

Scolt Head and District Common Rightholders' Association

Founded 1984

Chairman Mr C Cotton
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Secretary Mr R Cooke
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Draft minutes:

Open Committee meeting held at 6:30 p.m. on Friday 6th December 2024

at 6.30 p.m. in Brancaster Staithe Village Hall.

SH&DCRA

287
*COMMON
RIGHTERS*

Held on

*££ 65
££ 161
££ 162
££ 124*

To take:

*Wildfowl
Fish
Seaweed
Samphire
Sand
Shingle
Shellfish
Sea Lavender
Estovers
Herbage
Fangle
Bait
Reeds
Soil
Game*

To graze;

*Cattle
Horses
Ponies*

Because of the confidential nature of much of your committee's work this year, meetings have been held in private on a monthly basis. This meeting has been called by the committee in order to give you an update on matters that have been ongoing since the last update at the AGM. Broadly speaking, the following areas are those that the committee will report on rather than imposing a formal agenda.

You will see from the following reports that the commons and common rightholders have been placed under severe pressure by those who use and abuse the common land for their own purposes. The SH&DCRA committee has been working hard to try to bring some order to the situation and in particular to have management committees set up according to the Defra guidelines outlined in "A Common Purpose". Unfortunately, little progress has been made on that front. Nevertheless, the committee has continued to act within financial constraints to protect the commons and common rights.

1. The National Trust – Brancaster fairways Committee – Brancaster Commons Committee – licences/payments.

The committee has re-established that long standing agreements are legally binding and that the agreements are with the BCC rather than the NT. Licence payments from the BCC are now resumed. The only direct agreement with the NT is for the Dial House heat pump infrastructure which was paid last year and has been invoiced for this year.

During the year 2022-2023 the committee, through the BCC, has ensured that the mooring fees in Brancaster Harbour be brought more into line with the actual market value.

The relationship between the NT and SH&DCRA seems to be operating reasonably well at the moment.

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2. Brancaster Parish Council – Court proceedings.

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The court action brought by SH&DCRA against Brancaster Parish Council is now at a close. Despite the language that has appeared in the press, both sides agreed a form of words that were embodied in the "Settlement Agreement" signed off by the judge by a "General Form of Judgement or Order" which, basically, maintains the status quo between the two sides. No winners or losers other than the legal profession who made tens of thousands of pounds. The action was brought by the SH&DCRA committee Trustees after many years of comment by common rightholders concerning the use of the common CL124 by others as a cash cow. The action was brought only because Brancaster Parish Council refused to communicate with SH&DCRA.

The judge was quite clear in his comments that, if pursued further, the court action would need one or more full days in court with costs possibly reaching as high as £250,000. This should perhaps be put into context with the SH&DCRA Trustees Barrister's comments that the common rightholders historic claim to compensation for tolerating the loss of grazing on CL124 could reach as much as £1.5 million.

It is important to state here that the evidence, which is quite definitive, was never heard in court. The evidence was strong enough to secure backers for the SH&DCRA action of sums exceeding £100,000. Unfortunately, as seen above, this would still not be enough to continue the action.

The committee restated that the compensation for tolerating the loss of grazing to the RWNGC belonged to the common rightholders on CL124 that have grazing as a right. Using the RWNGC figures, this would have amounted to around £1,500 each for those common rightholders for the year ending 2023.

The committee also restated that they had been asked to take up this matter and that the majority of the committee stand to make no financial gain whatsoever. Those two committee members who would gain from a settlement made it clear that they would donate this to SH&DCRA.

The SH&DCRA committee have been in touch with other parties involved in the use and management of CL124 and are hoping that this might be the right time for a new starting point in discussions for the future.

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Vice Chairman Mr S W Bocking

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3. The Royal West Norfolk Golf Club – partnership going forward.

