

# ‘Born out of crisis’: Assessing the Legacy of the Exmoor Moorland Management Agreements

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**Abstract** Shortly after the designation of Exmoor National Park in 1954 the moorland that the park was charged with maintaining and enhancing came under threat from agricultural improvement. The ensuing ‘moorland conflict’ eventually led to a pioneering system of moorland management agreements. The moorland management agreements have an important place in the transformation of agricultural policy and the development and social acceptance amongst farmers and landowners of the concept that farmers should be paid for their stewardship of the environment. Drawing on published and unpublished documents, as well as extensive interviews, this paper revisits the origins of the problem of moorland reclamation, assesses the role played by key individuals in publicising the problem and promoting management agreements as a solution, considers the risks taken by those entering into management agreements, and identifies some of the tangible and intangible impacts of the moorland management agreement system.

## Introduction

The designation of Exmoor National Park in 1954 recognised the importance of the open character of much of the area and, in particular, its moorland. However, the moorland that the National Park was charged with maintaining and enhancing was soon under threat from agricultural improvement and the following years saw extensive moorland loss alongside the fragmentation of remaining moorland (Lowe et al., 1986). The ensuing ‘moorland conflict’ eventually led Exmoor National Park Authority, in collaboration with farmers, land owners, the Country Landowners’ Association and National Farmers’ Union, to pioneer a new system of moorland management agreements. Indeed, for a short time, Exmoor was the only location operating wholly voluntary management agreements (Brotherton, 1990). The Exmoor moorland story has been told before, most notably by Malcolm and Anne MacEwen (1982), in the chapter on Exmoor in the 1986 book, *Countryside Conflicts* (Lowe et al.) and as a tale of political intrigue and skulduggery by Malcolm MacEwen in his autobiography (MacEwen, 1991).<sup>1</sup> However, the passage of time and the radically different agricultural and environmental policy context that exists today means that it is possible to see the events of the 1960s, 1970s and early 1980s in a different light. Drawing on a range of published sources, National Park Authority documents, the personal papers of an Exmoor farmer, and face-to-face interviews with

individuals with close involvement in the evolution and operation of the moorland management agreements, this paper revisits the origins of the problem of moorland reclamation, assesses the role played by key individuals in publicising the problem and promoting management agreements as a solution, considers the risks taken by those entering into management agreements, and identifies some of the tangible and also longer term intangible impacts of the moorland management agreement system. Interviewees included former and current Exmoor National Park Authority employees, farmers, land owners and others involved in land management on Exmoor. Names have been used where information is in the public domain and/or with the informed consent of the individual concerned. In other instances we have not systematically identified interviewees as farmers or national park staff, etc, as the relatively small number of key individuals involved could easily lead to the identification of interviewees.

### **Background: emerging conflict**

Exmoor has been described as a 'soft upland' (Thomas, 1989). In comparison with other upland areas, the physiographic characteristics of Exmoor, flatter topography, good soil composition and mild climate, made this area a prime target for land 'improvement' (MacEwen and MacEwen, 1982; Lowe et al., 1986). Indeed, when hill farming subsidies were introduced in 1949, the National Farmers' Union had to exert strong pressure on the Ministry of Agriculture Fisheries and Food to include Exmoor within the hill line (Lowe et al., 1986). Technological change in the post-war period, grant aid for land improvement and a policy objective of increasing production soon brought conflict between conservation and amenity bodies and farmers on Exmoor. Indeed, driven originally by the government's need to secure adequate levels of domestic food supplies in the immediate post-war period, a generation of farmers had grown to accept the policy of 'improving' hill land as an established, socially appreciated and strategically valued contribution to the nation's well-being.

At the time, the then National Park Committee lacked the political will to implement what powers they did have to prevent moorland loss. In order to clarify the situation and assess the threat to moorland, the Exmoor Society commissioned Geoffrey Sinclair to undertake a land use and vegetation survey (Exmoor Society, 1966; Sinclair, 1970). The resulting 1966 pamphlet, *Can Exmoor Survive?* (Exmoor Society, 1966), published with the purpose of 'clearing the ground for action', reported the findings of the technical assessment conducted by Sinclair in the previous year. Sinclair's land use and vegetation report stated that between 1957 and 1966, the area of moorland on Exmoor had fallen by 3,700 hectares from 23,800 hectares to 20,100 hectares, a loss of sixteen per cent in just nine years, figures immediately disputed by the National Farmers' Union. Given that, Exmoor National Park was (and still is) a place of natural beauty and history which provides recreation, amenity and public access, at the same time as being a community in which people live and work in a range of occupations including farming and forestry, the Exmoor Society drew the conclusion that it was imperative to address the problem of sustaining the two interests (i.e. farming and the environment) in a way that would complement each other.

The Planning Departments of Somerset and Devon County Councils used the Exmoor Society findings to produce a 'Critical Amenity Map' (Sinclair, 1970) which defined moorland that was considered in need of legislative protection, some 17,631 hectares in total. The use of powers under Section 14 of the 1968 Countryside Act was recommended to ensure that farmers in specific areas gave six months notice of intention to reclaim moor or heathland, to negotiate agreements or implement Compulsory Purchase Orders (Brotherton, 1990). The National Farmers' Union and the Country Landowners' Association, however, argued against this approach, negotiating instead a 'gentleman's agreement' of voluntary notification of the intention to reclaim moorland. This did little to stem the growing conflict: 'As a device to control reclamation, the voluntary notification system was a complete failure. Nineteen proposals were notified between 1969 and 1973, but notification did not lead to a single agreement' (Lowe et al., 1986: 195).

### **Finding a balance**

The conflict continued into the 1970s and, following the failure of the 'gentleman's agreement' and the publication in 1974 of the Sandford Report on National Park Policies,<sup>2</sup> management agreements were recommended as a desirable, flexible and convenient way of allowing land owners to conserve the landscape. In 1976, the new Exmoor National Park Committee commissioned John Phillips to report on the state of heather moorland. He concluded that the maintenance of low intensity farming systems were essential in areas of remaining high quality moorland: 'unless strong and constructive steps are taken along these lines, Exmoor as it is today will go on being eroded, until one day people will wake up to the fact that it has disappeared except as a name on a map' (Phillips Report, quoted in Lowe et al., 1986: 196).

