this matter.

This is primarily a matter which—as is evident from the debate so far—has little relationship to party politics in any form. It is a matter in which we are all concerned together, and which we shall consider dispassionately, without the rising temperature that sometimes occurs in our considerations of other problems. For that reason the debate may be of great value, and the Government will study the report of it closely.

I want to touch briefly upon a subject which has had its full share of debate today, namely, the problem of Epping Forest. I in no way dissent from the importance of the problem to those concerned; indeed, from the graphic descriptions that we have heard this morning I realise how vital it must be to all those living in the area, and how difficult the life of certain hon. Members must be when they have to go out in their pyjamas frequently during the course of [722](#) the night to deal with marauding cattle, and how difficult it must be for gardeners who are distressed by the loss of their wallflowers, delphiniums and such other plants as may appeal to the appetite of the cattle.

We should congratulate my hon. Friend the Member for the Cities of London and Westminster (Sir H. Webbe) on the practical approach that he has displayed today on behalf of the City Corporation. I am sure that we should all be grateful to that Corporation for the approach that it has made in trying to meet a difficult problem without at the same time taking away the essential rights of commoners to a greater extent than is absolutely necessary.

My hon. Friend made abundantly clear the need, in this as in all other commons matters, to protect the rights of commoners so far as it is possible. Having said that, we must take the practical view that certain urgent problems are concerned here which require help, and I am sure that what my hon. Friend has said will be of comfort to my hon. Friend the Member for Walthamstow, East (Mr. J. Harvey) and those other hon. Members who have the pleasure of living in his constituency and who have not only the joy of their representation here but also Epping Forest. That is a dual pleasure, which not many of us have the opportunity of enjoying.

At the end of his speech the hon. Member for Leyton (Mr. Sorensen) said a word or two about footpaths. He asked why they were not included. They have been specifically dealt with in preceding legislation and there would have been no need for the Royal Commission to go into the question further than has already been done. When we consider fresh legislation there may be an opportunity to see whether there is a need to make any further provisions on the subject. I cannot rule out that possibility, but I should not have thought it necessary for this subject to have exercised the minds of the Royal Commission.

I shall study with great interest the other points which have been raised, and I am looking forward to the further observations of hon. Members. I intervened at this early stage not to discourage them but to stimulate them as much as I can.

I repeat that I am very glad that the hon. Member for Walthamstow, West [723](#) raised this most important subject, in connection with which we all have a common bond. Englishmen treasure their heritage in the land as much as in anything else, and the more we become bound by our cities the more we recognise the need to safeguard our open spaces for generations yet to come. It is in that spirit that I welcome the Motion, and I am grateful to hon. Members who have spoken for what they have said about the Report of the Royal Commission.

§ 12.56 p.m.

§ [Mr. G. R. Mitchison](#) (Kettering)

I should like to associate myself with the thanks and admiration expressed by everyone who has spoken today to the members of the Royal Commission who have produced what must be one of the most notable and certainly one of the most readable Reports ever made upon a subject which might well have resulted in the production of a much more tedious and much less useful document.

I should also like to associate myself with the thanks expressed to my hon. Friend the Member for Walthamstow, West (Mr. Redhead) for having had the wisdom and foresight to choose such a profitable subject and, also, for having made such an excellent introduction to it. Secondly, I thank the hon. Member for Walthamstow, East (Mr. J. Harvey), who—I hope at no undue risk to his health, but at any rate at some personal inconvenience—has come here today to brighten the debate. I add my thanks to the Government and to the Parliamentary Secretary not only for accepting the Motion but for doing so in a spirit which allows us to hope that action really will be taken, and that it will amount to relatively prompt action. I say that in no nasty spirit, because this is clearly a very complicated matter.

I shall have some suggestions to make later as to whether the Ministry of Agriculture is the most suitable or the only suitable Ministry for this purpose. I have been told by people who have had longer experience in this matters than I—and the opinion has been universal—that, under successive Governments, the handling by the Ministry of Agriculture of questions concerning commons has been very liberal and helpful to all concerned. I want to pay that tribute before making some slight criticisms upon entirely different lines.

[724](#) I have said that this is a most complex problem, and I put forward my opinion only tentatively. The first thing that we must do is to find our commons—and that is no easy matter. The estimates given from time to time, of which I should have thought the one in the Report was by far the most reliable, have varied enormously. All they show is that, one way and another, the area remaining as common land is decreasing rather rapidly.

Having found our common, we must then find a lord of the manor, and in some cases other owners. There are some sad tales of commoners in difficulties because they cannot find the lord of the manor. I do not know who owns the mangy bullocks of West Walthamstow or the ravaging cows of East Walthamstow. But it would be hard enough to trace to whom they belong and harder still to trace the rights that were being exercised in connection with their grazing and ravages.

The Report clearly shows that it is not the least use trying to provide on one uniform basis for commons which differ widely both in their principal purpose and in the rights attaching to them. Therefore, although I deprecate uniformity of treatment, it seems to me that some form of registration is necessary. I fully realise that it is an extremely difficult business, but without it I do not see how we can begin to deal with the question. The question must be dealt with, for two reasons. One is not only the disappearance of common land through encroachments and invasions, of various sorts, but also through falling into unusable waste. Secondly, we must deal with it because at present the commons undoubtedly are not being fully used.

The Royal Commission was given terms of reference which indicated the needs. The first need was to promote the benefit of those holding

manorial and common rights, the second was the enjoyment of the public, and the third was where at present little or no use is made of common land to promote its use for some other desirable purpose. It seems to me that we have not put enough emphasis in the debate on the increasing public use and enjoyment of commons. It obviously differs very widely between different parts of the country. If we look at the Royal Commission's Report there [725](#) is a table on page 22 which if we were to leave it there would indicate that the amenity and recreation commons, if I may use the words quite broadly, were only about one tenth of the total, but when we look a little more closely at the position the picture becomes rather different.

In the Home Counties and around London, where there is a substantial area of common land, the prevalent use obviously is amenity and recreation, and use for other purposes is relatively negligible. When we consider the northern counties which are dealt with in Professor Dudley Stamp's Report and which account for two-thirds of the total common area of the country, we find that the common land, although not classed as amenity and recreation, is ground above the planting range for forestry and obviously, as the Parliamentary Secretary indicated, of only very limited use for any agricultural purpose. I therefore suggest that the amenity and recreation use of that two-thirds is far larger than the classification read by itself indicates at first sight.

I come to the conclusion that, looking at the Report as a whole, if one had to rate in importance the factors which would lead us to pay attention to the public use of commons the amenity and recreational use is the most important. That is not to deny for a minute that there will be exceptions and other commons where the grazing rights, the rights appendant if it is a cow or rights appurtenant if it is a goat—a very important distinction, I feel sure—may be of overwhelming importance. I am rather terrified by the picture of the late arrival carrying with him rights in gross. The typical case is the man in Australia who discovers rather late that he has rights in gross, and proves that he has them, and comes over to exercise them, rights in gross apparently being a rights which a person carries about and passes on to his heirs as distinct from a right attaching to any particular piece of land.

