

# Scolt Head and District Common Rightholders' Association

Founded 1984

Chairman: Mr C Cotton  
Chriscotton13558@btinternet.com

Acting Secretary Mr R Cooke  
r.cooke33@btinternet.com

December 2023

*SH&DCRA*

287  
COMMON  
RIGHTS

Held on

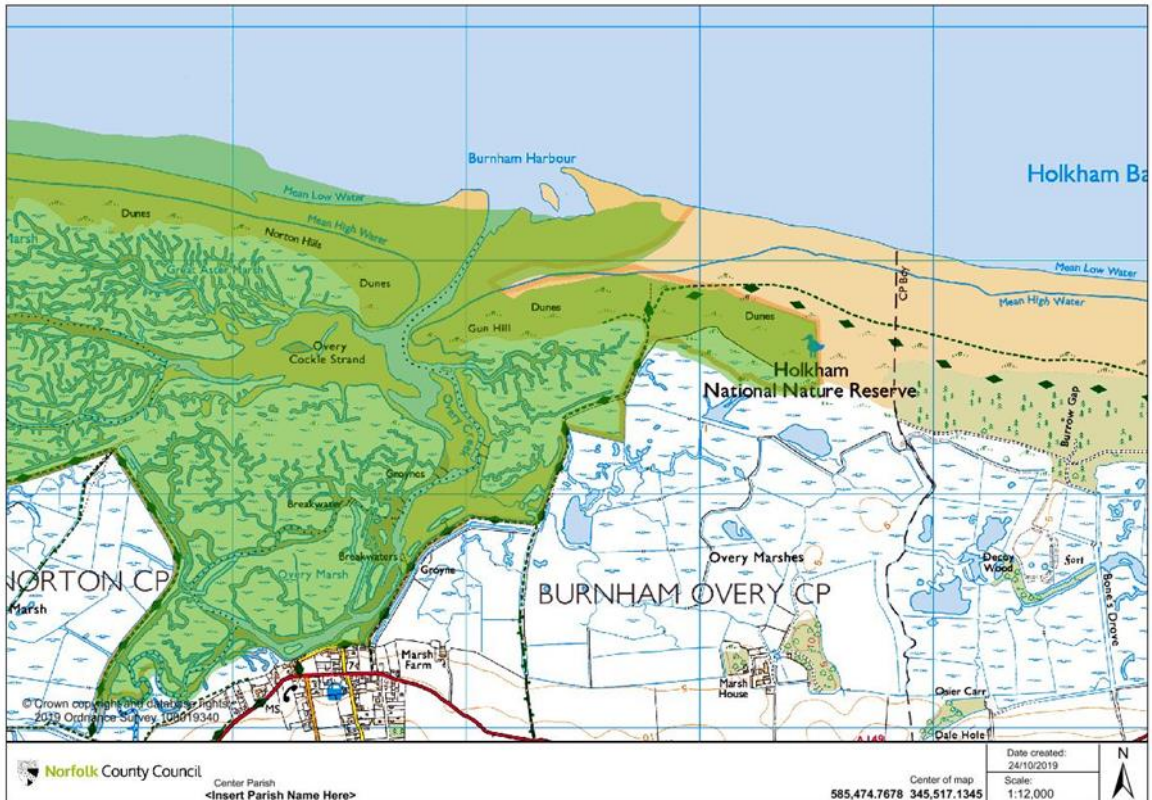
CL 65  
CL 161  
CL 162  
CL 124

To take:

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

To graze;

Cattle  
Horses  
Ponds



Dear all,

Whilst the SH&DCRA committee always tries to keep common rightholders updated, this is a good time to summarise the activities of the past year.

It is true to say that the encroachments on the commons, particularly CL65 and CL124, continue unabated and remain the main focus of attention of the Association committee. It is worth pointing out to all common rightholders again, that your common rights are your personal property and, whilst monetary values might not be SH&DCRA's main concern, your rights are worth many thousands of pounds each. **You would not allow just anybody to come and take the produce from your garden, or just anybody to shoot your hens, or just anybody to drive your car as and when they wanted to, so why is it that so many of you allow your common rights to be used and abused?**

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It is also important to remember that our commons are subject to special protections: Areas of Outstanding Natural Beauty (AONB), Wetlands of International Importance (RAMSAR), Sites of Special Scientific Importance (SSSI), Special Protection Areas (SPA), Special Area of Conservation (SAC). The SH&DCRA Constitution was specifically written in support of the common land and common rights:

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*To graze;*

*Cattle  
Horses  
P... ..*

- I. To protect and promote the rights of the Common Rightholders.*
- II. To take such measures as are reasonable to protect the Common and Rights of Common.*
- III. To protect and manage the area of benefit in its present unspoilt state.*
- IV. To protect the traditional rights of local people where possible within the confines of current legislation.*
- VII. To be at all times mindful of the wider conservation issues that may impact upon the Common.*

**As the legal occupiers of the commons together with the landowners, and given the importance of protecting our sensitive common land, why would SH&DCRA turn a blind eye to those landowners, organisations and private individuals who use the commons as their own personal property without any regard to the common rightholders and the environmental issues?**

Your present committee stands for a fightback against those who have stolen huge amounts of the common land, those who use the common land as their own private cash cow, and those who use the commons as their own private property to do with as they wish. It is basically expropriation. This fightback is not without its pressures on the committee and Association trustees. Nevertheless, it is again true to say that the Association committee is resolute in its actions to work hard on your behalf to protect the common land environment, which is very special indeed, and your own common rights.

The Association has this year purchased a domain name for the SH&DCRA website <https://www.shdcra.com/> where you can find pictures, background information, agendas and minutes.

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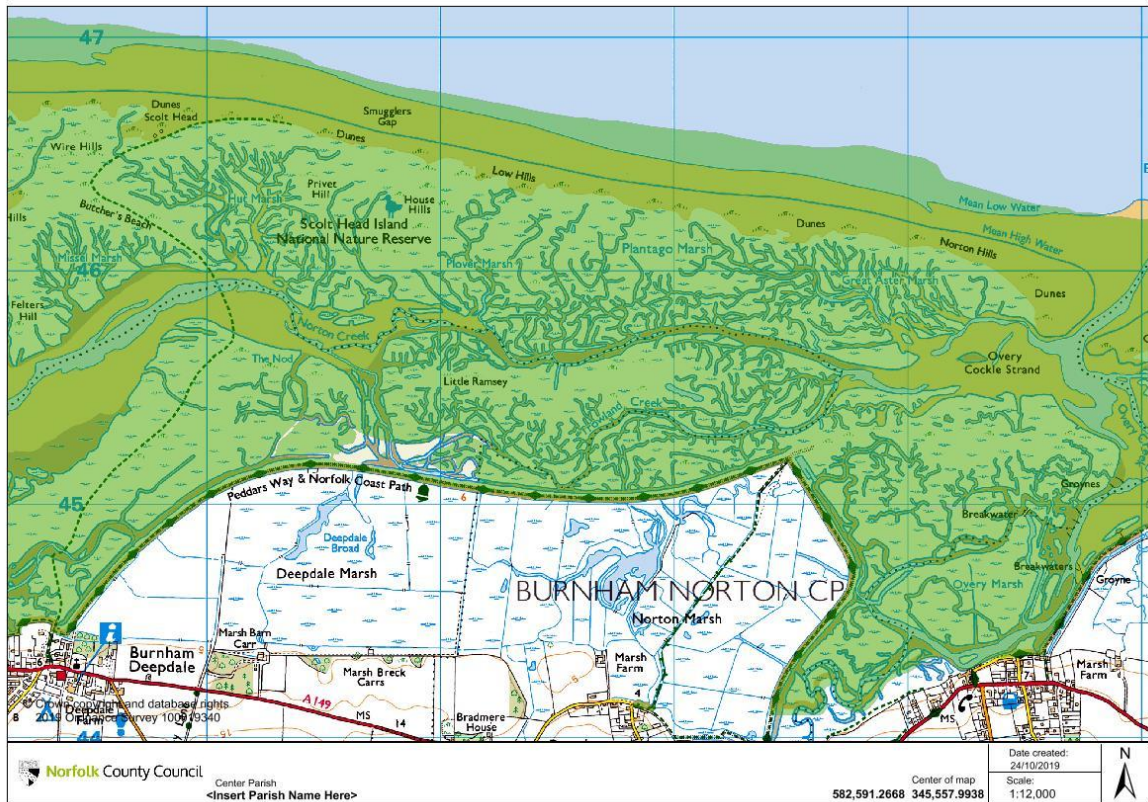
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## Burnham Overy Harbour Trust

You will recently have received an unsolicited letter from the Burnham Overy Harbour Trust. Please be clear this is yet another attempt to legitimise the unlawful encroachments of the BOHT on CL65. BOHT are well aware that since 1984 the SH&DCRA committee has represented, through a democratic process, the common rightholders over CL65, CL124, CL161 and CL162. This is an attempt by BOHT to bypass your elected representatives who together with the landowners, are the only stakeholders with legal interests in the common.