Around this time, a series of events occurred which led initially to the Porchester Inquiry and, ultimately, to the development of voluntary moorland management agreements. The Labour Secretary of State for the Environment replied to the Sandford Report in 1976, accepting the report's recommendations and the need for further legislation to conclude management agreements (Brotherton, 1990). At the time of this response a comprehensive, multipurpose management agreement was under consideration by the National Park Committee, which had been submitted by its own Vice-Chairman, Ben Halliday, covering part of his estate at Glenthorne.<sup>3</sup> Controversially, under the proposal for a management agreement at Glenthorne, approximately fifty hectares of 'critical amenity' moorland (i.e. that defined under the Critical Amenity Map) would be reclaimed (MacEwen and MacEwen, 1982). Later that year a second proposal came under negotiation for the reclamation of 120 hectares on the neighbouring Stowey Allotment. This represented some eighty-five per cent of the area of Stowey Allotment. The Phillips Report had been suppressed during this time (Lowe et al., 1986), creating additional tensions on Exmoor and the situation was further intensified when, after some months delay, the committee approved the Glenthorne moorland management agreement (including an element of improvement) and also approved the reclamation of Stowey Allotment. Commenting on these events, Brotherton (1990: 356) remarks that 'the committee's handling of the case may not

have been public administration at its best', a remarkable under-statement,<sup>4</sup> while the Countryside Commission subsequently reported the committee to the then Department for the Environment for its 'mishandling of affairs'. The Labour Secretary of State for the Environment and Minister of Agriculture responded quickly by announcing an inquiry into land use on Exmoor to be led by a Tory grandee, Lord Porchester. Porchester proved an inspired choice. As heir to the earldom of Carnarvon (he eventually succeeded to the title in 1987) his landowning and political credentials made it hard for Exmoor Conservatives to attack him (MacEwen, 1991). Moreover he had impeccable and indisputable 'rural' qualifications, but at the same time was untainted by any past direct associations with Exmoor affairs. From 1955 to 1965 he had been a member of the Hampshire Agriculture Executive Committee, a board member of the Nature Conservancy from 1963 to 1966, of the Sports Council from 1965 to 1970, and a Forestry Commissioner from 1967 to 1970.

Porchester reported in 1977, redefining the earlier 'critical amenity' map drawn up by Sinclair into two separate maps. Map One illustrated the total area of heath and moorland of Exmoor and Map Two identified areas for which Porchester recommended rigid protection. Map two defines 'those particular tracts of land whose traditional *appearance* the Authority would want to see conserved, so far as possible, for all time' (Porchester, 1977: 52, *emphasis added*). Largely confirming Sinclair's earlier work, Porchester calculated that the area of moorland on Exmoor had fallen by 4,900 hectares, from 23,900 hectares in 1947 to 19,000 hectares in 1976. Four fifths of the loss was attributable to agricultural conversion (Lowe et al., 1986). Of the remaining area of moorland 5,200 hectares were estimated to be physically improvable, excluding land in public or National Trust ownership and common land. An independent study carried out at the same time by the University of Exeter (Davies, 1977) estimated that 3,820 hectares of sole right rough grazing had been improved between 1945 and 1976 and that 5,804 hectares, or thirty-one per cent, of the Critical Amenity Area was physically capable of improvement. Of this, 1,380 hectares were considered at risk in the near future.

While Davies (1977) suggested an, albeit significant, minority of rough grazing in the Critical Amenity Area was at risk in the short term, Porchester concluded that remaining moorland was nevertheless 'fragile'. Controversially (for land owners and farmers), Porchester rejected management agreements, largely because of the lack of supporting legislation, but also because he correctly identified that the cause of the problem was not confined to the ploughing of moorland. He argued that a range of other 'improving' activities could bring about the loss of moorland and that a management agreement would need to offer compensation for the loss of the right to improve as well as payment for positive works. Porchester concluded that, 'even if such arrangements were put on a firmer footing, there would still be difficulty about getting them working effectively' (p. 47). Instead, the report recommended that the Exmoor National Park Authority should be given power to make Moorland Conservation Orders, the purpose of which would be 'to prevent such operations and practices as are likely to alter the vegetation or the general character of moorland to any material degree' (p. 58). Critically, Moorland Conservation Orders would not be voluntary, although Porchester proposed a right of appeal to the Secretary of State for the Environment. The Moorland Conservation Orders would have

removed the right of the farmer to carry out certain practices that had previously not been controlled and, as such, the farmer would be entitled to compensation. Interestingly, it was recommended that Moorland Conservation Orders would not only apply in cases of proposals to reclaim but that a farmer may exchange his/her right to improve at some point in the future and seek to enter into a Moorland Conservation Order. In addition, it was recommended that 'conservation grants' be made available in addition to compensation payments for further land management practices which 'need to be performed in the interests of the National Park' (p. 60). Under the Porchester model, compensation would be in the form of a 'once and for all capital payment to the occupier as well as the owner' (p. 63), although the National Farmers' Union and private sector valuers argued for annual payments.