All that is bad enough, but I agree that there will be some cases where those rights, complicated and difficult as they are, will have a real agricultural or forestry importance and therefore we must treat that common as primarily an agricultural matter. But when we con- [726](#) sider the total picture I do not believe that that is the right way to look at it.

That leads me to what will be a vitally important question, namely, schemes of management. What frightens me a little in the Report is that it is contemplated that the normal people moving in respect of schemes of management shall be the owners of common rights or the owner of the soil of the common. It is only contemplated that the representatives of the public should come in in cases of amenity and recreation. The recommendations are contained in paragraphs 323 and following. I should like to quote the first sentence: "We recommend that the holders of private rights and, where appropriate, the local authorities as representatives of the public, should be empowered to promote schemes for the management and improvement of common land." I should have put the words round the other way. I would have thought that it should read, "representatives of the public or, where appropriate, the holders of private rights." I would not for a moment deny the holders of private rights every facility of representation and the opportunity to assert their rights and to take part in schemes of management and matters of that sort, but on the matter of the duty of anyone to promote a scheme of management I would rather that the duty lay on the local authority as representing the local people, broadly for the reasons I have given. I feel that if that is not done there will be far too many cases where the holders of private rights will not be particularly concerned to promote a scheme of management and where a gradual slipping back of the common will continue

simply because it is nobody's job to promote a scheme.

There is another consideration. It is quite true that the local authority will not always be the local planning authority. One must consider the relations between the two of them, but this is very much a matter connected with town and country planning, and it is advisable that there should be no divorce between the people trying to promote schemes of management and planning authorities.

I should like to take up again a point made by my hon. Friend the Member for Leyton (Mr. Sorensen). I think it is true that commons are connected with questions such as paths and rights of [727](#) way, and, of course, the Commons, Open Spaces and Footpaths Preservation Society, which recently in a misguided moment put me on its executive council, recognises that in the character of its activities and, more than that, a great many questions about commons and national parks come into very close connection. Broadly speaking, while recommending that the Ministry of Agriculture, Fisheries and Food should be the controlling body, the Report suggests that it should consult the Ministry of Housing and Local Government regarding what are described, I think, as "amenity commons". In my opinion, it should be the other way round; in view of the connection with local authorities of a number of other legislative provisions—of which the [National Parks and Access to the Countryside Act](#) is the most obvious instance—and that generally questions about both roads, rights of way and all the kind of things concern councils. The general arrangement is to give as much responsibility as possible to the local councils; to make them the moving authorities in general; to take up matters with the Ministry of Housing and Local Government and to provide for consultation with the Ministry of Agriculture, Fisheries and Food.

I repeat what I said to the hon. Gentleman—I know he will not take suggestions of this sort amiss—what a good account I have had from everybody about the past dealings of the Ministry of Agriculture, Fisheries and Food with questions affecting commons. It is possible to say that it does not matter whether Ministry A consults with Ministry B, or Ministry B consults with Ministry A, but it is not quite the same. The ultimate responsibility, subject to consultation, rests with one Ministry.

May I give another instance which cropped up in the debate? Someone, quite rightly, mentioned that the questions regarding water—drainage boards, and so on—are closely connected with the commons. In such matters the two Ministries concerned have responsibilities and it may be possible to arrange some division of the same sort. But I do not want to pursue that question any further.

Talking, as I suppose lawyers are apt to do, in terms of machinery, I have covered those points which I have in mind. Legislation will take some time [728](#) to promote. I will not make the usual "crack" about which Government will be in power when it is put on the Statute Book, because this is not a party matter. But I am wondering whether it would be possible to get registration, formal or informal, under way earlier and to treat it as something apart from the rest of the problem. Until we have legislation and registration there is little that can be done. Were it possible to get registration going first, it would do no harm to anybody and would not involve a large expenditure of money, and it might bring the matter to fruition within my life time instead of, perhaps, the life time of my grandchildren.

I welcome the suggestion of having commons commissioners to decide questions of rights. I should have thought this a matter which called for special knowledge which such commissioners would acquire. I should be a little critical of two extensive a right of appeal. Some of these commons rights—though we all wish to treat them with respect—ought not to be treated with such respect that the commons cannot be used for the main purpose for which they were intended. I hope there will be facilities for buying out those rights or for pushing them into one corner of the common.

When I listened to the story of the Walthamstow cattle, I felt inclined to say, "Shoot the lot"—

[§ Mr. Godber](#)

Does the hon. and learned Gentleman mean the cattle or the commoners?

[§ Mr. Mitchison](#)

I mean the cattle in all conscience, because the trouble they were causing to everybody outweighed the compensating advantages. But that is a suggestion of the kind which can be made only on a Friday and should not be carried too far.

§ 1.15 p.m.

[§ Sir Archer Baldwin](#) (Leominster)

I congratulate the hon. Member for Walthamstow, West (Mr. Redhead) on having moved this Motion and particularly on the way in which he presented his arguments. Perhaps I may claim to have a little more practical knowledge of the subject than is possessed by the hon. Gentleman, but I wish that I could put over my views in the same accomplished manner as he has done.

This is a subject which has engaged my attention for a long time, commencing [729](#) with a broadcast talk I gave ten years ago entitled "Idle acres of Great Britain." In the intervening years we do not seem to have made much progress in finding a solution to the problem. Five years ago in this House I moved a Motion relating to common land, as a result of which there was a useful debate. The then Parliamentary Secretary to the Ministry of Agriculture accepted the Motion, as my hon. Friend has accepted the Motion today, but we do not seem to have progressed far since then. Having said what he has this afternoon, and having accepted the Motion, I hope that my hon. Friend the Joint Parliamentary Secretary will endeavour to get something done.

It has been suggested that this whole matter is so complicated that it may be a long time before the necessary legislation reaches the Statute Book. There is no need for so much delay. The Government could produce a White Paper which could be debated and then, as soon as possible afterwards, a Bill could be introduced. It would be impossible to deal in detail with all the various kinds of common land in Great Britain because no two commons are the same. Therefore, the Government should produce an enabling Bill to set up the not very complicated machinery which would be necessary to enable us to make a start and to produce the various schemes which would be necessary. I am quite sure that no comprehensive Bill would ever reach the Statute Book.

On the occasion when I moved the Motion to which I have referred the right hon. Member for South Shields (Mr. Ede) agreed with its terms but said that I had not added anything to protect the rights of the public. The right hon. Gentleman could not have heard my opening remarks, because then I added to the Motion the words: "and also to protect the rights of the public to enjoy the amenities of these open spaces." —[\[OFFICIAL REPORT, 14th May, 1954; Vol. 527, c. 1633.\]](#) Although the Parliamentary Secretary had announced that he agreed with the Motion, the right hon. Member for South Shields talked it out, and his complaint was supported earlier by the hon. Member for Derbyshire,

South-East (Mr. Champion). I wish to make clear today that I have no intention of suggesting [730](#) that the public should not enjoy their common rights, but I qualify that by saying that in whatever legislation is passed and in whatever schemes are put forward it should be made clear that the public also have responsibilities. Apparently, in the Epping Forest area it is the cattle which get into the gardens. In my part of the world fences are broken down by visitors in order to provide wood to boil the kettles at picnic tea parties, and that sort of thing should be stopped.

