

Meeting of North Runcton Common Rights Holders
6th April 2017 – Village Meeting Place, North Runcton – 7.30pm

Minutes

Present: Jim Major (Chaired the meeting), Peter Lemon (Lord of the Manor), Barry Houchen (representing NR Parish Council), Jeremy Fuller, Greta Fuller, John Fuller, Susan Eke, Lindy Fryatt, James Hill (Cruso Wilkins - representing Patricia West), Rick Morrish (representing NR Parish Council).

Also Present: Rachel Curtis (minute taker)

Introductions and Apologies

Peter Lemon thanked everyone for coming to the meeting and said that Jim Major would be chairing the meeting and he had been briefed regarding the commons.

Apologies – Dominic and Duncan Symington

1. Identifying the Commons

Peter had brought along land registry maps showing the commons he has purchased and also copies of the NCC register of rights holders for each common. The areas are generally within North Runcton parish – although Setchey Common actually lies within West Winch Parish. For the benefit of the minutes, the commons are:

Registration Unit No.	Name of Common	Notes
CL 110	Hardwick Common	Note that CL110 was fragmented by expansion of the Hardwick Roundabout in the 1970s. An area adjacent the Frankie and Bennys restaurant was not purchased by Peter Lemon and may have no common rights attached.
CL 111	Sheep's Course Wood	
CL 112	North Runcton Common	Note that 'Church Green' is part of CL112 but the freeholder is North Runcton Parish Council.
CL 113	Setchey Common	
CL 310	A small former part of Hardwick Common	Partly purchased by Peter Lemon. Common rights not established.
CL 311	'Starlings Field'	(Understood to be part of the paddock between the Hardwick interchange and the Ramada Hotel)
CL 312+ CL 432	Lower North Runcton Common	Two portions of the lower paddock (north of Setch Road)
CL 433	Some verges along the A47 near Sheeps Course	Not purchased by Peter Lemon and not known to have common rights attached.
CL 434	Two triangles of grass west of Church Green and adjacent Common Lane.	Note these are owned by Peter Lemon, and have been maintained by a combination of the Parish Council and adjacent residents. They have no common rights attached.

It was noted that an arable field lying south of North Runcton Common and east of the *Twisty Twiney* lane is still shown as part of CL112, on the County definitive map. No common rights have been established on this land and it is not clear if there is still a 'right to roam'. It is understood the land has recently changed ownership.

2. Identify the Common Rights

Peter clarified that Common rights holders do not own the surface of any common, they simply have a right to graze. Common rights holders (and therefore the Common Reeve) do not have a right to undertake or give consent for others to cut timber, erect fences, excavate trenches, tip fill, construct embankments or give consent for other activities (eg shooting or private entertainments). Any such initiatives or activities would have to be agreed with the freeholder and all relevant rights holders. It was noted that all rights holders have an equal say in decisions, regardless of the number of rights they hold.

3. Identify Common Rights Holders

Norfolk County Council keep a register of common rights holders and the meeting established that the register is out of date. It is up to people to inform NCC of any changes to ownership resulting from either sale and purchase or inheritance. NCC would need a deed of transfer to enable them to change their records. The register is a legal document and the law does not recognise the rights unless they are stated on it. James Hill offered to act on behalf of rights holders in order to bring the register up to date. As an enduring body, this matter does not affect North Runcton Parish Council.

4. The role of the Freeholder

Peter recognises the commons as an important parish asset and wishes to safeguard their historical, landscape and wildlife values. He would like to see the County register brought up to date. He said he has no direct power over the common rights holders but asked them if there were any issues they wanted him to deal with. Greta said that dog fouling on the common where the cattle graze is becoming a big problem. (This was discussed further under item 6).

5. The 2006 Commons Act

As the Commons Registration Authority each County can enact parts of this act as it wants, and NCC has not enacted all of it. As per item 3 on the agenda, individuals may believe they have obtained rights but this may not be recognised in law until they have been properly registered at NCC. The last known update to the register was made in 1992. The register appears to imply that some rights are attached to land. There is specific legislation about how rights attached to land can be leased, bought and sold. Rights not attached to land ('rights in gross') can be bought and sold like any other property. A letter was tabled which appeared to suggest that the register may be out of date in this respect.

