

Composition of the Management Committee and other contacts:

Chair- Wortham and Burgate
Parish Council Sarah Day (01379) 890148)

Committee:

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Treasurer / Secretary: Sarah Bower (01379) 890122
Reeve for Wortham David Howard (01379) 898529
Reeve for Burgate Dick Pell (01379) 783503
Ling representative Sue Sidle (01379) 643665

Contact Numbers:

Landowners and Lord of the Manor:

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Wortham Ling, The Marsh and Magpie Green -
David Wills (01379) 651031

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*Queries relating to Mid Suffolk District Council's management responsibilities
under the Scheme of Regulation and Management*

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Queries in respect of general countryside management issues



*The Commons of
Wortham and Burgate*

A History Of The Management Of Wortham Ling

Wortham Ling is a registered common. A widespread misconception is that commons were traditionally areas of land with a universal right of use or access. In fact they were usually privately owned lands where the common rightholders, who generally occupied properties adjacent to the common, had associated rights. At Wortham Ling these were the rights of grazing, turbarry (the right to cut turves) and estovers (the right to collect wood). Today commons do have free and full public access, though this is on foot only and no equestrian or vehicular access is permitted.

It is believed that up to 200 sheep grazed the Ling, but this practice gradually declined after the war and the last sheep were thought to have been removed in the late 1960s. Up to this time the Ling would have been a close cropped grassland with few areas of woodland or scrub. This grazing regime, though severe, and the Ling's unusual mix of acid heathland interspersed with chalk grassland encouraged a diverse range of plants to flourish.

Following the end of the sheep grazing a dense thatch built up in the grassland and scrub began to encroach onto the Ling. This not only threatened the grassland and heathland plants but was also a fire risk and there were several serious fires in the mid-1980s. Suffolk Wildlife Trust started to take an interest in the Ling from 1982 and between 1985 and 1993 large amounts of gorse were cleared. As the scrub began to be managed grazing pressure also increased as the local rabbit population multiplied, thereby providing a good substitute for the traditional sheep grazing. The Ling was notified as a Site of Special Scientific Interest in 1990 and therefore enjoys legal status as a site that must be appropriately managed and must not be damaged.

Under an agreement with the owner the Trust manages the Ling through its reserve officer, warden and volunteers to maintain the predominantly open landscape and its botanical diversity. Wortham Ling today is how many Suffolk villages once looked and in this it is notable not just for its natural interest but also as a historical record.

Should you wish to know more about the Trust's work on this or any other reserve please call 01473 890089.

GUIDANCE FOR RESIDENTS

Introduction

The term 'common land' is widely misunderstood and misused.

'Common land' refers to land that has been registered under the Commons Registration Act 1965 and is subject to rights of common which must also be registered under the Act. Originally, the term was used to describe an area where villagers could graze their livestock or use the products of the land (turf, timber or fish) 'in common' and was not enclosed or fenced. All common land, although it is usually privately owned, was formerly subject to 'rights of common' and much still is, allowing holders of these rights (commoners) to use it.

Wortham and Burgate have over 250 acres (100 hectares) of Registered Common Land in 8 separate and distinct areas which are owned by separate Lords of the Manor.

The areas of Common were originally unproductive, poor quality land, often wet and poorly drained, suitable only for grazing by geese and sheep. Each area has a unique character, recognised as having considerable landscape and conservation value. Most are now County Wildlife Sites.

Common rights holders and the Parish Council have continued to maintain the grassland grazing by annual hay cutting and this practice has retained much of the diverse flora and habitat which is now such a rarity in Suffolk and which is so vital for the conservation of many rare species of plants, insects and birds.

Wortham Commons are now also managed under the Countryside Stewardship programme, which provides some funds for the routine maintenance of the Common, eg. the cutting of scrub, replacing old and damaged trees, draining and clearing ponds and main waterways.