As I say, I want to see an enabling Bill passed. The procedure which I suggest should follow is very much on the lines of that outlined in the Report of the Royal Commission on Common Land. I think we need to have a commons registration authority in each county, and that each county should deal with its own commons. I think that is essential. It may be that the registration authority should not be the final arbiter on the rights of the lords of the manor or, as I would call them, the owners of the soil, the commoners or the public, but there should be an appeal to a commons commissioner and, if necessary to the Lands Tribunal. That would not be expensive, for as the Lands Tribunal already exists it could deal with appeals quite quietly.

What I suggest is that the local authority plus the Commissioner plus the representatives of the preservation societies should deal with each common on its merits. The authority should then send its suggestions relating to a common to the county authority. If the county authority approves them, they should be sent to the Minister. However—I do not know whether my hon. Friend will like this or not—I do not want any interference with the commons from the Ministry in Whitehall. All we want the Minister to do, if he gets from a county authority the approval of suggestions, is to put his name at the bottom of the document. We do not want any Whitehall interference. We are not asking for any public money, so there should not be any need for Whitehall's interference. We want schemes to be dealt with by local authorities and the people on the spot.

Let me give an illustration of what they can do by their own initiative and co-operation. In my constituency, there are two commons of over 600 acres. The [731](#) lord of the manor sold his rights to the local authority. Presumably, the local authority is now the owner of the soil. A portion of the common was brought into cultivation by the county agricultural executive committee. When it gave up, it handed over the land to the commoners. I am glad to say that the commoners with the help of the local authority were public-minded enough and co-operative enough to form their own committee of management. Since that time they have been carrying on the good work which the county agricultural executive committee initiated on a portion of the common, fertilising the land, and also doing what they are not entitled to do—fencing it.

Up to now everything has gone all right, but I pointed out to them at the time that they were taking a risk and would be taking that risk till something was done which would enable them to have authority over the land. The risk is this. They advertised for claimants and made out a register of those who claimed common rights on the common, but if somebody comes along who has not registered with them and can claim common rights he can immediately pull up their fence which they have put round that bit of grass and he can turn his cattle on to it. We want to avoid that sort of thing and to encourage the people on the spot to deal with their own problems. If power to do that were given to the local people there would be very few difficulties that could not be resolved.

Those who run the commons should be placed in exactly the same position as that of any ordinary farmer. That is, they should be entitled to improvement grants and fertiliser grants. If they decided to plough some of the commons—and on some commons there is land which should be ploughed—they should be entitled to a ploughing grant. That is all the public money that I suggest should be spent on this by the Exchequer, and it is exactly what any ordinary farmer has a right to claim. It would help tremendously if that could be done.

As I have said, there are great differences between one common and another, and I will illustrate that. I have already mentioned that there are two commons in my constituency. One of them is of 120 acres, much of it arable [732](#) land. One-third of it becomes common every year. Every year 40 acres lie derelict because no provision can be made for them. On the remaining two-thirds the farmers can produce their crops and harvest them. When the farmers saw the waste of the 40 acres every year they made this offer to the commoners, that they were quite prepared to grass down the 40 acres and hand them over to the commoners permanently, while they themselves would retain the other two-thirds of the common. Unfortunately, the commoners would not co-operate. The last time I asked one of the tenants what the position was, it was that 40 acres still lie idle, 40 acres of very good land. So far as I know, that is still the position today.

Another common in my constituency becomes common land after the two last crops of hay have been gathered. The adjoining farmers have a right to get the hay. Immediately the last two crops of hay are gathered, the commoners may go on to the common.

There is a quarrel going on about that because there are rights of grazing there and also fishing rights in an excellent river, the Arrow. The fishing rights are valuable. The villagers claim the right to fish that river throughout the year. They especially want to exercise their fishing rights in the spring when the trout begin to rise. Those who are opposed to them say that the fishing rights are not common until the land becomes common. That is a matter which needs to be settled by arbitration or some such procedure.

These circumstances show what differences exist between all the commons of our country. I commend the Royal Commission's Recommendations 12 to 17 in the Summary of the Recommendations, which recommend the appointment of a Commons Commissioner and a final appeal to the Lands Tribunal. However, the thing I stress is this. Let the Government, for goodness' sake, take steps to deal with this problem. It is one which has been talked about for a long time and it is time something was done.

I would say a word about Epping Forest, which was the feature of the first two hours of our debate. No one spoke on behalf of the commoners. We heard of complaints about ravages done to [733](#) gardens by cattle and how cattle wandered on to the roads and so on. I would remind the hon. Members who raised that question that the commoners had rights of common there before the houses were built. It seems to me that the probability is that those houses were built on what was common land. I myself would think that the responsibility for fencing the householders' gardens and so on must rest on the people who built their houses on common land and that that responsibility would not be that of the commoners.

I make a practical suggestion to them. When they can get the commoners and the local authority, the City of London in this instance, to agree to steps being taken, let the householders call the commoners together and all together form a fund to finance the fencing, and let the fencing be so done as to leave a track between the common land and the gardens. That really should not be difficult.

I remind hon. Members that we farmers have fences against our own cattle. We do not allow our cattle to walk through our gardens or through the gardens of our farmworkers. We have to fence our cattle in the fields, away from our corn fields. It should not be very difficult for the householders of Epping to deal with their problem themselves.

The fencing of highways is mentioned in the Royal Commission's Report. Speaking on behalf of the commoners, I would remind the House and those who now speed along the highways at 60, 70 and 80 m.p.h. that fifty or sixty years ago, before the advent of the motor car, there was no

danger either to the stock or to people on the road when cattle strayed. The horse and trap did not go fast enough to cause any trouble. I agree, however, that the roads should be fenced so that stock does not stray upon them, and the cost of fencing should be met by agreement between the county authority and the commoners. If fences were erected fifteen to twenty yards from the roadside the public would be able to picnic on the verge and there would be no danger from the cattle.

§ Mr. J. Harvey

I should like to make it clear to my hon. Friend that the major problem, at least in my part of the world, is not building fences. The fences exist. Householders have put them up round their property, but the trouble is [734](#) that animals do not seem to worry very much about the fencing. I appreciate what was said by my hon. Friend the Member for the Cities of London and Westminster (Sir H. Webbe) about the attitude of the City of London Corporation. It will be very helpful if the Corporation is now prepared to take the view that it wants to co-operate in solving the problem and will co-operate with the local authorities. I believe that the Corporation will find that the local authorities, in turn, will co-operate, and this will take us a big step forward.