Despite Porchester's criticism and lack of optimism regarding management agreements, what is less well discussed in most published accounts of the time is the proposal for the Glenthorne Estate submitted by Ben Halliday.<sup>5</sup> While Halliday proposed some moorland reclamation (part of the Critical Amenity Area), in what was to become 'Exmoor's answer to Porchester' (Halliday, 1974) the proposal also included positive objectives based on Sandford's recommendations that management agreements should not be just a 'restrictive covenant' (Halliday, 1974). Under the agreement, signed on 29<sup>th</sup> January 1979, arrangements were made for better access, ecological evaluation and preservation of historic remains. By 1982, sixteen of the twenty-eight projects detailed in the agreement had been completed and seven more started and, years later, despite the ploughing allowed under the agreement, it was still regarded by Rachel Thomas as 'the best model in that it is a comprehensive agreement looking at the whole estate, recognising a variety of habitats and multiple land use as well as including an annual review of its management plan' (Thomas, 1989).<sup>6</sup>

The election of a Conservative government in 1979 removed the threat of Porchester's compulsory Moorland Conservation Orders and the arrangements for the payment of compensation under voluntary agreements on Exmoor closely informed arrangements under the subsequent 1981 Wildlife and Countryside Act (see Lowe et al., 1986). Exmoor's provisions for management agreements were bolstered by the introduction in 1980 of the farm grant notification systems, whereby farmers had to notify the park authority of intentions to use grant aid for agricultural operations, thereby ensuring that the national park would at least have the chance to negotiate a management agreement. This was taken further through primary legislation under the Wildlife and Countryside Act 1981 (Brotherton, 1990). In 1981 Exmoor National Park Authority, in conjunction with the Country Landowners' Association and National Farmers' Union, published guidelines for management agreements which define the moorland management agreement as an 'agreement with any person having interest in land which deals with the management of the land with the purpose of conserving or enhancing its natural beauty or of promoting its enjoyment of the public' (Exmoor National Park Authority, 1981: 5). Farmers entering into such agreements were to be rewarded with annual payments for a fixed term of twenty years to recompense profit foregone.

One key aspect of the Exmoor scheme was the linking of the financial compensation to the potential 'profit foregone' by the farm business. This was based on the recognition

that farmers who provided environmental outputs associated with moorland preservation would suffer a financial penalty by comparison with their position were they to carry out the proposed agricultural improvement. The level of such compensation generated a great deal of controversy initially, although it is important to recognise that the 'profit foregone' principle greatly helped to reassure farmers about the nature of the contract they were entering, if they were minded to take part in the scheme. In the context of the pioneering era for agri-environment policy instruments in which the Exmoor scheme was born, this aspect should not be undervalued.

The level of financial compensation, for each of the range of management restrictions, was agreed jointly by the Exmoor National Park Committee, the Country Landowners' Association and the National Farmers' Union; in practice this was based closely on an annual updating exercise of the scale of profits foregone carried out by the University of Exeter's Agricultural Economics Unit (later to become the Centre for Rural Policy Research) drawing on detailed analysis of individual farm accounts. There was provision for the Land Tribunal to arbitrate where disagreement about the compensation offered could not otherwise be resolved. In return the land manager was obliged to meet the objectives of the specific agreement. The broad aims of the Exmoor Management Agreements (Exmoor National Park Authority et al., 1981) included maintenance of existing vegetation characteristics of moor and heath through appropriate grazing levels, swailing and practices for the reduction of invasive species; adherence to the rules of good husbandry (Section 11 of the Agriculture Act 1947) by all moorland management agreement landholders; and constraints on the improvement of land in Porchester's Map 1.

Following the signing of the first Exmoor moorland management agreement, moorland reclamation by ploughing was largely halted. The curtailment of the moorland conflict on Exmoor in the late 1970s and early 1980s was underpinned by a commitment from central government and adequate provision of funding, giving confidence to Exmoor National Park Authority and farmers that satisfactory conclusions could be reached on management agreements (Brotherton, 1990). The ninety per cent grant aid afforded to Exmoor National Park Authority and the rapid approval for agreements with annual payments that often exceeded profit foregone by the farmer,<sup>7</sup> also contributed to the success of the 'voluntary approach' at this time (Lowe et al., 1986). The progressive withdrawal of a range of improvement and reclamation grants during the 1980s largely removed the objective threat to moorland<sup>8</sup> and, over time, as knowledge improved, individual agreements became more sophisticated in terms of requirements regarding stocking rates, winter feeding, and swailing.

However, the apparent success of the approach has been challenged (Lowe et al., 1986; Brotherton, 1990). In particular, the area of moorland that was likely to be improved has been questioned. For instance, concerns were raised that 'trivial and spurious' claims (Exmoor National Park Officer, 1983, quoted in Lowe et al., 1986) might be forthcoming and Lowe and colleagues questioned 'whether any proposals now to reclaim moorland within Map 2 are seriously intended to lead to reclamation; they are clearly devices to obtain the yearly compensation cheque' (Lowe et al., 1986: 204). The same authors proceed to question the ultimate cost of the agreements compared to the cost of land

purchase, the fate of agreement land after twenty years and, significantly, point out that a major weakness of the management agreements is that they were only triggered by proposals to reclaim moorland and that they were confined to moorland management, ignoring wider landscape elements and habitats, although this is not the case for the Glenthorne agreement. Even so, just measuring the extent of moorland is fraught with methodological and definitional challenges and several attempts have been made over the years. Most recently, Land Use Consultants (2004) have suggested a steady rate of decline in the moorland area from 24,082 hectares in 1947 to 19,555 in 1979, with the rate of decline slowing thereafter. A figure of 18,332 is given for 2004.

The concern for moorland did not end with the management agreement system, which was initially, at least, based predominantly on prevention of reclamation. Although land 'improvement' for agriculture on Exmoor abated, the *condition* of the moorland was not a priority for moorland management agreements (Manning, 1994). The restrictive nature of the management agreements came under the scrutiny of various bodies including the Ministry of Agriculture, Fisheries and Food and the Exmoor National Park Authority and interest in implementing positive land management practices, suggested in the Sandford Report, contributed to the evolution of a new scheme which was able to develop the foundation laid by the early management agreements. Under Exmoor National Park Authority's own Farm Conservation Scheme, introduced in 1990, the whole farm environment was addressed and much emphasis was placed on positive works and management changes rather than simply restricting the ability to plough. Although the scheme was small scale and short lived, it represented an interim stage between the moorland management agreements and the designation of Exmoor Environmentally Sensitive Area in 1993. The Environmentally Sensitive Area programme was implemented following enabling legislation contained within the 1986 Agriculture Act. The history of the Act and the Environmentally Sensitive Area programme has been told elsewhere (e.g. Potter, 1998), although it should be noted here that Exmoor, along with other areas of egregious 'countryside conflict' (such as Halvergate and Sedgemoor), played an important role in the evolution of policy approaches that culminated in the Environmentally Sensitive Area concept.