The following is an extract from a letter written to Peter Lemon from Bernard Matthews (Cruso & Wilkin), dated 29th March in which he details ownership of rights.

In my opinion the situation regarding the Common Rights held on your land being CL110 (part) CL111 CL112 (part) CL113 plus some small areas in the village as listed in the current Register is as follows :-

- 1) *Sandover - These were acquired by John Fuller when he purchased River Side Farm, Setchey and retained when the farm was re-sold. The rights are held in gross.*
- 2) *Watney Mann - The late Ben Pearson acted for the purchasers of the Bull Public House, Setchey and conveyed the rights to John Fuller. They are held in gross.*
- 3) *Parish Council - The Council acquired the rights by gift from the Peckover family and are held in gross.*
- 4) *Fryatt - The late Fred Fryatt acquired these rights over the years and to the best of my knowledge the Fryatt family no longer own land that sourced the Rights. Accordingly they are held in gross.*
- 5) *Fuller - These rights originated from the late Charlie Fuller and having been involved with the sale of all the property owned by the Fuller family, I can confirm that the Rights are now held in gross.*
- 6) *West - These rights originated from the late Charlie West and his son Jim West. With the exception of two Rights held on retained land which have recently been sold, all the Rights are held in gross. Unfortunately the sale was negotiated when I was away from the Office with illness as this situation could have been avoided as the Rights were being used by third-party and the Commons Act 2006 did not apply. The two Rights have not been registered in the name of the new owners and we are clarifying the position with them.*

--end of extract--

6. The 2000 Countryside Rights of Way Act (CROW)

This Act gives the public right of access to roam on common land. However, this can become problematic – especially on grazing commons, where people let dogs off the lead and where owners let them foul without picking it up. The law states that dogs are to be kept on a lead of no more than 2 metres between the 1st March and 31st July (bird nesting season) and at all times when stock are out (which on North Runcton common is usually June to November but on the other commons the time may vary). It is also preferable if people don't walk across a standing hay crop (usually April to June). It was agreed that this is difficult to police and educating people is a good way to start to resolve the problem. Peter said he would consider organising information boards with the above information on, sites suggested to be placed; Hardwick Common, (lane opposite Babingley Place?); North Runcton Common, (near the scout hut and perhaps near the gate on Common Lane?); Sheep's Course Wood. Rick Morrish said that the Parish Council would assist by adding something to the parish newsletter and posting information on its website, he also suggested there may be grants available for notice boards. It was suggested that information could also be given to Paul Yallop, (North Runcton campsite owner) to pass onto camp site visitors – who often use the common areas for walking their dogs.

7. Common Reeve

John Fuller has been the Common Reeve since August 1973. His son Jeremy Fuller said that he is happy to now take on this role. The 'Reeve' is traditionally someone elected by the rights holders to undertake general maintenance tasks on the common (eg ditch and hedge

management). When asked by Rick what he thought his role would be, Jeremy stated; maintenance on the commons, checking fencing and gates, ditches and reacting to any problems occurring. He thinks he and Peter will work well together and to make decisions regarding the commons. The Chair asked those present if they were happy for Jeremy Fuller to become the Common Reeve, and the meeting voted in favour. Peter had also received written support for this from Patricia West via Cruso and Wilkin.

8. Future Management Issues

Jeremy said he intends to graze the Hardwick Common again and will work with Peter on this and contact residents in the surrounding area to inform them of the plan. He has no intention at present to do anything in Sheep's Course Wood.

9. Any Other Business

It was felt by many present that the meeting was positive and they were happy with moving forward with Jeremy and Peter.

Jeremy and Rick raised the management of the pond on Common Lane. Jeremy had received a letter from a resident requesting a bench, fencing and clearance of the pond area. There was some discussion and it was felt that seating could be problematic. While safety is something to be mindful of it was agreed that fencing was not a good idea as the cattle drink from the pond. Concerns about the number of children sometime fishing in ponds was discussed (including health and safety issues with overhead power lines). A 'no fishing' sign used to be present. It was agreed to erect a new 'no fishing' sign.

It was agreed that an annual common rights holders meeting was a good idea and that the next meeting would be held in April 2018. Date to be arranged.

The meeting closed at 8.40pm.