§ Sir A. Baldwin

Farmers have to protect against cattle, and I cannot see why householders do not protect their own gardens with fences. If they do not know how to do it, let them call in the farmers to help them. Better still, there should be, as I have suggested, a track between the common land and the road which would be entirely free of cattle.

I congratulate my hon. Friend the Member for the Cities of London and Westminster (Sir H. Webbe) on all that he and the City Corporation have done to deal with this problem. I think that to get commoners to agree to have herdsmen to look after their stock is something worth while, but I do not know whether the residents in these areas realise that every herdsman means about £1 or 25s. a day, which amounts to a considerable sum by the end of the season. The City of London Corporation, which I suppose is the lord of the manor, has given a good example, but there are other lords of the manor who have not been so co-operative in the past.

I got into rather hot water in a previous debate when I criticised lords of the manor. I should like to put myself right. There are lords of the manor of various degrees, good, bad and indifferent, and I did not want to suggest that all of them are unco-operative. The Pains-wick Estate Company in Gloucestershire has done a tremendous job as lord of the manor for the commoners in that area. I suggested in my evidence before the Royal Commission that the office of lord of the manor should be abolished, but I do not want it thought that I am condemning all of them.

This is, however, a problem which raises great difficulties. Lords of the manor vary in their rights and privileges from common to common. Generally [735](#) speaking, they have the right to fell timber and to quarry, and they have the sporting rights. In my area the sporting rights would be of little value. In the past, they have been generally enjoyed by travelling gypsies and the result has been that the commons have become breeding grounds for pests. On moorlands, however, lords of the manor have rather valuable sporting rights which must be dealt with. This again is a matter for agreement between the lords of the manor and the commoners. The lord of the manor has the right to fell timber, but no obligation to replace what has been felled. He has not the privilege of fencing any trees which he may plant. Therefore, trees are felled and are never replaced.

I should like to refer to one point mentioned by the hon. and learned Member for Kettering (Mr. Mitchison). Much of this common land is valuable agricultural land and much of it is forestry land, but there is very little land in the 1½ million acres of commons in England and Wales which is not capable of producing either trees or agricultural products. Land which is not used for agriculture purposes should be handed over to the Forestry Commission to plant with trees where necessary. In the case of other commons which are bleak and want a certain amount of protection. I suggest that the commoners' committee should hand over strips to the Forestry Commission to be planted with shelter belts. That would be extremely useful to the commoners, and valuable to forestry.

[§ Mr. Mitchison](#)

Would the hon. Member wish to consider that that should apply, for example, to two-thirds of the total in the northern countries, which Professor Dudley Stamp described as land which was above the normal upper limit for the growth of forests?

[§ Sir A. Baldwin](#)

I do not know what are the upper limits of forestry planting. I would have said that there is no height in Great Britain where trees would not grow. I have seen peasants carrying wood down from very great heights in Italy, and if that can be done there I suggest that there are not many heights in Britain where trees would not grow.

It has been suggested that much of the common land is common merely because it is of not much use as agricultural land, [736](#) but in my experience the boundary fence does not denote where good land begins and bad land ends. It all depends on how the land was farmed in earlier generations. A piece of common was placed at the disposal of the agricultural executive committee of which I was a member. It was ploughed up and planted with corn, which it grew to the extent of 2 tons per acre. That was common land which previously was not worth 1s. an acre. But it will go back to what it was before—gorse, fern and brambles—and it is that which makes this problem so urgent.

I hope that, as soon as may be, the Government will take steps to issue a White Paper which could be the subject of a full debate on a day other than a Friday, in which views could be expressed by people who know something about common land, and following which the Government could produce an enabling Bill as the machinery to start the ball rolling. I know that time is on the wing, but I suggest that such a Bill would be a little monument erected to the memory of the Conservative Party—[HON. MEMBERS: "Oh."] I do not suggest for a moment that the party will need a monument because of the result of the next General Election. The Conservative Party could be proud in thinking that it had passed a Measure which had been talked about for many years but which nobody had effectively tackled.

May I conclude by saying that the rights of the public are protected to a large extent in Section 5 of the [National Parks and Access to the Countryside Act, 1949](#). The Report shows that stronger steps should be taken to ensure that people who have public access to these places do not abuse them. I suggest that on commons large enough wardens should be appointed to watch what is done on holidays, when so many people come out from the large towns into areas of common lands. Then, if necessary, they could take steps to ensure that people who throw litter about are prosecuted.

[§ Mr. Mitchison](#)

But is not this provided for in paragraph 314 of the Report, which recommends that all land should be open to the public as of right, and then adds the conditions, which are those applying under the 1949 Act?

737

§ Sir A. Baldwin

That is so. It is the present law, but nothing is done, and I want to make sure that it is used.

§ Mr. Mitchison

I will take the hon. Gentleman and the rest of the House into a secret. I am trying, by an interruption in his speech, to repair an omission from my own. I omitted to say that we all welcome the recommendation on public access in paragraph 314 of the Report.

§ Sir A. Baldwin

I am glad of that interruption. Whilst I want to see the public enjoying these amenities, I want to make sure that they do not leave the horrible mess that they do at present.

I have taken up more time than I intended but this is a subject in which I am keenly interested. I broadcast about it ten years ago and I also had the privilege of giving evidence before the Royal Commission, the members of which I accompanied on two or three of the visits they paid to commons. I would like to pay my tribute to the immense amount of work put into the Report by the Royal Commission, and I specially want to mention the Secretary, Mr. Wilde, who took a great deal of trouble to produce a Report of 284 pages. I think we would all like to thank members of the Royal Commission for the magnificent job they have done.

§ 1.42 p.m.

§ Mr. Somerville Hastings (Barking)

I want to add my word of thanks to my hon. Friend the hon. Member for Walthamstow, West (Mr. Redhead) for raising this subject today, and to say that not only I, but all individuals who love the countryside, will agree with him in expressing the grateful thanks which we feel are due to all the members of the Royal Commission. The Royal Commission had a difficult task. Some commons are covered by Acts of Parliament and others by custom as regards grazing, lopping and the removal of timber. I think the Report is a valuable one, and I agree with the hon. Gentleman the Member for Leominster (Sir A. Baldwin) that if the Government would produce a White Paper, and follow it by a Bill, it would be a good thing.

I shall discuss only two points, which I shall apply to the commons I know best. Those are the commons of South 738 Oxfordshire, over almost all of which I have walked repeatedly and frequently during the last forty years. Perhaps I ought to declare my interest, because nearly forty years ago I built a house on the border of Kingwood Common in South Oxfordshire. My first point is that I am not sure that the Report is clear

and definite enough about the replacement of commons after they are taken possession of by military and other authorities. Here I will quote my own experience.

Kingwood Common, on which my house abuts, was used during the war by the Americans for a military hospital. We who live in the area raised no objections; there was a national emergency and everything possible had to be done. The hospital consisted of a camp, partly hutted and partly tented, and a complicated sewage system was provided. At the end of the war, the need for the camp and hospital ceased, and because of the useful sewage system the local authority proposed to build a large number of houses there. The local people opposed that, and I am glad to say that the Minister, after an inquiry, agreed with us. When the Americans left their hospital, a certain number of buildings remained. There was a water tower, which could be demolished only by being blown up by the military authorities, so carefully and strongly was it built. There were various other erections we wanted to demolish, and we had the greatest possible difficulty in getting the common back to anything like its previous appearance.

