

By Hand - CL162 - Copy of letter sent to  
Members before they committed.



Appleton Mill Farm

YO62 6TG

01751-417537

April 15th 2019

Dear

**CL162 Appleton Spaunton Common Protection Association**

**Applications: NYM/2018/0787/FL & NYM/2018/0791/FL**

We have set out, as briefly as we can, our objections to these applications, which are included with your agenda consultations. We wish to stress that we see this as a critical moment for the future of Appleton Common, particularly that part of it subject to reclamation conditions.

It is no secret that the applicant wishes to develop this part of the Common commercially, the more intense the better. The present applications have been well crafted by his consultants to neutralize the effect of the National Park's excellent 2003 Landscape Master Plan. The applications have the effect of inserting a small jemmy in the door for future development.

The view of the Association is that Spaunton Quarry should be fully restored in accordance with the 2003 Master plan (attached to our consultation letter). It was a good plan: it preserved the interests of the Commoners and graziers: it preserved the social, cultural, and heritage identity of the Common: it was in accord and promoted the purposes for which the National Park was set up. The reclamation should have been completed in December 2007.

When the applicant got permission for a huge extension to the mineral workings in 2003 and works began he accepted the landscape plan, which included demolition of redundant buildings. There has been a reprehensible history of delay and excuse to circumvent the contractual obligations. The present applications are yet another attempt to abort and circumvent the agreed scheme.

We beg the Committee to stick to National Park principles, refuse these applications, and enforce against the applicant's long history of non compliance.

Our understanding is that the finance to complete the reclamation, including demolition of derelict quarry buildings is held on account by Cemex, the mineral operators, so that the work can be completed as soon as the applicant is prepared to fulfil his obligations to the National Park, the commoners, and the local community.

We feel that the Officer's report fails to deal adequately with our representations, thus continuing their consistent underestimation of the social and community importance of our common land heritage. This application, admirable in itself, is, on Common Open access land, on the wrong location.

Yours sincerely

Jonathan Allison

Chairman of the CL162 Appleton Spaunton Common Protection Association

PS: attached is our representation lest it was missed within your substantial agenda.

## Why Spaunton Manor and Common is particularly special?

Spaunton Manor and Common comprises over 6000 acres and covers the Villages of Appleton le Moors, Hutton le Hole, Lasingham, Rosedale and Spaunton. The Manor was granted by William I in 1085 to Berenger-de-Todeni from Belvoir Castle. It then came into the possession of St Mary's Abbey at York, who owned it for over 400 years until Henry VIII's dissolution of the monasteries. In 1550 Edward VI gave Spaunton Manor to William Ford Grey of Wilton and John Bannester Esq. It then passed through various hands until the current owners the Darley family acquired it in 1780.

Spaunton is one of the few Manors' which throughout the centuries has retained its Court Leet. (A special annual Court in which the Lord of the Manor has jurisdiction over local disputes). Today the Court's role is to protect the Manorial Land within the Manor (that is the common and wastes of the Manor which includes village greens and verges) and to protect the rights of those who have "common rights" i.e. the rights held in common by a number of different properties over the common.

Common land is unique. It is historical land, which has remained largely undisturbed through the centuries, a remnant of medieval times when people relied on 'commons' for their survival. It is land where the owners (Commoners) of nearby properties have rights e.g. to graze animals, fish, collect wood and bracken, take soil or stone or dig peat. Those rights still exist, although in most cases they are not exercised as they were in the past. They also play a key role in supporting farming in the Manor through active grazing.

To put Spaunton Manor into context - if it was a listed building, then because of its history and heritage, it would probably be listed as Grade 1 or 2\*

### What rights do the public have on common land?

In addition to the specific rights attached to certain properties, the general public has the right to walk on all 'commons' under the Countryside and Rights of Way Act 2000. On many commons, there is also the right to ride horses under Section 193 Law of Property Act 1925.

### The 1965 Commons Registration Act

Most 'commons' are based on ancient rights, that is to say common law, which pre-dates statute law laid down by Parliament. The exact rights which apply to individual commons were in some cases documented, but more often were based on long-held traditions. A major reform was started in 1965 with a national register of common land which recorded the land ownership and the rights of any commoners. Under this all 'common rights' had to be registered and quantified and this was subject to Judicial Review. One consequence was the loss of many historical rights attached to properties across the Spaunton Estate as a result of changes in land holdings and earlier failures to properly register rights.

**Commons Act 2006** - This important piece of new legislation is intended to:

- Enable commons to be managed more sustainably by commoners and landowners working together through commons councils with powers to regulate grazing and other agricultural activities
- Provide better protection for common land and greens - this includes reinforcing existing protections against abuse, encroachment and unauthorised development
- Recognise that the protection of common land has to be proportionate to the harm caused and that some specified works can be carried out without the need for consent
- Require commons registration authorities (NYCC) to bring their registers up-to-date by recording past changes affecting the registers, and to keep the registers up-to-date by recording new changes - commons registration authorities will have new powers to correct many of the mistakes in the registers.
- Prohibit the severance of common rights, preventing commoners from selling, leasing or letting their rights away from the property to which rights are attached.