### **Origins and individuals**

The origins of the 'Exmoor problem', the government incentivised ploughing of moorland and the National Park Authority's apparent inability to do anything about it have been reviewed above and are well documented elsewhere (Lowe et al., 1986). Arguably, less attention has been given to the role played by individuals in highlighting the problem, contributing to the evolution of voluntary agreements and giving them legitimacy among the farming community. Much moorland loss in the post-war period occurred in the 1950s and 1960s and one interviewee suggested that the 'management agreement system came too late to address the majority of moorland loss'. Another offered support for this perspective when he suggested that the amount of reclamation had begun to 'level off' by the time the moorland management agreement system was implemented (although there was still a large area that was feasibly improvable as long as there were government grants



to support it).<sup>9</sup> While the motivation for ploughing can be debated (opportunistic attempts to draw down grant aid or genuine intentions to improve the carrying capacity and therefore financial viability of the farm), the changing economics of livestock production meant that for some, the traditional Exmoor farmland pattern of one third in-by and two thirds moorland was no longer viable. The result was, in the words of one interviewee, that ‘the plough was setting in. Things that traditionally didn’t ought to be ploughed were being ploughed’.

However, even in the 1960s at least one ‘far sighted’ farmer and landowner had an analysis undertaken to calculate the income he would forego by not improving an area of moorland. Ben Halliday, who would play an important role in the evolution of the moorland management agreement approach, was willing to enter into a management agreement but at the time he was not willing to provide the increased public access which would have been necessary under the only available legislation.<sup>10</sup> He proceeded to reclaim approximately fifty acres (twenty hectares) of moorland but retained an ancient monument. Halliday gave evidence to the Sandford Commission and was keen to develop a management plan and agreement for his estate as an ‘experiment’ in multipurpose land use. He also warned Sir John Cripps, the then chair of the Countryside Commission, that land use problems were looming, that the National Park Committee was complacent and that it did not realise the pressures that were building. Shortly after that, Malcolm MacEwen became a ministerially appointed member of the committee. Localised moorland conflict on Exmoor was about to turn into a very high profile debate.

Malcolm MacEwen was to play a major role in highlighting, publicising and politicising moorland loss on Exmoor and although farmers interviewed for this research referred to ‘crossing swords’ with him and described him as an ‘arch-conservationist’ there was also agreement that he was essentially analysing the same issue and desired the same outcome as many land owners, but that he came at it ‘from a different angle’:

In many ways we both shared the view that the National Park was an important national asset and supplied a national need . . . He [Malcolm MacEwen] very soon began to bring it [moorland loss] to public notice and the national media. . . . He made it into a simple single burning issue that these farmers were destroying the moorland and the government was paying them an 80% grant to do it while another government department was trying to preserve it. Why we crossed swords a good deal was that I was coming from a different angle. I felt the situation was much more complex and that attention was being diverted from nature conservation . . . . That’s the essential difference between me and Malcolm MacEwen, I felt that it wasn’t just a case of preserving moorland . . . it seemed to me you weren’t going to preserve the whole character of being on Exmoor by just preserving the moor. You’ve got to preserve the whole thing. Once the political bullies had joined up, everything flowed from it. Now people are beginning to expand the ideal so who’s to say they were wrong to concentrate just on the one issue?

Another interviewee also commented on MacEwen’s ability to stimulate action: ‘Malcolm MacEwen wound up the whole debate to make it contentious and get more media attention and therefore [was] more likely to get things done’. A slightly different perspective is provided by an interviewee who stated that: ‘Malcolm had a tough time on the committee’ but who also went on to say that, at the time, the Committee was dominated by landowners



and that 'they were used to holding the press in their pockets. Malcolm was convinced of the need to let people know what was going on ... He ran rings 'round most of the members in discussions'.

Other individuals were obviously important but Ben Halliday was the first to sign a formal agreement in January 1979, the first to accept the standard payment offer and tried to 'set a good example' of multipurpose land management.<sup>11</sup> Tenant farmer John Pugsley had a voluntary agreement before the system was formalised and promoted the concept of management agreements in other areas, including Dartmoor; and Malcolm MacEwen ensured that the issue remained publicised and politicised. While it seems that some farmers and land owners found Malcolm MacEwen challenging, his actions nevertheless 'got things done'. For example, more than one interviewee argued that in publicising the problem of moorland loss and 'leaking' the conclusions of the Philips report, Malcolm MacEwen's actions led to the Porchester Inquiry. In addition, it was suggested that the willingness of one farmer to voluntarily enter a large area of moorland into a moorland management agreement, helped avert the compulsion that otherwise seemed to be on the political agenda and secure a voluntary approach to management agreements, along with a change in government in 1979 (see Lowe et al., 1986 for a discussion of the impact of the incoming Conservative government).

Regardless of how they were viewed at the time, the actions of these and other key individuals were central to the development and successful implementation of the pioneering system of management agreements. Other agreements followed in 1979 and the early 1980s, although the number of farmers involved was never large. Exmoor National Park Authority records show that over the following twenty five year period some twenty agreements were successfully concluded, involving 1020 hectares, an average of fifty-one hectares each, but with a range in size from one hectare to 242 hectares. Negotiations were opened with farmers regarding other areas but, for various reasons, these did not lead to agreements. Although this implies that the rate of failure was quite high, it also indicates a steady growth of interest by farmers in what was, initially at least, a scheme which involved a fairly radical voluntary ceding of control over part of their farms and which also ran counter to the prevailing ethos of 'improvement'. Despite the relatively small numbers involved, the impacts of the management agreements are arguably diverse, stretching beyond the physical impact on the area of moorland itself, to influences on the relationship between farmers and the National Park and in terms of informing local and national policy developments.