Land Ownership

The Burgate Commons, Stubbings Green and most of Wortham Long Green are owned by Mr Peter Holt-Wilson. Wortham Ling, The Marsh, The Magpie and much of Wortham manorial waste (i.e. Roadside verges) roadside wasteland are owned by David Wills.

Wortham and Burgate Playing Field and Sports area is owned by the Parish Council. These owners are the current 'Lords of the Manor'.

Maps detailing the boundaries of Wortham & Burgate Common are held and maintained by Commons Registration Officer, Suffolk County Council. Copies of the area maps are also held by land owners and the Management Committee of the Parish Council. Most Common land is now also registered with the Land Registry, a centralised, national government agency.

Please Remember: ENCROACHMENT ONTO THE COMMON IS AN OFFENCE

Grazing of Livestock

Most "commoners" have their officially authorised grazing rights registered with the County Council and are thereby legally entitled to graze the appropriate livestock numbers on Common land. In general these rights are for the grazing of sheep and goats, cattle or geese but not horses. Other residents are permitted to graze livestock including horses on a "grace and favour" basis, granted by the Lord of the Manor for a small fee. Requests for such grazing should be made in writing to the Lord of the Manor. Light grazing by horses will normally only be permitted from 1st April to 31st October, dependent upon prevailing, seasonal weather conditions.

All animals grazing on the Common must be prevented from straying on to the public highways or adjacent land and gardens by adequate temporary fencing or shepherding. Secondary feeding is not allowed on the commons

When electric fencing is used it must not prevent the freedom of access to public footpaths, bridleways, or access tracks and be well clear of the public highway (ie. by at least 2.5m from the roadside verge); suitable warning signs should also be erected on such fencing.

Owners of grazing animals should ensure that they have adequate third party or public liability insurance cover in case of accidents. The welfare of livestock grazed on the common is the responsibility of the animals' owner at all times.

Haycutting should be delayed until after the 1st July, to allow reseeding and regeneration of the natural flora.

Should further information be required, contact MSDC for 'unauthorised grazing' leaflet.

Water Drainage

The landowner wishes to retain and restore the ponds and drainage ditches on the Common as far as possible.

Drainage from the Common must not be impeded in any way by the infilling of ditches. The authority of the landowner, Management Committee, the Environment Agency also M.S.D.C. may be required.

When infilling is authorised eg. for vehicle access to new developments, adequate drainage must be provided by the installation of pipe work with minimum diameter of 46cm and be fitted with appropriate rubbish guards which should be regularly cleared to prevent blockage .

The boundary ditch is not only of great historic interest but the centre lines provides a clear marker for the boundary of the commons with adjacent properties.

General Points to Note

The removal or dumping of turf or top soil, the lighting of bonfires, shooting, or the frequent exercising of horses in one place (which can seriously damage the turf) are prohibited under the Commons Bye Laws. Dogs should be kept under control at all times and not be permitted to foul public footpaths or on the Wortham Playing Fields areas.

Please, always clear away any dog "mess" left by your dog anywhere on public footpaths or common land. It is an offence not to do so. It is particularly offensive to allow dogs to foul the children's play areas.

The erection of house signs or other notices is not permitted, without the written authority of the Parish Council and Landowner. Similarly the riding of motor cycles on the Common is prohibited.

Vehicle Access over Common Land

The following paragraphs cannot be substitutes for professional legal advice and are intended only for general information. A number of basic statutory procedures exist for safeguarding the interest of the wider community, the commoners and the land owner as follows:

- a. 1972 Road Traffic Act (Section 36) makes it an offence, without

lawful authority, to drive a motor vehicle on common land except where the vehicle is not more than 15 yards from the highway, solely for parking or in an emergency.

b. 1925 Law of Property Act (Section 194) prohibits the construction of any "works" (including the making of a metalled track or roadway) unless the consent of the Secretary of State for the Environment has been obtained.

c. The 1899 Commons Act and the Countryside and Rights of Way (CROW) Act 2000 cover access to common land, including vehicular access over commons, under which the Parish Council and MSDC exercise their rights of management. These Acts provide the legal framework for the byelaws prohibiting encroachment on common land by the construction of new tracks or roadways. Routine maintenance of existing tracks and pathways may be undertaken using non-permanent materials, eg: hogging, crushed concrete etc.

