

BRILL COMMON

MANAGEMENT ADVICE

A report prepared by the BBOWT Land Advice Service

August 2022



Report Title	Brill Common: Management Advice
Date	April 2022
Report commissioned by	Brill Parish Council
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Reference number	LAS046(5)

Quality Assurance

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Summary

Brill Common is a special place which requires specialist management to ensure that it continues to be a great place for wildlife and for people.

This report identifies a number of 'priorities' which require attention and recommends some actions to resolve them. **Click on the heading to take you to the relevant section.**

The priorities are:

[Management and decision making](#)

Brill Common is owned by Brill Parish Council on behalf of the residents of Brill Parish. The Parish Council is responsible for making decisions that impact the condition of The Common, its visitors and its wildlife.

[A grazing regime that will benefit the wildlife of The Common.](#)

An appropriate grazing regime is the best way to manage The Common to benefit wildlife.

[A secure Common](#)

One of the most important elements of land management is to ensure that a site is protected from external pressures.

[High quality wildlife habitats across the Common](#)

The Common is designated as a Local Wildlife Site because of its open, grassland habitat. This habitat should be the priority for maintenance and enhancement.

[Appropriate Access and Recreation on The Common](#)

Brill Common is a very important area for informal recreation. Many visitors enjoy walking across The Common, picnicking and exercising their dogs.

[Contribution to fighting climate change](#)

The Climate Crisis will have a negative impact on everybody and all wildlife. We should make every reasonable effort to reduce this impact.

It is hoped that all stakeholders can agree on these priorities and the recommended actions, and that the Parish Council can take forward the management of The Common to benefit all aspects of this wonderful and valuable place.

Introduction

Brill Common is a special place. It has been shaped by an interesting history of commoning, clay digging and, more recently, a return to grazing by commoners and scrub cutting by volunteers. It is an important place for many thousands of people each year; both locals stretching their legs and exercising their dogs, and visitors coming from further afield to see the windmill and enjoy the extensive views across the landscape.

It is also home to lots of wildlife. It is designated a Local Wildlife Site because of the presence of species-rich grassland which, in turn supports a host of birds, butterflies and other insects.

Brill Common is an intrinsic part of the village of Brill, with many properties bounded by The Common, access routes crossing The Common and fingers of common land reaching into the village itself.

Although this document focusses upon the management of Brill Common (The Common), much of its contents are also relevant to The Walks and the various areas of Village Green at The Square and The Green, which should be considered as a whole when determining the management of green space in the village.

The Common is owned by Brill Parish Council ['for the benefit and enjoyment of all Brill's residents as well as the many visitors who come to the village.'](#)

This document identifies some key priorities which have an influence over the condition of The Common, and associated green spaces, their visitors and their wildlife. Following discussion with The Parish Council and some of the various stakeholders of The Common, these priorities have been identified, described and some actions recommended. This report is not meant to be a replacement for the management plan, which should be read in conjunction with this document.

It has been produced by BBOWT's Land Advice Team who have significant experience of managing common land for wildlife and for people.

It is hoped that all stakeholders can agree on these priorities and the recommended actions, and that the Parish Council can take forward the management of The Common to benefit all aspects of this wonderful and valuable place.

Overarching vision.

Brill Common will continue to be an important site for wildlife associated with grassland and scrub mosaic habitats. It will be buzzing with a wide variety of bees, grasshoppers, butterflies and other insects.

Brill Common will continue to be a pleasant and attractive place for people to visit for quiet relaxation and to enjoy the wildlife.

Priorities

Priorities for the management of The Common are listed with a brief description and a number of recommended actions.

1. Management and decision making

Brill Common is owned by Brill Parish Council on behalf of the residents of Brill Parish. The Parish Council is responsible for making decisions that impact the condition of The Common, its visitors and its wildlife.

Brill Parish Council is ultimately responsible for any liabilities which may result in the use of The Common, and therefore has to be responsible for any decisions about the management of the common which will have an impact on visitors to the common, people living adjacent to the common, wildlife of the common, and the legal status of the common.

The legal framework for management decisions includes the statutory considerations in the 2011 management plan and those given below. This is not an exhaustive list, but outlines the legislation likely to be relevant to the management of The Common.