Establishing the impact of moorland management agreements on the moorland itself is not as straightforward as might at first appear. In terms of maintaining the area of moorland on Exmoor, the moorland management agreement system appears to have been a qualified success. One interviewee commented that 'management agreements didn't come early enough'. Another put it slightly differently stating that: 'the system did work but the system arrived too late to address the major moorland issues'. Nevertheless, he went on to say that without management agreement 'most of the moorland would not be in the condition it is now. Most of those with an agreement were very committed to doing something else' i.e. ploughing. Another remarked that the 'effect of management agreements was not instantaneous but fairly soon afterwards it began to take the heat out

of things and more and more did it fade into the background as more agreements were done'.

There is little doubt that the majority of Exmoor's moorland has been retained since the development of management agreements. One interviewee commented that the agreements 'did the job they were designed to do – hold the line'. However, while the line was largely held, the compromises made in negotiating early agreements meant that some moorland improvement<sup>12</sup> was sanctioned as part of agreements. The emphasis of the early agreements was on retaining moorland on the higher ground and ridges, often at the cost of allowing 'improvement' and even ploughing on lower ground. However, even those who contested the effectiveness of the agreements in terms of maintaining the character of the moorland landscape, nevertheless associated the initiative with a change in the attitudes of Exmoor farmers:

The management agreements as such as they were made at that time didn't make much difference. I think the big difference was the attitude of mind between park and farmers and perhaps the farmers as a whole realising that the environment was actually quite important. This was something that happened, I don't know quite when it happened but it gradually happened.

It was this change of attitude and the possibly unanticipated but vitally important impact on the relationship between the Exmoor National Park Committee/Authority and farmers and landowners that is arguably one of the most important legacies of the moorland debate as the following quotations illustrate: 'Back in the early '70s, the farmers almost hated the Park. . . . As time has gone on they've realised that the Park is not such a bad enemy as they thought it was'.

One important aspect of this change was the perception that the Park Authority could now engage with farmers in a more positive manner:

It was a way of the Park directly engaging with the farming community in other ways than merely problems with footpaths or whatever and I think on the whole it was seen as . . . there was a positive element to it anyway.

It meant that the National Park Authority were coming along and saying 'thou shall not' if they'd had legislation to stop [ploughing] but it was much better for the National Park Authority to come along and say 'shall we?' It made a tremendous difference and it held the National Park Authority in fairly high esteem because of that.

While most interviewees identified an association between the management agreement and a change in farmers' attitudes, some also pointed to a concomitant shift in the attitude of members of the conservation movement:

To be honest I think that most conservationists have had a change of mind set as well, they're becoming more . . . I mean there used to be two very widely diverse opinions and I think there's been a little bit of the meeting of the ways from both sides . . . and I think that national park management agreements has certainly helped that.

The atmosphere was 'lets get our act together, let's work together, there's no point in fighting'. Whereas before that everybody was fighting, trying to establish their ground. Weren't afraid of each other, sort of thing.

Despite the apparent success of the moorland management agreement approach in largely preventing moorland loss that was not approved by the National Park Committee, there were contentious issues to be addressed. Both Mr Halliday and prominent Exmoor farmer John Pugsley had given evidence to the Porchester Inquiry, and both were adamant that the one-off payment suggested by Porchester would not work in practice, as moorland management was an on-going activity and, they argued, payments and agreement conditions would need to evolve in response to other changes; both argued strongly in favour of management agreements with annual payments to help facilitate an on-going commitment from farmers. Fortuitously, the data collected from Exmoor farmers for the Farm Business Survey by the then Agricultural Economics Department at the University of Exeter made possible the calculation of profits foregone on an annual basis. According to one interviewee, at the time, 'In 1979 the effect was like opening Pandora's box. A whole lot of people wanted to jump on the bandwagon'. The 'bandwagon' referred to by this interviewee was that of individuals making inflated and/or bogus claims.

In the 1980s the issue of farmers making 'false claims' for compensation for agricultural improvements to Sites of Special Scientific Interest, which some claimed they had no intention of carrying out, was hotly debated (Adams, 1984). Whilst it is not possible to offer conclusive proof, there is some evidence on Exmoor of bogus claims but also clear evidence that notifications of intent to plough were frequently backed up by action. In the early days of the system the National Park Committee was effectively negotiating from a position of weakness. As one interviewee put it: 'The Park had little power and ... had to go cap-in-hand in negotiation'. Keenly aware that the farmer could 'walk away' at any time during the negotiating processes 'the membership of the then National Park Committee would probably not have stomached a too hard line policy and looked to compromise'. Despite the threat to Exmoor's moorland evidenced in earlier losses and the conclusions of the Porchester Inquiry, only around twenty moorland management agreements were concluded, although the park received over one hundred notifications of intention to plough. Such a large number of notifications translating into relatively few agreements *could* be taken as an indication of success in terms of 'weeding out' unsuitable or bogus applications, or it could be seen as an indication of failure to secure the protection of moorland held by the eighty-three owners who did not obtain an agreement. There is some support for both perspectives from discussions with interviewees. For example, one reported that many applicants:

Had already done an element of improvement, signalling that they probably would have done much more in the absence of a management agreement. The complexity of the process tended to weed out those not fully committed to improvement.

On the other hand, one interviewee who tried to negotiate an agreement certainly had every intention of ploughing his land and, after three years of negotiations, on the very day negotiations broke down, began improving the land in question.

Another issue that emerged relating to the compensation available under the moorland management agreement system concerned the risk associated with entering into a twenty year agreement and the negotiation of individual agreements. In the early days, calculating

the annual payment was a 'contentious issue . . . People were not used to it, valuers were not used to it'. The then County Valuer is alleged to have initially argued that the management agreement held no risk for the farmers and, moreover, that paying an annual amount for twenty years reduced the commercial risk to the farm business and that, therefore, the annual payments should be lowered to reflect this. It was always accepted that annual payments would fluctuate with the changing profitability of farming on Exmoor but some argued that entering into a moorland management agreement did involve an element of risk: 'At the end of twenty years you can't do what you could have done. So, in giving away the ability to improve there was a big risk that you won't be able to improve in twenty years time'.