You are not permitted to drive a vehicle over Common land, even if it is to reach your own property, without a legal "easement" authority from the land owner, ie the Lord of the Manor. Because of environmental and development pressures on our Common land, new access tracks will only be permitted under very exceptional circumstances.

If you do not have a legal "easement" over the Common to your property, you would be well advised to obtain one. Don't wait until you need to sell your property.

Before putting your property up for sale, you should obtain an appropriate Deed of Grant from the Lord of the Manor.

Such a Deed of Grant (for access over the Common) is normally only applicable to the property or business for which it is issued - if the property is split, ie new dwellings are built which also require access over Common land, even if this right of way is over an existing track then these new properties will also require a separate "Deed of Grant". Similarly, if business premises are materially altered so as to change the nature of traffic over the Common, these new businesses would also require additional authorisation for access.

When property is sold, the Deed of Grant for access rights must be transferred to the new owner and it is therefore advisable to ensure that this

document is retained with the property deeds. Normally a Deed of Grant will not have a time limit or expiry date attached to it and it is therefore, a once only application.

Planning approvals, or consents for new developments do not provide a legal authority for vehicle access over Common land, even though such consents or approvals may agree to the use of existing tracks for access - the law requires a specific "Easement" authority from the land owner, or the Secretary of State for the Environment.

Section 194 of the Law of Property Act also requires you to obtain the approval of the Secretary of State before constructing a metalled roadway over an existing track and such authority is unlikely to be granted for normal domestic or business use.

If you wish to improve or widen the track or existing roadway to your property you should forward your request to the Parish Council. With the agreement of the Parish Council and landowner (*and provided that you have proper authority for access*) you will normally be given approval with recommendations to use only loose hardcore, shingle or granite chippings, all of which materials may be considered to be impermanent works, permissible under the Bye Laws.

The existence of some concrete / metalled tracks on the Common which are not authorised in law cannot be cited providing a legal precedent for new work.



Part funding for this booklet was given by SCC locality budget, via Cllr. Charles Michell.
Illustration drawn by Jane Dumas

HOLT-WILSON FAMILY.

The Burgate Commons, Stubbings Green and most of Wortham Long Green are owned by Mr. Peter Holt-Wilson, whose family have been major landowners in the area since Anglo Saxon times. Although the bulk of records of the family's history were sold to the University of Chicago in the early 1920s, a significant number of items covering the period 1770 to 1870 have been retained by the family and catalogued by the Redgrave History Group as part of an ongoing research project.

When John Holt-Wilson (1900 – 1963) took over the running of the estate in 1928, the obligation to pay two sets of death duties in four years had taken its toll on holdings already diminished over the previous century, and the decision was taken to sell Redgrave Park, then the centre of the estate. Photographs taken at the time (early 1930s) show a stunningly beautiful landscape of mature and veteran trees and the expanse of the lake, all planned some 160 years previously by the legendary "Capability" Brown.

In the event, Redgrave Park was not sold until 1971, thus ending more than 750 years of continuous ownership by the Holt-Wilson family and their ancestors, and leading to the destruction of wood pasture with Anglo Saxon origins. The Park is, however, still in agricultural use, although modern agri-business makes very different demands on the landscape whilst continuing the long and fascinating history of the interaction of people and their environment in this corner of Suffolk.

NEW OWNER OF WORTHAM LING

David Wills purchased the Lordship of the Manor of Wortham Hall in 2002, thereby becoming the owner of Wortham Ling and common land at Magpie Green and Marsh Lane.

