

# Scolt Head and District Common Rightholders' Association

Founded 1984

Chairman: Mr M Bucher  
[michaelbucher@btinternet.com](mailto:michaelbucher@btinternet.com)

Secretary Mr R Cooke  
[r.cooke33@btinternet.com](mailto:r.cooke33@btinternet.com)

2 Yarmouth Road,  
Kirby cane,  
Norfolk  
NR35 2HQ

31<sup>st</sup> January 2021

National Trust  
Norfolk Coast and Broads  
Friary Farm,  
Cley Road,  
Blakeney,  
NR25 7NW

Dear Victoria and Andrew,

Ref. Heads of terms for a proposed collaboration agreement.

SH&DCRA Committee have a long standing management agreement with the NT for the common lands CL65, CL124 and CL161 and wish this to continue. A strengthening of this partnership in pursuit of protecting the commons and common rights and ensuring that the aims and objectives of the NT can be met is to be welcomed. As the two parties with a legal interest in the commons, this would seem to go without saying.

Before moving on to the NT draft proposals there are two issues of some importance that should be brought to the fore:

•It is true that, to quote Victoria; there are legal issues for which we have differing viewpoints, we believe that we can put these aside to focus on positively working together to better manage the Common and this is what the proposed agreement is about. However, this SH&DCRA Committee cannot ignore definitive evidence for the village of Brancaster being given a large part of the common by an Act of Enclosure. So, whilst not hindering the process of agreeing in other areas of management, mention of the SH&DCRA position should, we feel, be stated in any new management agreement.

Chairman: Mr M Bucher  
Vice Chairman: Mr S W Bocking

SH&DCRA

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Herb on

CL 65  
CL 161  
CL 162  
CL 124

To take:

Wildfowl  
Fish  
Seaweed  
Samplice  
Sand  
Shingle  
Shellfish  
Sea Lavender

Estovers  
Herbage  
Tangle  
Bait  
Reeds  
Soil  
Game

To graze:

Cattle  
Horses  
Geese  
Sheep

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•The NT has sought to distance itself from any discussions surrounding the Beach Road Car Park, whilst at the same time accepting huge sums of money from the use of common land. This is an issue that will not go away being bound up as it is with the question of; who owns the common? The Association believes that, in line with NT Acts and the law relating to common land, this is a matter of vital importance with which the NT should become involved. It is difficult for the Association to enter into any agreement of trust concerning management of the common whilst three organisations, two claiming ownership of the same pieces of common and one claiming no interest in the common at all, last year took over £130,000 between them from using the common; historic agreements with common rightholders for compensation for tolerating loss of grazing have been ignored leaving them with just £100 income last year. Furthermore, common rightholders have been ignored by the three organisation and denied a place at the car park management table. This is wrong both morally and legally.

Moving on to the draft proposals:

The Association Committee have considered the NT draft proposals very carefully and have responded, as attached, keeping roughly to the same headings so as to avoid confusion.

Within the document it was felt that a greater management emphasis was required concerning the statutory nature of conservation designations and the special nature of rights of common in gross. Furthermore, Natural England as the legislative body protecting the environment, should be fully involved in most aspects of the commons management.

With regard to describing the joint management efforts of the NT and SH&DCRA as a “partnership”. The Association seeks no more and no less from the terminology than that it will be; “a partnership based on mutual respect, trust and understanding.” This was well explained by Andrew; the NT ...will absolutely abide by the law and not do or attempt to do anything that flies in the face of the CRH’s rights under commons laws. After much discussion it was agreed that the words “collaboration” and “partnership” should be removed leaving the document as an “agreement”.

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Thank you for removing all language of deadlines for, as with the NT, the Association needs time for careful consideration and eventual legal advice before completing any new agreement. It should be said at this point perhaps that the Association would not be able to sign any agreement that offers worse terms than those that already exist. Hence:

SH&DCRA Committee are unable to accept the decoupled payments proposals. The present arrangements have been in place for around twenty years with few complaints other than the abuse of the moorings on the common that has led to a loss of revenue for both the NT and SH&DCRA. A percentage arrangement protects both the NT and SH&DCRA. The loss on moorings income is quite marked in this year's payment to the Association.

SH&DCRA already has direct input through its voting position on the BCC and BFC. Brancaster Parish Council is a signatory to the existing document by way of its duty in managing that part of the common vested in it by the Enclosure Award; see present arrangements. Should the NT and Brancaster Parish Council refuse to recognise the historic evidence for ownership, there would seem to be no role for the Council other than as an invited party in line with other participants as advised in "A Common Purpose".

The Association response is designed to fit with the proposals of the NT and seeks to set out a strong relationship that will endure for at least as long as the present arrangements. The NT proposals vary from the present agreement where payments to SH&DCRA are concerned, but the Association sees no reason why the existing payments scheme should not fit in with the new proposals. Ownership of parts of the common are a matter of disagreement between SH&DCRA and the NT but, so long as this is acknowledged within the new proposals, it should not stop any new agreement being reached.

The Association is concerned to see that all those involved in advising in the future management of the common land should declare their interests.

The Association looks forward to hearing from you in due course.

Yours etc.

Rod                      Sec. SH&DCRA

Chairman:            Mr M Bucher  
Vice Chairman:    Mr S W Bocking

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Hold on

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££ 161  
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