One farmer reported that while the moorland management agreement approach was an 'acceptable compromise' he had taken a financial risk when signing his agreement. Indeed, one of his regrets in taking on the agreement is the financial impact of the moorland management agreement or, more precisely, his hypothetical loss of future policy entitlements. As a result of his agreement his livestock numbers were limited. This meant that he subsequently 'lost out' on sheep quota by virtue of the fact that he had not improved his moorland and increased stock numbers and had to buy additional quota. This point of view is understandable but it is a reflection of the risk and compromise made on both sides and it is hard to envisage a workable system that would have left the park open to claims for additional compensation for subsequent policy changes that could not have been foreseen at the time of signing an agreement. Moreover, an analysis of the economic impact of the moorland management agreements at the farm level, based on data for a typical Exmoor farm, indicates that at 2002–3 prices, scheme payments would have contributed an income of £7,729, the equivalent of 10.5 per cent of total farm output and 61.3 per cent of net farm income.<sup>13</sup> At this level the payments associated with moorland management agreements clearly had the potential to make a significant contribution to maintaining the financial viability of Exmoor farming. As to the issue of risk, payments under the moorland management agreement approach were reviewed more frequently than those under contemporary agri-environmental schemes and in that sense the contribution to reducing business risk was less than a modern agri-environmental scheme might offer, simply because of the potential (and actual) variability of payments. Even so, it can be argued that the farm level importance of the Exmoor moorland management agreement scheme included a modest reduction in income risk since the payments were less directly dependent on the market than returns would have been had the farmer not joined the scheme. Indeed, there is anecdotal evidence that at least some Exmoor farmers recognised this advantage.

Risk and compromise affected each party to an agreement, with early agreements allowing some limited ploughing and improvement in order to buy the retention of other moorland blocks, typically the ridges and higher ground. In hindsight, on landscape and biodiversity grounds, agreements such as these were probably a compromise too far and by the mid 1980s 'the old agreements had started to look a bit rusty, they looked a bit old hat'. It is easy to forget just how intensive the conflict over moorland loss had been. One interviewee simply commented that: 'definitely a very nasty place was Exmoor back in the 1970s'. As such, compromise on all sides was necessary and it was agreeing

the principle of management agreements that was possibly of most significance, largely halting improvement and buying time for Exmoor's moorland:

The initial management agreements coming out of Porchester, they were the starting point. They were the foundation stone of an arrangement whereby farmers and park worked together. That's what I'd say. Looking back, they weren't very clever [due to the extent of compromise] but at the time they were regarded as very clever and I think that the really important thing was about voluntary arrangements as opposed to dictating; that was critical at Porchester, this debate as to whether there should be laws saying 'thou shall not plough' or whether there should be voluntary arrangements. It was very successful as an idea and that was the saviour of Exmoor's moorland, plus taking away ploughing grants. It was an evolving situation. . . I've no doubt it was a good idea and led to a good foundation stone.

When Ministry of Agriculture, Fisheries and Food grants for land improvement were removed in 1986 the immediate threat of moorland loss was also removed, although problems relating to increased stocking levels and supplementary feeding remained. The 'foundation stone' laid by the original moorland management agreement principle could be built upon: 'There was only a relatively short period between the outcome of Porchester and the [improvement] grants going. Once the grants went there was no threat and that's when we got off the ground and said "OK, let's get something more positive going here".'

### **An evolving situation**

Initially, doing something more positive meant including positive works in new agreements:

Payments for positive works solved a lot of problems but it took a long time to think of it. Payment for positive works unlocked problems but some people didn't want to do positive works.

The principle of management agreements had been established [following Porchester] but they were pretty raw. It was only post '81 where the legislation said 'lets have management agreements' and then the stopping of grants in the mid-80s that gave us the chance to start doing things more positively rather than just saying 'here's some money not to plough'.

The next stage, in what should now be termed the farm conservation story on Exmoor as opposed to just moorland conservation, was the development of the Authority's own Farm Conservation Scheme in 1990. Although the Farm Conservation Scheme was only a small scale initiative involving eighteen farms with a cross section of moorland and non-moorland farms, tenants and owner occupiers and farms of different sizes, it was significant for a number of reasons. The scheme was designed to promote positive management rather than providing compensation for not doing something and it was a whole-farm scheme. To that extent it was more advanced than early tranche Environmentally Sensitive Areas which tended to be part-farm schemes and very much focused on preventing negative change (Whitby, 1994). Although the scheme was designed to be small scale, in terms of number of participants, the National Park Authority received in the region of 120 to 130 applications and 'many were very disappointed not to get into the scheme'.

The large number of applicants to the Farm Conservation Scheme showed, in a relatively short period of time, a change of attitude and increased willingness to work with the Authority. Contrast this with the situation in the 1970s, in which, as one farmer described, 'the national park was seen as the enemy by many farmers. Something to be outwitted'. What one interviewee referred to as a 'sea change' in the attitude of farmers resulting from the moorland management agreement principle led to a greater recognition of the importance of the environment and the desirability, or at least the need, for farmers to work with the Park Authority, hence the evident oversubscription to the Farm Conservation Scheme. In turn, the Farm Conservation Scheme proved a key step in the evolution of farm conservation policy on Exmoor. The Farm Conservation Scheme 'will be remembered for a more positive approach to land management and environmental enhancement as opposed to just holding the flood waters'. Moreover, the shared experiences of moorland management agreements and the Farm Conservation Scheme meant that farmers, farming organisations and Exmoor National Park Authority subsequently 'fought' together for Environmentally Sensitive Area status for the whole of Exmoor: 'The fact that we'd got our own Farm Conservation Scheme going and produced a different approach to positive management did influence: a) the decision for the Environmentally Sensitive Area to go ahead and b) that it should be done on the basis of all Exmoor and a whole farm approach'.