A few days ago I saw on television that similar difficulties were arising, but to a much larger extent, in Pembrokeshire. Therefore, I wish the Report had been more conclusive and definite in saying that military and other authorities, who have taken possession of commons in the national interest, should undertake their complete replacement. After all, those of us who built houses around commons did so because we love the commons. We like them in their wild, natural state and we have certain rights which ought to be remembered when, at the end of a period of emergency, the land is returned to common. In other words, it should be returned as far as possible in the condition in which it was given over to the military or other authority.

[739](#) My second point is the question, which has already been mentioned, of schemes of management if the public amenities on commons are to be maintained. A lot has been said about the danger of grazing animals which get into gardens and cause damage. I can speak from experience. At the same time, grazing animals are of some advantage, and here I should like to illustrate what I have to say by reference to Peppard Common, which is only half a mile away from where I live at weekends and when I am not attending the House.

That common, when I first knew it forty years ago, was nearly all grassland. It was used not only by local people but by many others from Reading and the neighbourhood for camping out on Sundays and holidays. Lately, however, it has been used little for grazing. The result has been that scrub has overgrown what used to be very pleasant grassland.

I am not depending only on my memory of forty years ago. I have in my possession pictures and photographs of Peppard Common showing how it was for the most part grass-covered and how scrub has now developed. The scrub is no good for playing on, and it is not very much good for the plants and animals which I want very much to see on such commons. I regret that during the last forty years nightingales, wrynecks, nightjars and other birds, and wild orchids, have disappeared from the commons around me. I suggest that the development of scrub on commons is a very serious matter and should be dealt with by committees of management.

On these committees of management local authorities should be well represented, and they should be encouraged to spend money on the clearance of commons and the removal of scrub. We want there to be shelter on these commons for those who make use of them, but the impenetrable scrub which has been growing up on many commons and has developed particularly during the last two or three years when we have had a great deal of wet weather during the summer is of very great disadvantage. We shall get rid of this only if we can have committees of

management with sufficient funds to keep the commons in the condition in which those who go there would wish to see them.

[740](#)

§ 1.52 p.m.

§ [Mr. John Biggs-Davison](#) (Chigwell)

I entirely agree with the hon. Member for Barking (Mr. Hastings) that there is an urgent need for committees of management on the lines set out in the Report of the Royal Commission on Common Land. I also agree with him that the Report should be followed as early as possible by a statement of the Government's proposals for legislative action. The Government and Parliament owe it to Sir Ivor Jennings and his distinguished colleagues on the Royal Commission to ensure that the great work which they have done is not wasted. The Royal Commission must have been brilliantly conducted, and its Report—this is something which is not always said of Government Blue Books—is beautifully written. From it one can learn not only a great deal about this very intricate problem but a great deal about the history of rural England.

I should like to add my thanks to those of other hon. Members to the hon. Member for Walthamstow, West (Mr. Redhead), and to express my appreciation of the sympathetic intervention of my hon. Friend the Joint Parliamentary Secretary and the Government's acceptance of the Motion. The Motion was most ably seconded by my hon. Friend the Member for Walthamstow, East (Mr. J. Harvey), who gave a moving account of the sufferings of his constituents from straying cattle. These are shared by a number of my constituents though perhaps not to the same extent. The hon. Member for Walthamstow, West was very fortunate in his seonder. His seonder is the hon. Member's Member for Parliament, and the least that the hon. Member for Walthamstow, West can do is to vote for my hon. Friend the Member for Walthamstow, East at the next General Election.

I have some personal interest in the Report as a member of the Rural Reconstruction Association, a body which has attracted the support of my hon. Friend the Member for Leominster (Sir A. Baldwin), to whose speech we listened with great interest and admiration, and also of my right hon. Friend the Home Secretary. I commend the Memorandum of Evidence presented by the Association to the Royal Commission.

[741](#) My constituency is studded with heaths, greens and commons of different descriptions, and these illustrate the point which has been made that nearly every common is different from nearly every other one and the problems which it raises are correspondingly different.

According to the Report, the Chigwell Urban District Council controls some 50 acres, and within the parishes included in the Epping and Ongar Rural District there are perhaps 300 acres. From inquiries which I have made I find that farmers and others welcome the Report of the Royal Commission—they want less waste of the waste—and the view has been expressed to me that district councils are ready and well equipped to play their part in schemes for the improvement and management of common land.

One of these commons is close to my cottage at Curtis Mill Green in the parish of Navestock. Behind it at the edge of some lovely woodland stands a boundary stone which was re-erected some years ago by the Essex County Council. It marks what was called "... the perambulation of the Forest of Waltham in the County of Essex in the seventeenth year of King Charles I." That was 1641. Already the history of Waltham or

Epping Forest was a long one. It now consists of 6,000 acres, of which 2,000 are woodland. Once it stretched from parts of London now under concrete to Colchester. The names of public houses are names like the "King's Head", the "Bald Hind" and the "Bald-faced Stag" are a pleasant and perpetual reminder that the Forest was hunted by Norman, Plantagenet and Tudor sovereigns.

Charles I, in the words of the Exchequer roll, found it "most useful and commodious for the hunting and chasing of red and fallow deer". This was the sport of not only kings but subjects. Right into the last century the great Easter hunt, which in its later years was, I believe, rather more of a parade than a hunt, ranged from Buckhurst Hill to Fairmead. Londoners took part, and long before the [Epping Forest Act, 1878](#), regarded the unenclosed waste of the Forest as open space for this enjoyment.

By then already enclosure and deforestation were taking their toll. At one time [742](#) the acreage of Epping Forest was down to 3,000, which is half what it is today.

Mention has been made of the fight for the commons and the seizure of the commons by great lords or great interests. I remember it being said that men were often hanged for filching the goose from the common but not many were hanged for filching the common from the goose. I recall in the story of a man already referred to in the debate, Thomas Willingale of Loughton, who stood up in defence of the rights and law of the forest at a time when the lord of the manor of Loughton—I regret to say that he was also the rector of Loughton—enclosed 1,300 acres. Thomas Willingale suffered for his convictions, and others with him. They were thrown into gaol for "malicious trespass" and for asserting the right of what was called "lopwood" in the forest. Willingale's son died in prison.

It was not in vain. Soon afterwards the Commons Preservation Society was formed, and the people who played their part in that movement included Sir Noel Buxton—Buxton is a famous name in Essex and in connection with Epping Forest—Mr. W. H. Smith and Octavia Hill, whom we associate with the National Trust. They played their part in the Commons Preservation Society, and for four years fought a legal battle which cost them £6,000. They obtained an interim injunction to prevent the lord of the manor from selling and enclosing, and in the end they won. As a result, £250,000 of compensation was paid out to those deprived and those who had lost lopping and other rights. £7,000 went to Loughton, and that is why there is today in the High Road a Lopping Hall, where are held many of the meetings of the political, social and cultural organisations in that part of Essex.