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Moving on from the above, it is unfortunate that the RWNGC have been hostile to the approaches made by the committee towards reaching new agreements for the benefit of all common land users. Despite promising to meet when the court case was settled, the RWNGC are now trying to impose a period of censorship on the SH&DCRA committee members which, if adhered to, would condemn common rightholders to no voice at all for at least one year.

The SH&DCRA committee answered positively all the points of hostility from the RWNGC concluding as follows: *Whilst the RWNGC continues to communicate with SH&DCRA from an assumed position of superiority, attitudes will be hard to shift. SH&DCRA, however, continues to offer mutual respect and to seek for a partnership of all interested parties in the management of CL124. SH&DCRA wish to emphasise that the arrangements for an initial meeting between the Association and the RWNGC representatives should take place without any further delay and look forward to an early reply.*

The SH&DCRA committee is considering the next steps whilst all the time trying to get a reasonable settlement for common rightholders.

4. Burnham Overy Staithe – Holkham Estate – Land Registry.

The SH&DCRA committee have been attempting to open negotiations with all of the interested parties for the management of CL65 at Overy Staithe. These attempts have been ignored by the Burnham Overy Harbour Trust and Holkham Estate.

There are huge problems with the Land Registry who it seems have unlawfully allowed Holkham Estate to register Overy Marsh and the creeks that surround it. Holkham Estate is unable to provide any evidence of ownership, whilst the actual evidence for the Marsh and Creeks belonging to the village of Overy Staithe is quite definitive. Whilst the Land Registry continues to block all attempts to gain a proper registration, the BOHT and Holkham Estate have taken advantage and now exercise full control of all activities on CL65 it seems.

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The meeting heard how Holkham Estate seems to be relying on the Land Registry not demanding proof of ownership by way of a deed of conveyance. It seems that the 1922 Conveyance from Lord Orford to The Earl of Leicester is that relied upon by Holkham. However, this document is further evidence that Holkham do not own the marsh and creeks. The Land Registry copy of the 1922 Conveyance is illegible for the most part, whilst the SH&DCRA copy is photographic in quality.

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A question was raised concerning why ownership mattered to common rightholders. The answer given referred to the dictatorial attitude adopted towards SH&DCRA by the BOHT and Holkham Estate. Failure to consult on the use of the commons resources have seen BOHT claiming exclusive rights to the best moorings and to manage in a manner not necessarily in the interests of protecting the common and common rights.

The very latest news is that the Land Registry, having been reminded of their own protocols, are now reassessing the situation.

5. Wildfowling – issues.

Wildfowling continues as a matter for the SH&DCRA committee to consider. The complaints from common rightholders are that the two gun clubs, BONWA and Brancaster, allow non-common rightholders to go wildfowling on the common. It was noted that Holkham Estate have issued a licence to BONWA which purports to give permission for non-common rightholders to wildfowl on the common. It was noted that the rights over CL65 are in gross and that the landowner is only entitled to take the surplus, if any, when the needs of the common rightholders have been satisfied. As Holkham Estate refuse to meet with SH&DCRA, no surplus numbers can be assessed.

The two gun clubs are in possession of advice purchased from a Barrister which, it is claimed, supports the view that non-common rightholders can wildfowl on the common. The meeting discussed that this Barristers advice was being held by a few people and not open to public scrutiny; private readings only to be arranged in advance. SH&DCRA are not allowed a copy of the document.

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The SH&DCRA committee has coopted two prominent and well respected wildfowlers on to the committee who will no doubt bring a balanced and well considered approach to this issue.

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6. Items sent in to the secretary. **None**

7. A.O.B.

- a. Website. **Noted that most of the information is on the website.**
- b. Finance. **The Treasurer was not available. Details of expenditure on the court case were given; donations were mentioned and thanks expressed; the current balance was given and noted that income was expected soon from the BCC for the licence agreements.**
- c. Insurance via Community Action Norfolk (CAN). **SH&DCRA obtains its insurance through CAN; committee members and trustees have copies of the documents; CAN will provide paralegal advice anytime and SH&DCRA has access to solicitors advice by appointment.**