The experience with moorland management agreements and the Farm Conservation Scheme meant that Exmoor farmers accepted the concept of the Environmentally Sensitive Area more readily. They had been exposed to the principle, were used to the profits foregone concept and of course, as practical, pragmatic and adaptable people, could see that 'the writing was on the wall'. Although there was growing recognition of the importance of the environment, one interviewee felt that 'farmers [were] attracted by the financial incentive', while another commented that 'Exmoor farmers responded quickly to incentives'.

Nationally, the development of the Environmentally Sensitive Area concept was based on the recognition that achieving conservation objectives often required delivering support to specific farming systems over large tracts of land (Potter, 1988). In addition, the concept developed as a means of tackling the increasingly high costs of conservation under the 1981 Wildlife and Countryside Act, which itself was directly influenced by the Exmoor approach to calculating management agreement payments. Explaining the transition to the Environmentally Sensitive Area model, one interviewee stated that the Exmoor agreements were an:

Expensive way of doing things. The cost of management agreements gave a push to Exmoor ESA. Management agreements had become a very expensive way to achieve something which probably the economic forces were no longer creating the need [for]. The concept of increased production had fallen away and the thinking at the time was 'can we do something else less costly?'

The Exmoor agreements 'were the flavour of a particular moment in time' but they were just one expression of what one interviewee referred to as a 'watershed period' culminating in the introduction of milk quotas and withdrawal of improvement grants: 'suddenly the environment came to the fore'. Exmoor Environmentally Sensitive Area

was designated in 1993, covering over 80,000 hectares, of which, 68,637 hectares were within Exmoor national park. During the time the scheme was open some 66,000 hectares was enrolled including over 16,000 hectares of moorland and coastal heath. Many management agreements were bought out by the National Park Authority in order to encourage and facilitate a progression from moorland management agreement to Environmentally Sensitive Area agreement. In some instances this approach was not completely successful. For example, in one case only part of the area covered by the agreement was transferred to the Environmentally Sensitive Area while the remainder continued in the Farm Conservation Scheme and in another case it would have proved far too costly to buy out the management agreement.

Although the Environmentally Sensitive Area met with considerable success in terms of uptake, some interviewees spoke with regret that, in some ways, it was not more like the moorland management agreements or Farm Conservation Scheme:

The [ESA] project officer had a 'hands off' approach, the management agreements could have been seen as better.

Management agreements were successful in meeting their objectives, it's a pity they didn't continue. The ESA is not flexible enough to deal with farm specific issues in the way that management agreements did.

The Environmentally Sensitive Area scheme, once considered one of the Ministry of Agriculture, Fisheries and Food /Department for Environment Food and Rural Affairs' 'flagship' agri-environmental schemes, is now closed to new applicants following the introduction of a new generation of agri-environmental schemes in 2005. Exmoor's moorland remains important to the purpose and objectives of the National Park, now and in the future, but the emphasis is 'beyond moorland', looking at the whole landscape and biodiversity, considering hedges, headlands, unimproved grassland and possibly promoting a slightly 'less tidy' countryside, that provides the rough land needed by certain species. It is hoped that the new stewardship schemes will help meet some of the National Park Authority's conservation priorities although the authority is actively involved in discussions regarding a new system of payments to reward upland farmers for their contribution to environmental management.

### **Conclusions**

The agricultural policy environment has been radically transformed since the fierce debates regarding Exmoor's moorland in the 1960s and 1970s and while many farmers are understandably reluctant to consider themselves as 'park-keepers', many have embraced the opportunities provided by agri-environmental schemes. Along with the reclamation of wetlands in West Sedgemoor and the ploughing of Halvergate Marshes, the moorland management agreements pioneered on Exmoor have an important place in the story of the transformation of the agricultural policy regime and development and acceptance of the concept that farmers should receive payment in respect of their role as stewards of the countryside.<sup>14</sup> Compared to today's standards, simply paying someone for not ploughing,



compensating for the loss of ploughing grants and even condoning limited ploughing and improvements, such as lime applications, may seem a fairly crude and possibly even an ineffectual approach to agri-environmental policy. Paying for conservation and enhancement, recognising and rewarding the role of the farmer in delivering public environmental goods is widely accepted today. That was not the case during the formative years of the Exmoor management agreements. At the time of their inception, Exmoor moorland management agreements required a considerable reassessment of the role and rights of a farmer. Participating farmers were voluntarily foregoing a portion of their property rights and refraining from significant agricultural improvement at a time when the policy ethos and farming culture stressed the importance of increasing production. The early participants helped to establish a radical and untested approach to reconciling conflict between farming and conservation.

Some of the early pioneers played an important role in legitimising the concept of management agreements and, as such, contributed to a process of changing attitudes on Exmoor. The last twenty years have seen a major cultural shift on Exmoor and management agreements have played an important role in bringing it about. The management agreement 'story' spans a time of conflict when moorland was being ploughed and threats being made, through to a time that saw the beginning of partnership working between the National Park Authority, farmers and land owners. The change in attitude and impact on the relationship between farmers and the National Park Authority is one of the most important legacies of the moorland management agreement system, although it will never be possible to disentangle the precise role played by management agreements in this change compared to other changes in the policy environment, the economics of farming, changing social demands, etc.

With hindsight, it is easy to be critical of the compromises made at the time, the moorland lost under management agreements and the emphasis, at least in the early years, on maintaining an area of moorland as a landscape element while seemingly giving little thought to its quality and the wider landscape and habitat mosaic. However, as one interviewee remarked, the original agreements were 'born out of crisis'. All the evidence pointed to a considerable threat to the moorland of Exmoor and the management agreements initially, and the removal of so-called improvement grants a few years later, effectively neutralised that threat. Importantly, the management agreements bought time, allowed tensions to ease and provided a sound foundation on which to build new initiatives. Although many interviewees found fault with the system for its focus on the quantity of moorland rather than quality, the fact that significant areas covered by management agreements are designated as Sites of Special Scientific Interest and some as candidate Special Areas of Conservation indicates their national and international conservation importance.