From the 2011 Management Plan:

- The Commons (Registration) Act 1965
- The Commons Act 2006
- The Countryside and Rights of Way Act (CROW) 2000
- The Wildlife & Countryside Act (1981) (As amended) and The Conservation of Habitats and Species Regulations (2010)
- The Natural Environment and Rural Communities (NERC) Act (2006)
- Cross Compliance

Other relevant statutory considerations, not included in the 2011 management plan:

The Occupiers Liability Act 1987

This Act sets out the duty of care that an occupier (Brill Parish Council in the case of The Common) has to visitors if the following are met:

- The occupier is aware of the danger or has reasonable grounds to believe that it exists
- The occupier knows or has reasonable grounds to believe that the other is in the vicinity of the danger concerned, or that they may come into the vicinity of the danger (in either case, whether they have a lawful authority for being in that vicinity or not)
- and the risk is one against which, in all the circumstances of the case, it may reasonably be expected to offer some protection.

Higher Level Stewardship Agreement

The Common is subject to an agreement with the Rural Payments Agency, which makes payments to the Parish Council for managing The Common in a way which benefits the environment. This agreement must be understood and adhered to, because failed inspections can lead to a financial penalty.

The Commons Act 1876, and The Inclosure Act 1857

Town and village greens (TVGs) are protected by ancient legislation. Under section 29 of the Commons Act 1876, together with section 12 of the Inclosure Act 1857, it is an offence to encroach on or enclose any part of the village green, or to erect any structure on it. Village Greens must be registered with the local authority (Buckinghamshire County Council). The Walks were registered in as a village green in 2015.

Because of this complex array of legislation, it is important that all decisions relating to the common are made with a general understanding of the obligations and restrictions that they impose.

Recommended actions

- 1.1 Ensure that all decisions concerning the management of Brill Common (on matters over which the Parish Council has authority) are made by Brill Parish Council, following appropriate consultation with stakeholders.
- 1.2 Form a management steering group to help make decisions about the management of the common. This should include representatives from Brill Parish Council, Brill Community Herd and Friends of Brill Common, the Brill Common Volunteers, and BBOWT. The group could meet four times a year to agree an annual work plan and identify priorities for management. This group should have a simple constitution. If disagreement occurs, then final decisions will be made by the Parish Council (on matters over which the Parish Council has authority) with advice from an experienced land management organisation.
- 1.3 Produce a five- or ten-year management plan, based on the 2011 plan, but updated to reflect changes. The Plan should identify features and have a vision and prescription for each feature.
- 1.4 Agree an annual work plan for the common. This should be resourced and timetabled – identifying when activity should take place and who is responsible for it.

2. A grazing regime that will benefit the wildlife of The Common.

An appropriate grazing regime is the best way to manage The Common to benefit wildlife.

Livestock grazing has numerous benefits which are hard to replicate by 'manual' management, such as mowing or scrub cutting:

- Grazing removes vigorous grasses, allowing other, often less common, plant species to germinate and thrive.
- The right level of grazing creates a varied structure to the vegetation, which can support much more wildlife.
- Grazing can reduce the growth of scrub and tree species which might otherwise take over The Common.
- Over time, it can reduce the amount of nutrients in the soil – creating the ideal conditions for some less common plants.
- Dung is an important habitat for many fungi and invertebrates. It is a vital part of the food chain for an ecosystem.

An ideal grazing regime would consist of:

- A mix of different grazing species – equines, cattle, sheep and goats all graze in a different way, so a variety of livestock species creates a much more varied vegetation structure, which

supports more wildlife. Sheep, however, are not so good on public sites with lots of dog walkers and horses tend to get fed and can become a nuisance.

- Traditional, hardy breeds of livestock – these are better suited to the tough conditions found on The Common. They are able to cope with harsher weather and are less fussy eaters than newer breeds. They will browse prickly scrub and eat coarser vegetation.
- Relatively low numbers over a large area – allowing livestock to graze where they want is more natural. Some areas will be grazed to create a tight sward, and others will be left relatively untouched.
- Removal from The Common for certain times of year, especially spring – this will allow plants to flower and set seed. This requires the availability of layback land and the ability to move them between holdings. Supplementary feeding on The Common should be kept to a minimum as this can cause excessive localised poaching (cutting of the soil by hooves and creation of muddy patches) and nutrient enrichment.
- Suitable infrastructure – including a holding pen and suitable crush, for safe and efficient handling.
- Daily welfare checking by a group of trained volunteers, and regular checks by the keeper and/or a vet.

Recommended actions

- 2.1 Source alternative land adjacent to The Common for 'layback' during the winter and spring, to allow The Common to 'rest', provide a space for feeding and to hold any animals that require isolation from the herd. This land could be rented to the commoners.
- 2.2 Consider the use of fenceless grazing systems such as [Nofence](#) to do away with the need for electric fencing.
- 2.3 Promote the benefits of appropriate grazing to visitors to The Common, for example through appropriate interpretation or guided walks.
- 2.4 Work with the commoners to develop and deliver the ideal grazing regime to benefit wildlife.