**BOHT uses an unlawful lease granted by Holkham Estate to legitimise its activities on parts of CL65.**

SH&DCRA have been trying for a few years to challenge the charitable status of BOHT on the grounds that its charitable objectives are unlawful. SH&DCRA has information from the tribunal system that evidence exists concerning this situation, but the Information Commissioners Office and

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the Charity Commission employed a legal team and a Barrister to use a get-out clause that keeps the information secret!

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## National Trust

After decades of working alongside the National Trust with many projects on the commons, a more recent NT local team have been harder to deal with. Over two years ago the NT local team tried to impose a new set of agreements on SH&DCRA. If accepted, these agreements would have taken away most of the legitimate powers of the common rightholders, reducing their role to little more than litter pickers who would be given a donation at the discretion of the NT.

The long standing contracts between SH&DCRA and the NT relate to small sums of compensation for the common rightholders in exchange for tolerating certain NT activities on the commons. It seems that the present NT local team has decided to renege on these contracts and are refusing to pay the SH&DCRA invoices for the compensation due. SH&DCRA committee has taken legal advice which says that, should the NT refuse to stand by the agreements in place, they will be in breach of contract.

SH&DCRA committee has held the NT to account over its failures of management at Brancaster Harbour. Rental income from the moorings remained at 1990's levels until SH&DCRA stepped in; the rents are going to be heading towards market values in the coming year/s. In breach of contract again, the NT has allowed moorings on the common in Brancaster Harbour to multiply greatly and, at present, cannot account for receipts from some 95 moorings. All this whilst regularly declaring that Brancaster Harbour common land runs at a loss to the NT!

Conveniently forgotten in these calculations are the tens of thousands of pounds taken from the – mostly unlawful – car park on CL124. The NT now says that it will only negotiate through the SH&DCRA legal team; it costs them nothing and they know SH&DCRA cannot employ anything like the legal team that they have.

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## **Brancaster Gun Club and Burnham Overy and Norton Wildfowling Association.**

There are outstanding issues with the wildfowling clubs of Brancaster and Overy; Brancaster Gun Club and Burnham Overy and Norton Wildfowling Association. The two clubs combined to gain a Barristers opinion about the way in which the clubs operate over the common land. This opinion has not been given to the SH&DCRA committee, nor the questions that were asked of the Barrister.

Both clubs, it seems, are still issuing "day tickets" which allow non-common rightholders to wildfowl on common land. Historically, this was a concession to locals who had failed to register a common right. However, now nearly sixty years later there can be few if any bona fide locals that now meet this category. This selling of day tickets has raised the question; **what right do the clubs have to allow non-common rightholders to take wildfowl from your common?** The SH&DCRA committee are still looking into this issue, as to go on to the common without lawful permission is a criminal offence of "armed trespass". Aiding and abetting that "armed trespass" is also a criminal offence; as is theft.

**As with BOHT, Holkham Estate have issued an unlawful "licence" that BONWA is using to sell "day tickets" for any non-common rightholder to take wildfowl from the common. Really! The same reasoning applies as above, why would a common rightholder allow a second party to give a third party the go-ahead to steal produce from the common?**

## **Brancaster Parish Council**

As most of you will know, SH&DCRA trustees are engaged in a court action against Brancaster Parish Council. For that reason there is not a great deal that can be said around this issue at present. Nevertheless, what can be said is that, despite being intimidated by Brancaster Parish Council with massive legal costs against individual trustees (BPC councillors have no such worries), the case goes ahead.

There isn't a "fighting fund" as such for the trustees but, with over three hundred common rightholders out there, a good donation from each would help the trustees to continue their fight for justice for you. Bank account details below.