The legacy of the moorland management agreements is diverse and long lasting. For better or worse,<sup>15</sup> the Exmoor approach provided the key principles for compensation arrangements under the 1981 Wildlife and Countryside Act; the Ministry of Agriculture, Fisheries and Food used Exmoor agreement holders' farms to run courses on multipurpose land use for its staff, and the moorland management agreement experience influenced the development of the Park Authority's own whole-farm agri-environmental

scheme and, by extension, exerted an influence at a national and European level through the development of Environmentally Sensitive Areas. The Exmoor moorland management agreements, or more precisely, the means of calculating compensation payments, demonstrated how expensive conservation could be to the exchequer and via their influence on the Wildlife and Countryside Act 1981, Exmoor management agreements stimulated thinking about alternative means of paying for conservation.

Perhaps most importantly, despite their limitations when analysed from a contemporary perspective, the management agreements, rather than marking the end of moorland conflict on Exmoor, represent the start of a process that is still evolving towards a system where sustainable and environmentally enhancing land management is rewarded and environmentally damaging actions are socially unacceptable and are met with financial sanctions. In less than twenty years we have moved from a situation where farmers were offered grant aid to destroy important environmental assets to a policy environment in which they are increasingly paid for supporting the environment and penalised for damaging it. Along with some other environmental conflict zones from the 1970s and 1980s, Exmoor National Park and key individuals associated with it played a pioneering role in that policy change.

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### Notes

1. MacEwen's background gave little clue to his ultimate reputation as an acknowledged expert on, and doughty campaigner for, national parks. Born in 1912, the son of one of the founders of the Scottish National Party, MacEwen was for many years a Communist and editor of the *Daily Worker*. He was one of the founding figures of the New Left in the 1960s and editor for many years of the journal of the Royal Institute of British Architects. One of the doyens of the British left, E. P. Thompson, wrote in the preface to MacEwen's autobiography 'I do not know what I am doing writing a preface to Malcolm MacEwen's autobiography because I have always regarded him as my senior and wiser (in some, if not in all respects) than I.'
2. Lord Sandford was invited by Peter Walker Secretary of State for the Environment to review national park policies. The report is remembered most for the so called 'Sandford principle' that priority should be given to nature conservation in cases of irreconcilable conflict with recreation. This was precious little comfort to either conservation or recreation campaigners on Exmoor where any irreconcilable conflict was with agriculture.
3. Ben Halliday had inherited the Glenthorne Estate from his great-uncle after starting his career in teaching. Originally regarded as one of the more reformist members of the National Park Committee in the mid 1970s, he nonetheless clashed with the radical Malcolm MacEwen.
4. MacEwen (1991) provides a remarkable account of the secrecy surrounding events at this time. Not only did the National Park Officer, Major-General Wilson, withhold the Phillips' report from the National Park Committee during discussions of the draft National Park Plan because, as Wilson explained it might 'unduly influence members', but attempts were made to censure MacEwen for making the findings public. For an equally pithy version of the events of these years see the book by one-time chairman of the Exmoor Society, S. H. (Tim) Burton (1984).
5. But see MacEwen 1991.
6. Rachel Thomas was a National Park member in the 1980s. The landowning and ex-military 'mafia' against which MacEwen had railed were by now in retreat, and Thomas was very much one of the new breed of consensus building Park members. A geographer by training and a committed conservationist she was also married to an Exmoor land agent and was well regarded in farming and landowning circles.
7. Given that the payments were based on average profit foregone it was inevitable that some farms would benefit from a windfall gain.
8. The progressive designation of the majority of the moorland area (ninety per cent) as Sites of Special Scientific Interest also played a role here, as did the financial provisions for management agreements for Sites of Special Scientific Interest under the terms of the 1981 Wildlife and Countryside Act, although Site of Special Scientific Interest designation alone has not always been sufficient to ensure that a site is fully safeguarded (Winter 1996). In addition, as Land Use Consultants (2004) point out, large areas of moorland are owned

by organisations (including the National Park Authority) whose main objectives are the 'protection of the landscape and amenity value of the moorlands', suggesting that the 'threat' to moorland largely originated from smaller landowners in response to strong policy signals and economic incentives.

9. There is an important distinction, however, to be drawn between the area of moorland that was technically improvable and the area that was actually at risk. A number of interviewees agreed that the bulk of moorland that was under the ownership of estates, charitable organisations and the Park Authority itself was not under threat of ploughing.
10. According to Brotherton (1990) there were potentially three pieces of legislation that could have been employed in negotiating moorland management agreements (Section 18 of the Countryside Act 1968, Section 11 of the national parks and Access to the Countryside Act 1949, Section 52 of the Town and Country Planning Act 1971) but none were 'ideal', either not being binding on successors in title, only concerned with access, or incapable of covering positive management actions.
11. Although Ben Halliday was undoubtedly a pioneer of the moorland management agreement approach, Malcolm MacEwen remained opposed to the agreement as it involved some ploughing and the diversion of a public right of way.
12. Typically applications of lime and slag.
13. Net Farm Income is defined as the return to the farmer and spouse for their manual and managerial labour, and for the tenant-type capital invested in the farm business.
14. The controversy over the ploughing of Halvergate led to the Broads Grazing Marsh scheme which was essentially the forerunner of Environmentally Sensitive Areas. As Lowe et al. (1986) point out, in chronological terms, Exmoor was effectively the starting point of the 1981 Wildlife and Countryside Act, while the effective breakdown of the 1981 Act on Halvergate led, in 1985, to the introduction of the Broads Grazing Marsh Scheme.
15. Compensation paid on the profit foregone basis significantly increased the cost of conservation on a national basis.