3. A secure Common

One of the most important elements of land management is to ensure that a site is protected from external pressures.

Such pressures include encroachment (extending adjacent property onto the common) which can lead to adverse possession (change of ownership following a 10 year occupation), flytipping and inappropriate resurfacing of tracks.

Commons everywhere are subject to neighbours extending their properties either with fences, or just by mowing and gardening parts of The Common. Users of the Common can feel excluded from these areas, and neighbours may claim adverse possession if unchallenged.

Flytipping is often undertaken by neighbours of a common, dumping garden, or other, rubbish onto what they consider to be waste land.

Changing the surface of tracks is often undesirable as it can be out of keeping for The Common, and it may be unlawful because it can prevent commoners from exercising their rights.

The [Brill Common & Walks Policy Document](#) clearly and effectively states some of the relevant policies relevant to protecting The Common and can be the basis of any further documents and policies.

Recommended actions

- 3.1 Ensure that The Common and any other land owned by the Parish Council is registered with the Land Registry. This makes claiming adverse possession more difficult and can ease disputes over boundaries.
- 3.2 Write to neighbouring landowners who have encroached on The Common to advise them that the owner objects to the possession of the land. Legal advice should be sought to ensure appropriate wording and records should be kept of all correspondence.
- 3.3 Formalise the use of tracks across The Common by neighbours in the form of easements (an agreement permitting access across land) including those on the extremities of The Common. Legal advice should be sought. An easement can dictate how a track is maintained.
- 3.4 Promote the fact that the Parish Council owns and cares for The Common on behalf of local people to reduce antisocial behaviour such as flytipping.
- 3.5 Organise an annual [Beating of the Bounds](#). This is a traditional walk around the boundary of the common with as many residents of Brill parish as possible, normally on Rogation Sunday in association with other events to make the day attractive. Encroachments can be recorded and discussed.

4. High quality wildlife habitats across the Common

The Common is designated as a Local Wildlife Site because of its open, grassland habitat. This habitat should be the priority for maintenance and enhancement.

The grassland areas support lots of plant species including at least three species of orchids as well as Lady's Bedstraw, Carline Thistle and Wild Marjoram.



Once a common bird across the UK **Skylarks** are now declining. They require open grassland habitats like that found at Brill Common for both nesting and foraging.

(photo – Derek Moore)

Other habitats on The Common include 'scrub' – which is increasingly being recognised as a previously undervalued habitat which can host a rich diversity of birds, invertebrates and mammals; ponds which provide breeding sites for amphibians, a good variety of insects and often uncommon plants; wet flushes where water comes to the surface at a change of permeability of the underlying rock; and more mature woodland which have a special ground flora and dense understorey.

Each of these habitats require some form of management to maintain or enhance them for wildlife. In addition, monitoring their condition is important to ensure that management interventions are effective and that any decrease in habitat quality can be identified and action taken.

Land management is always a balance – management, or lack of management, will favour certain habitats over others. It is important to identify which habitats and species are considered the most important for the area, and focus efforts on maintain and enhancing those. More widespread habitats and species, can be maintained as well, but ideally not to the detriment of those considered more important.



Bee Orchids are currently found on Brill Common. Their continued monitoring and preservation should be a priority.

(photo – Vaughan Matthews)

An over-arching vision for the habitats on The Common might be:

Brill Common will be dominated by unimproved grassland. This will, in areas, be species-rich, with abundant positive indicator plants associated with chalk and neutral grassland. This grassland will be varied in structure for much of the year, with taller tussocks surrounded by a shorter sward and occasional small patches of bare ground. This structure will provide lots of resources for invertebrates and other animals in the form of shelter, pollen, nectar, seeds and foliage.



The Brown Argus butterfly. It benefits from the tussocky grassland found at Brill Common, using the sheltered areas for feeding and laying its eggs on Dove's-foot Crane's-bill.

(photo – Vaughn Matthews)

This grassland will be in an intricate matrix with small patches of dense scrub. This will have a varied species composition and will provide shelter from the wind for butterflies and nesting opportunities for birds as well as pollen and nectar at different times of the year. This scrub will not develop into woodland, but will be kept dense and bushy.

Ponds will have a good proportion of open water and will support a variety of floating, submerged and emergent vegetation. They will be suitable as amphibian breeding sites and will be surrounded by vegetation which support amphibians for the rest of the year. The ponds will be buzzing with wildlife such as dragonflies and pond skaters and the water will be clean and free from invasive plant species.

Great Crested Newts, a European Protected Species, will use healthy ponds for breeding but will also benefit from rough grassland and scrubby edges.