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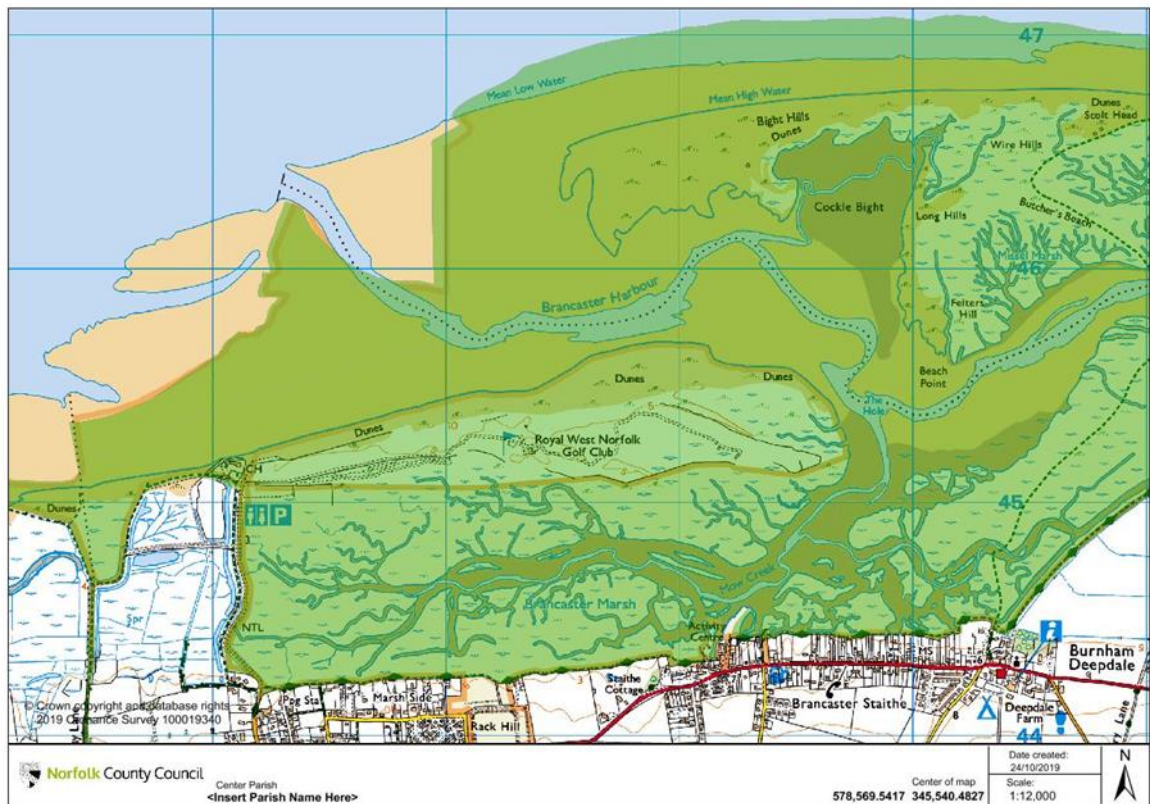
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## Royal West Norfolk Golf Club

The SH&DCRA committee continues to try to foster a good working relationship with the Royal West Norfolk Golf Club and is looking forward to common land management meetings as soon as possible.

## National Trails

Working with the National Trails organisation for the boardwalk at Brancaster/Deepdale has been satisfactory and negotiations have been friendly and professional throughout. The question of protecting the grazing marsh and protecting people from livestock on the grazing is underway.

## Environment Agency

There was a hiccup in negotiations between SH&DCRA and the Environment Agency concerning the works on Overy bank. These have now been corrected and the SH&DCRA officers are looking forward to a meeting at the EA offices in Norwich early in the New Year.

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## **To conclude:**

The SH&DCRA committee has a wide representation at the present time and there are other common rightholders who are willing to serve on the committee. At the moment, as the committee membership is limited to nine, there is a small body of coopted common rightholders. Whilst these coopted members cannot vote, they are bringing valuable contributions to the committee. If you would like to become involved, please get in touch as there is no limit on coopted members.

It might look a bit daunting at the moment, but be assured that the SH&DCRA Committee are pushing hard to protect the common land and common rights. Feedback is good, particularly from Barristers with whom the officers have come into contact via the tribunal and court case. If there are any matters that you wish the committee to consider please respond via the secretary.

**Sort Code 30-98-97**  
**Account Number 84904560**  
**Account Name SH&DCRA**

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