I am sorry to burden the House with this flashback into history, but it illustrates the tendency there has been to encroach upon this heritage, and the need to be vigilant. I listened with respect and great interest to what my hon. Friend the Member for the Cities of London and Westminster (Sir H. Webbe) had to say. I thought he made a constructive contribution to the debate. It has been suggested to me by constituents that there is something to be said for having a somewhat remote authority in control of Epping Forest. I think we have reason to be [743](#) grateful to the City of London Corporation. It makes an annual loss of £7,000 on the upkeep of the forest, and I am glad to think that none of that cost falls on any constituent of mine. I think it is only fair to remember that.

The commoners of Epping Forest are represented on the Epping Forest Committee of the City Corporation by four verderers, two from the northern parishes and two from the southern. Three of them are my constituents. I have found that the verderers are anxious that complaints—and that they are real complaints has been eloquently voiced by my hon. Friend and the hon. Gentleman who moved his Motion—should be met. At one time, the debate seemed to be developing into an exchange of reminiscences by "Anglo-Indians"—in the old sense of

that phrase—and we heard the hon. Member for Leyton (Mr. Sorensen) talking about the sacred cows in the bazaars of Calcutta. I have myself seen the bananas whose sale was the livelihood to a poor Indian being consumed by a sacred cow while he stood by. If one has a Brahmini bull in one's china shop in India one can merely ask him to leave with the greatest of deference. This state of affairs is not necessary in Christendom, and we are very glad that the City authorities are trying with some success to get a voluntary restriction of the rights of commoners, so that the grievances of their fellow-citizens can be met.

My hon. Friend the Member for Leominster said we have not heard enough about the rights of farmers. We understand that if grazing in the forest is to be stopped for three months of the year, if horses are to be tethered, if there are to be herdsmen to keep cattle under control and grassland fertilised and cultivated, it will give some benefit to the commoners as well as the public, but it will also involve the commoners in some expense.

Epping Forest is a real forest, not like some of those scrubby expanses in other parts of the country which are dignified by the name of forest. I read with approval paragraph 239 of the Royal Commission's Report which says: that these forests— “give so much pleasure to the public that no one would suggest interfering with them any more than is necessary for their proper maintenance.” [744](#) This debate will do something if it encourages a greater effort by the City authorities to take into account the changing needs and feelings of local authorities and local people. What we want is expressed in paragraph 330 of the Report, which speaks of the “happy coexistence of public enjoyment and public rights.”

§ 2.6 p.m.

§ [Mr. Cyril Osborne](#) (Louth)

I hope it will not be a case of “last, but not least,” because I want to put a rather dissident point of view. The people who are as interested in common lands as the townspeople who go out to enjoy them—and I have no word to say against this right—are the farmers who have to work the land either on the commons or on the farms round about them.

The debate so far has centred almost exclusively round Essex and London. It might have been that these two areas were the only parts affected by the Royal Commission Report, whereas in page 25 of that Report, Table III shows that Essex has only 9,889 acres, and Middlesex and London 3,670 acres, out of a total for England of 1,054,661 acres, so that the discussion this morning has ranged round an area of about 1 per cent. of all the common land in England, and considerably less than 1 per cent. of the whole area mentioned in the Report. In page 27, there is a very graphic map showing the areas, and the black dot which represents the area which has been discussed all morning is almost so small that one can hardly see it.

§ [Mr. Biggs-Davison](#)

It is the most important part.

§ [Mr. Osborne](#)

It may be the most important, but I want to put the point of view of the farmers, and that is what I have waited here all morning to do.

My hon. Friend the Member for Chigwell (Mr. Biggs-Davison) has said that a former speaker had given a moving account of his constituents' sufferings.

[§ Mr. Biggs-Davison](#)

What I said was that my hon. Friend had given a moving account of the sufferings which were felt greatly in his constituency, and, to a lesser extent, in my own.

[§ Mr. Osborne](#)

That is fair enough, and I am not quarelling with it, but I want to put the other side too. There are farmers in my constituency who are [745](#) suffering in a much worse way from the the depredations of the city people who go out to the country and cause havoc on the farms. It is high time that someone spoke for the farmers, and that is what I have waited here to do, as against the odd cow that comes along and spoils the chrysanthemums, or whatever it may be, and which frightened one hon. Member to go out in the middle of the night in his pyjamas. May I give an example of what has happened?

[§ Mr. Redhead](#)

They are very odd cows. They are mostly bullocks.

[§ Mr. Osborne](#)

Well, the cows or bullocks that upset him, and caused one hon. Gentleman to leave his warm bed in his pyjamas to "shoo" them away. I should like to give the other side of the picture.

One of my constituents has a farm, and there are certain common rights close by. At one of my "surgeries" recently he complained that week after week his eggs were stolen. Indeed, he had become so tired of this that he had threatened to give up keeping poultry. His wife, who came with him, said that she had found a cure. She had a sitting of eggs which had been addled, and she put these into the nest from which there had frequently been pilfering. These were pilfered, too, and she said that as a result there was no more pilfering.

[§ Mr. Mitchison](#)

I have been looking at the table in the Report, and I see that the total amount of commons in the whole of Lincolnshire is one-ninth of the total amount of commons in Essex. The spot on the map, therefore, must be even smaller.

[§ Mr. Osborne](#)

If the hon. and learned Member will wait he will see that I shall try to put the point of view of the National Farmers' Union, which has sent its memorandum to 59 branches throughout the country. The memorandum has been approved. I thought that at this late point in the debate someone should speak for the farmers. That is what I hope to do.

The summary of the recommendations is in page 129 of the Report. Paragraph 404 reads: "We have come to the conclusion that, as the last reserve of uncommitted land in England and Wales, common land ought to be preserved in the public interest." [746](#) The Report goes on to define the public interest in this way: "The public interest embraces both the creation of wider facilities for public access and an increase in the productivity of the land." There is obviously a conflicting interest between those two. Both have their rights. In my opinion, the need of the farmer for greater productivity ought to be stressed. I was surprised to learn from my hon. Friend the Joint Parliamentary Secretary that during the war only about 20,000 additional acres of this land was brought under cultivation.

I must remind the House that we have an ever-growing population in this country which needs more and more food and that we are losing good productive land at the rate of about 35,000 acres a year. The new housing estates, the new schools and the factories which are being built just outside our big cities generally take some of the finest and most fertile of our soil. We lose some very fine soil in that way. In the last three years, we as a nation have had to spend about £1,350 million in buying food from abroad. We can do that only by exporting our manufactures. It will become more and more difficult for us to sell those manufactures abroad in an increasingly industrialised world. These acres which could be used for the production of food may therefore be invaluable to us. One thing we cannot increase is the size of our country, and it may well be that the need for greater productivity of the land will have to be given more attention than it has been given this morning.