(photo – John Bridges)



Areas of mature woodland will have a varied structure and tree species composition. They will have a healthy ground flora and a dense understorey. There will be frequent dead wood and a variety of tree ages – from young saplings to mature trees.

Recommended actions

- 4.1 Design and implement a 'rapid assessment' monitoring scheme for The Common, with measures of habitat quality and extent. BBOWT can assist with the design of such a programme.
- 4.2 Produce a simple five- or ten-year management plan (see action 1.3, above). This should include a description of the habitat and a 'vision' for its desired state, followed by a prescription for how to achieve the vision.
- 4.3 Ensure that management prioritises the most important habitats. At Brill Common, the unimproved grassland is likely to be the priority for management.
- 4.4 Ensure that all areas of The Common are considered for active management, including the green lanes and other areas away from the main common.

5. Appropriate Access and Recreation on The Common

Brill Common is a very important area for informal recreation. Many visitors enjoy walking across The Common, picnicking and exercising their dogs.

The Common should be a safe and enjoyable place to visit, and visitors should be encouraged to behave responsibly to reduce their impact on the many important features of The Common, including the wildlife (plants and animals), livestock, infrastructure and other visitors.

Recommended actions

- 5.1 Promote an understanding of the importance of The Common with events like guided walks and bug hunts.
- 5.2 Have a robust policy for hazardous tree surveys and resulting maintenance.
- 5.3 Consider making bylaws to deal with any persistent antisocial problems.

- 5.4 Audit the access infrastructure (steps, gates, benches etc) annually to ensure that it is safe and fit for purpose.
- 5.5 Work with the County Rights of Way team to ensure that public rights of way are in good condition.
- 5.6 Identify a location for a new pond which would be appropriate for dogs to play in so that the existing ponds can be reserved for wildlife.

6. Contribution to fighting climate change

The Climate Crisis will have a negative impact on everybody and all wildlife. We should make every reasonable effort to reduce this impact.

Planting trees is known to have a positive impact by reducing the amount of carbon dioxide in the atmosphere. Grasslands, such as Brill Common, also have an important, but lesser, role to play in carbon sequestration, by storing carbon in their soils.

Allowing Brill Common to naturally regenerate to scrub, or planting trees, will sequester more carbon than its current state. However, there is likely to be a significant loss of biodiversity (in the short and medium term) due to shading of the species-rich grassland.

Most conservation organisations would recommend that extensive tree planting is not undertaken on species-rich grassland because of the loss of important habitat. Trees and woodland do have a value for biodiversity, but species-rich grassland is likely to support more valuable wildlife than a single tree, especially until it reaches full maturity.

[From a Natural England report](#): ‘This suggests a balance; semi-natural grasslands are of importance for their high nature value, potentially large belowground carbon stocks, and the reduced emissions associated with extensive management, but their role in sequestering carbon long-term may be more modest’

Brill Common is also a ‘cultural landscape’ with panoramic views of the surrounding countryside. Tree planting could change people’s perception of the area and disrupt these views.

Recommended actions

- 6.1 Identify alternate locations, with low biodiversity value, in the parish where tree planting could take place, for example farmland or a new community orchard.
- 6.2 If tree planting on The Common is desirable, identify areas which will have the least impact on biodiversity (low species-richness) and on the views across The Common. The surrounding hedges may be a suitable location.

Next steps

BBOWT can help with the following actions outlined above:

- 1.2 Form a management steering group to help make decisions about the management of the common. This should include representatives from Brill Parish Council, Brill Community Herd and Friends of Brill Common, the Brill Common Volunteers, and BBOWT. The group could meet four times a year to agree an annual work plan and identify priorities for management. This group should have a simple constitution. If disagreement occurs, then final decisions (on matters over which the Parish Council has authority) will be made by the Parish Council with advice from an experienced land management organisation.
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- 1.4 Agree an annual work plan for the common. This should be resourced and timetabled – identifying when activity should take place and who is responsible for it.
- 2.4 Work with the commoners to develop and deliver the ideal grazing regime to benefit wildlife.
- 4.1 Design and implement a ‘rapid assessment’ monitoring scheme for The Common, with measures of habitat quality and extent. BBOWT can assist with the design of such a programme.
- 4.2 Produce a simple five- or ten-year management plan (see action 1.3, above). This should include a description of the habitat and a ‘vision’ for its desired state, followed by a prescription for how to achieve the vision.
- 5.1 Promote an understanding of the importance of The Common with events like guided walks and bug hunts.
- 5.2 Have a robust policy for hazardous tree surveys and resulting maintenance.

The regular presence of a warden will help resolve many issues with the management of The Common. BBOWT is working with the Parish Council to identify how this might be delivered.