Zoom

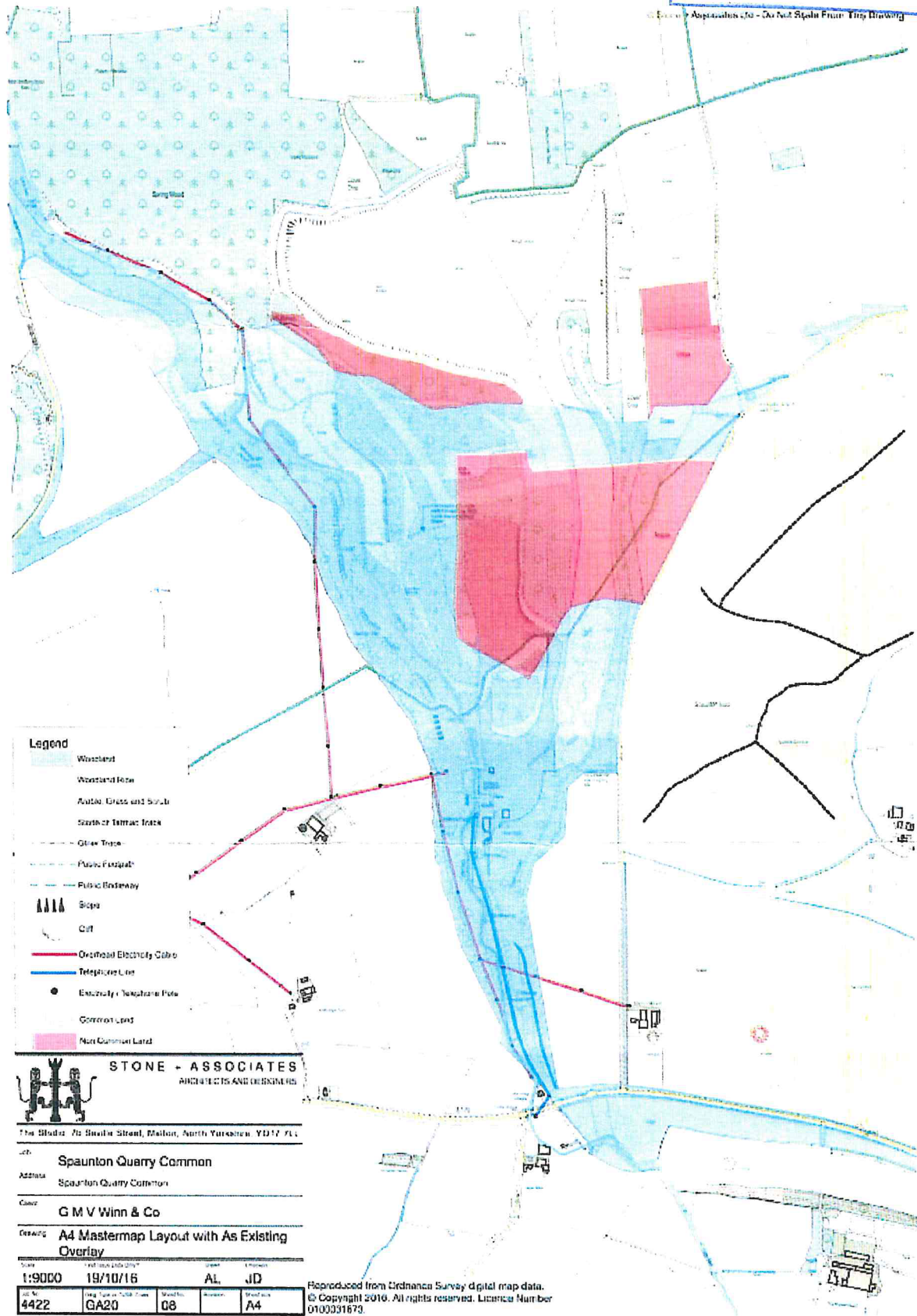


Fig 2. Existing common land within Spaunton Quarry area is shown in blue while existing non-common land is shown in red. [NB Appleton Common to the east of the highway is also designated common land – it is not affected by these proposals.]

**From:**  
**To:** [Planning](#)  
**Subject:** Planning application numbers: NYM/2018/0787/FL and NYM/2018/0791/FL  
**Date:** 21 March 2019 19:06:37

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Address supplied as requested

As owners of 2 Catterbridge Cottages, next to the Quarry access road, we would like to know the volume of traffic estimated to be using the access road, both for construction and operation of site.

Would there be a mixture of cars/caravans/agricultural vehicles and H.G.V's?

Is access available 24hours, 365 days a year?

Will there be any signs/illuminated or not near our property?

We await your reply.

Ron & Audrey Dale  
2 Catterbridge Cottages  
Kirkbymoorside  
York  
YO62 6NF

Sent from my iPad

Sent from my iPad