The National Farmers' Union produced a Report on the Royal Commission's Report. First, it said: "It will be recalled that the main object of the Union's evidence to the Commission in 1956 was designed to stress the need to make better use of the very large areas of rural commons now derelict or inadequately exploited." The point which I am making is that the amount of land available to us for growing food is already far too small for our growing population and, therefore, to leave any of it which is not adequately exploited, as the N.F.U. says, is a national waste. I hope that when legislation is brought before the House, this point of view will be borne in mind.

[747](#) The N.F.U. went on to say: "Generally the aim of any new legislation in this connection should be to endow commoners with the maximum degree of self-government of the land subject to common rights, and to reduce to the minimum the restrictions and limitations on their right to secure full and efficient use of the land..." The N.F.U. goes on to plead for grants, such as improvement schemes which are available for hill farming. I am aware that possibly only a small proportion of the 1½ million acres of our common lands could be used economically to produce food, but I nevertheless feel that we should be most unwise to overstress the right of the city dweller to travel in his motor car into the countryside and often, through lack of thought rather than stupidity, spoil the beauty of the countryside. That point of view should be borne in mind when legislation is introduced.

I am speaking on behalf of the farmers not only in my constituency but throughout the country. Perhaps I may quote what the N.F.U. says: "Our experience of public conduct on farmland in the National Parks has shown that while members of recognised amenity bodies are familiar with the country code and generally zealous in its fulfilment, this does not apply to large and increasing numbers of townsfolk whose activities include destruction of fences, letting dogs run loose among stock"—" I have had many complaints about that in my constituency, and it is one of the worst difficulties for farmers who are responsible for stock— "lighting fires and trampling on growing crops. Such behaviour is depressingly

familiar to farmers whose mixed fortune it is to earn their livelihood in areas of natural beauty...the damage done sometimes arises as much from sheer ignorance as from wanton destructiveness or hooliganism ...” While I recognise the pleas made from both sides of the House for the rights of the industrial worker, who can now more easily get into the countryside because of the wider ownership of motor cars and motor cycles, and while I recognise his rights to enjoy the countryside and to build his health and strength in that way, it is important that we should bear in mind the interests of the farmers who grow the food which one day we may be unable to afford to buy abroad. Very often the city dweller has no idea where his food comes from or what it costs to produce it.

748

§ Mr. Redhead

The farmer would be very much better protected under the recommendations of the Royal Commission against abuse and damage in so far as the Royal Commission accompanied its proposals for opening the land to public access as a legal right with a recommendation that it should be subject to the restrictions in respect of abuse and damage laid down in the Second Schedule to the [National Parks Act, 1949](#). This would be of mutual advantage, and I am sure that all those who claim that right of access to common land would be only too prepared to acknowledge that this restriction should apply.

§ Mr. Osborne

I entirely agree with that, provided that these restrictions are imposed and provided that there is the self-discipline to accept them. It is useless to put copies of byelaws on trees or fences near farms, saying that one ought not to do this or the other, if people refuse to read them or ignore them when they have read them. The simplest example on farms near common land is the failure of people to close gates after they have passed through them. Few city people seem to realise that gates are there to be closed and not merely to be opened.

§ Mr. W. R. Williams (Manchester, Openshaw)

Some farmers do not realise it.

§ Mr. Osborne

I agree that some farmers do not, but that is not true of most farmers who have their own stock.

I hope that when legislation is introduced the legitimate rights of the farmer will be borne in mind and the needs of the country from the point of view of food will not be forgotten, for we may not in future be able to afford to buy abroad the amount of food which we are now buying.

Having thus put the other point of view, which I hope will not be taken to be a note of protest, I welcome the way in which the Motion was introduced. I am grateful to the hon. Member for Walthamstow, West (Mr. Redhead) for having placed it on the Order Paper some time ago, because it caused me to look once again at this extraordinarily good Report.

[749](#)

§ 2.22 p.m.

§ [Mr. Bryant Godman Irvine](#) (Rye)

It is not always I find myself in such complete agreement with my hon. Friend the Member for Louth (Mr. Osborne), but as a farmer and member of the National Farmers' Union, I should like to congratulate him on the source of his information. I welcome what he has said.

The hon. Member for Louth mentioned gates being left open. I have lived most of my life near a common. At one time it was a Metropolitan common. Now I am living not so far away from an agricultural common. In the Report the common near to where I am living is described as a "gated common". I am not quite sure where Professor Dudley Stamp obtained his information. There were some gates to it some time ago, but when there were gates they were not very often closed. The only time they were closed was usually out of school hours when little children thought it might be an economic proposition to close them and then open them in front of the people who happened to come by in motor cars. Those gates have mostly fallen down, and are certainly not used.

The few remarks I wish to make today are based on the fact that I have seen commons of both sorts and have watched them over a period of years. There is a difference between the common which I now find myself near and the earlier common. There was a common rate for the Metropolitan common, and therefore there was somebody responsible and somebody who took good care of it. People who wanted to use that common had very good facilities for doing so. The agricultural common has some commoners with a committee of management, but the general public who use it exercise no responsibility over the common. All they do is claim the rights of exercising their dogs, walking about, and so on.

The hon. Member for Walthamstow, West (Mr. Redhead) mentioned a moment or two ago that under the Report farmers and others would be in a better position because of the Schedule to the [National Parks Act](#), which it is recommended should be put into force if anything is done in consequence of the Report. Those of us who have a little knowledge of national parks, both here and even in other countries, will not be too confident that that is a complete answer to the [750](#) problem. I remember not very long ago being in a national park in Canada. I found that there were a great number of Americans who had come there. Some of them explained to me that the reason why they went to Canadian national parks rather than their own was that the Canadians had very much better arrangements for keeping litter under control.

I am not satisfied that the Schedule provides a complete answer. It may well be that what ought or ought not to happen is all set out in the Schedule, but who in fact carries out the Schedule? Too often I fear there may just be a notice in small print which is rather weather beaten erected at some place where nobody will read it or bother very much about it. From the observations that I have made, I have not very much confidence that, left to the provisions of that Schedule, we shall be making very much progress in this matter.

In addition to this Schedule, we should have an active campaign of public education. The public are derogating from their own interests by not paying attention to the order. Grazing on the common I have particularly in mind has changed very much in recent years, largely because of the advent of the motor car, and, I suppose, of the bicycle. Large numbers of people now come on to the common who would not have done so some years ago.

I am happy to see that dogs are to be at the top of the list of things to be mentioned in the proposed byelaws that are set out in the Report. A great many dog owners have little appreciation of the suffering and damage which dogs not under control can cause to sheep and other animals. I have seen cows with broken legs and many other similar sights, simply caused by the thoughtlessness of people who let their dogs loose with no idea as to what they do when they are out of their control.

Then there is glass and litter. I put them in that order, because glass can cause such damage to animals that it is a much greater danger than litter, which merely causes great inconvenience. The largest contributors to the litter problem are people who come within the term "gypsies." There is some doubt cast in the Report on whether the people who are known as "gypsies" in all cases are gypsies. I doubt whether they are, but they are people who go around in [751](#) rather broken-down caravans. Some of them come with elderly motor trucks that are used instead of the horses which we used to expect gypsies to have. These people depart, leaving glass, old bedsteads, broken-down prams, pieces of bicycle and litter of the worst sort. That is a matter to which attention must be given if the commons are to be put to the use to which we hope they will be put if the recommendations in the Report are carried out.

Part of the Report which deals with fires. Any hon. Member who has seen a common fire realises what a great danger to property and to stock a fire can be. There is the example given in the Report of fires which took place on commons in the County of Hampshire in one month which cost that county £1,600 in fees for fire fighting.

Finally, there is the question of disease of animals. Many hon. Members know the terrible diseases from which animals can suffer and the ease with which those diseases can be carried from one holding to another simply by dogs' feet or by the feet of human beings and birds. Birds not only travel the country but go from one country to another. One of the diseases I have in mind is Johne's disease, for which we have no known remedy at all, which is quite prevalent in some parts of this country. That scourge can easily be taken from one place to another simply by a dog or by somebody who does not realise that, by not disinfecting his feet when going across a farm boundary, he is carrying infection which may put a farmer completely out of business with no hope of redress. It is also well known that foot-and-mouth disease is carried by birds. I am not at all satisfied, therefore, that the problems could be dealt with solely by means of the Schedule to the [National Parks Act](#). Something more is needed.

I very much regret that I was not able to hear what my hon. Friend the Joint Parliamentary Secretary had to say, not only because I always enjoy listening to him, but because, on this occasion I should have had the privilege of telling him what I thought about his speech rather than he telling me, as generally happens. After what my hon. Friend the Member for Louth has said about the [752](#) need for agricultural production, I need not elaborate that point in detail.

The Report mentions that 6 million houses have been built since 1919, and that figure speaks for itself. Professor Cooper, in a recent book, points out that to provide food for every family of four we now have available land equal in area to about one football pitch, and he adds that management of a very high order would be required to provide even subsistence—from that area of land.

[§ Mr. Osborne](#)

I take it that my hon. Friend means that an area the size of a football pitch is necessary to maintain a family of four—not necessarily a football pitch for every family?

[§ Mr. Irvine](#)

I have evidently expressed myself badly. The amount of agricultural land now available for producing food for each family of four is equivalent in size to one football pitch, and that amount of land has to be worked extremely intensively to provide the subsistence necessary for a family of that size.

Paragraph 324 of the Report states that an intensive programme for every bit of agricultural land is not proposed, and paragraph 325 sets out the various places that the Commission considers uneconomical and impracticable to bring into production. It speaks of mountain peaks and sand dunes. It was the reference to the sand dunes that caught my eye because, probably like many other hon. Members, I have seen how the sand dunes in West Jutland have been transformed into quite productive agricultural land in the lifetime of many of the people still living there today. For the reasons mentioned by my hon. Friend the Member for Louth, and for many others that will be in the minds of hon. Members, we should regard a little more seriously than, perhaps, some of us do, the land which is not put into production. If I have a criticism to make of the Report it is that it seems more interested in the right of public access to the Metropolitan commons than in seeing that good agricultural land is brought into proper production.

I was a little surprised to see that the Commission considers that the right person to deal with the common land is the Public Trustee. I happen to be farming land now which was managed by the Public Trustee during the 1914–18 war, and it is a little difficult to follow some [753](#) of the steps he then took in long-term planning. Although I am quite sure that the Public Trustee is an excellent official to deal with the legal aspects of common land, if we are to have any possibility of increasing agricultural production and bringing common land into good use, we should have someone to give the Public Trustee a little assistance and prodding—

[§ Sir A. Baldwin](#)

in defence of the Public Trustee, may I say, as one who works under him, that, as a general rule, practical people are appointed to look after local problems? The Public Trustee has some very practical people in his office—those acquainted with land agency work, and so forth?

[§ Mr. Irvine](#)

I am much obliged to my hon. Friend. If I have been a little hard on the Public Trustee, I apologise. I only say that, judging from the small pieces of land with which I know that official had something to do, that aspect of his work does not fill me with great confidence. Be that as it may, if the Public Trustee can push on with the important matter of bringing common land—and other derelict land—into production, I shall be only too happy. But I very much doubt whether a scheme such as that in West Jutland could be formulated in the Public Trustee's office and brought to fruition without some assistance being given to him.

If these schemes are to come to fruition, I cannot, from the Report, follow how it is to be done. I understand that it will take 13 years from the appointed day to complete the registration formalities. Does that mean that during that period we are not to have any schemes introduced? Or can some regulations be formulated which will enable schemes to be brought into action before the 13 years have expired?

Fencing is another matter that could well receive a little attention. Paragraph 388 of the Report mentions a case in which a farmer adjacent to a common successfully brought an action against commoners for damage done by their cattle straying. Anybody who lives near a common knows what damage can be done in that way, but there are some people who believe that if they put their cattle on a common no further liability is likely to be placed on them. If the Report and this debate draw attention to this problem, it will be all to the good.

[754](#) We also have the problem of fencing on highways. My hon. Friend the Member for Leominster (Sir A. Baldwin) has already pointed out that the commons were there long before the motor cars and the other heavy traffic that use the highways. If these fences are now desirable, as I have no doubt that they are, they are required more by the motorists than by the cattle, which got on very well without fences for the best part of a thousand years.

The hon. Member for Barking (Mr. Hastings)—I am sorry he is not now present—regretted that a common he knew was now covered with bracken. He thought that it would be desirable to set up an authority for removing it. I could have told him of a case where precisely the contrary view was taken by the local people, and where a proposal to remove bracken received intense opposition.

One reverend gentleman wrote to the local newspaper saying how greatly he regretted the proposed destruction of the beautiful view of the bracken. The scheme also included a proposal to put up fences to keep the cattle off the land while the seeds were growing and on the reseeded grass when it was in production. This, too, aroused opposition. For those and for other reasons, the scheme went no further, and that common is now in such a state that over a great deal of it a dog could not be exercised and much of it could not be walked. Anybody who thinks that bracken is beautiful now has a very good view of it there.

I welcome this Report and I thank the hon. Member for Walthamstow, West for giving us the opportunity to discuss it today. I hope when I read what the Joint Parliamentary Secretary said I shall find that he intends to take urgent action on the Report and in particular to give attention to those matters which I have raised so that increasing attention will be given to agricultural production.

[§](#) Question put and agreed to.

[§](#) Resolved, “That this House welcomes the Report of the Royal Commission on Common Land and, subject to points of detail upon which further consultations may be deemed expedient, urges Her Majesty's Government to give early consideration to the recommendations of the Commission and to announce its intentions thereon.”

Back to [PRAYERS](#)

Forward to [POLICE](#)

[Noticed a typo?](#) | [Report other issues](#) | [© UK Parliament](#)