A local man, born in a house on Wortham Ling, and a founding partner of Anglia Autoflow, David Wills is anxious to maintain the integrity of the commons and work with local and district organisations to ensure that the character and amenity of the commons is secured and enhanced. His purchase of the lordship of the manor is a personal venture, not connected in any way with Anglia Autoflow or his many other business interests.

For ten years previous to David's purchase of the lordship of the manor, it was held by the De Lancey De La Hanty Foundation, which contracted with Suffolk Wildlife Trust to manage the Ling, which is designated a Site of Special Scientific Interest (SSSI). It is David's intention to continue with this arrangement with the aim of doing everything necessary to maintain and improve the heathland.

Although David is now semi-retired, he continues to live locally, in Roydon, and remains Chairman of the Board of Anglia Autoflow.



The Wildlife of the Commons

The commons are havens for wildlife. This is because they have been managed in the same way for hundreds of years by light grazing and cutting the grass for hay. Herbicides and fertilisers have never been applied so many scarce meadow plants have survived.

The Ling is the only area of heathland for many miles around. Heather is common and there are also unusual plants such as Wild Thyme, Meadow Saxifrage and Devil's-bit Scabious. There are good populations of Grayling and Green Hairstreak, both typical heathland butterflies. The Ling is a Site of Special Scientific Interest and is managed by Suffolk Wildlife Trust as a nature reserve.

The Marsh and Long Green support at least 7 species of orchid including some very showy hybrids that appear every year near the playing field. Several other uncommon plants can be found such as Dyer's Greenweed, which produces both green and yellow dyes, and the strange Adder's-tongue Fern. The ponds hold Great Crested Newts and the anthills are visited by Green Woodpeckers.

Burgate Great and Little Greens are very different. The Great Green is marshy with acid soils and typical plants include Marsh Pennywort, and two unusual grasses; Mat Grass and Heath Grass. Little Green is dryer with slightly chalky soils and is covered in Cowslips in the spring. A few plants of Sulphur Clover grow here; this is very much a local speciality as it is only found in East Anglia.

All the commons, with the exception of Magpie and Stubbing's Greens, are County Wildlife Sites. They are also being managed under the Countryside Stewardship Scheme (administered by the Department for Environment, Food and Rural Affairs), which provides funds to restore and maintain these historic landscapes for wildlife and local people.

BYELAWS

BYELAWS made by Hartismere Rural District Council with respect to Wortham Commons in accordance with the provisions of paragraph 9 of the Scheme for the Regulation and Management approved by the Minister of Agriculture and Fisheries on the tenth day of February 1934 under the Commons Act 1899.

1. Throughout these byelaws the expression "the Council" means the Hartismere Rural District Council

Or, in the event of the power of enforcing these byelaws being at any time hereafter delegated by the Rural District Council to Wortham Parish Council, Wortham Parish Council; and the expression "the Commons" means the pieces of land with ponds, streams, paths and roads thereon commonly known as "Wortham Ling", "The Marsh", "Magpie Green" and "Long Green" situate in the parish of Wortham in the county of Suffolk.

2. No person shall wilfully, carelessly or negligently remove any scat, shelter, pavilion, fence or other thing put up or maintained upon the Commons by the Council.

3. No person shall post or paint any bill, placard, advertisement or notice upon any tree, fence or erection on the Commons.

4. No person shall, without lawful authority, catch birds, or set traps or nets, or lay snares for birds or other animals, or take birds eggs or nests, or shoot or chase game or other animals on the Commons.

5. No person shall, without lawful authority draw, drive or place upon the Commons any carriage, cart, caravan, truck, motor vehicle, motor cycle, aeroplane, flying machine or other vehicle, or erect or permit to remain on the Commons any building, shed, tent, fence, post, railing or other structure, whether used in connection with the playing of games or not.

6. No person shall, without the consent of the Council (except in the case of a fair lawfully held), place on the Commons any photographic cart or any show, exhibition, swing, roundabout or other like thing.

7. No person shall, without lawful authority, light any fire on the Commons.

8. No person shall, without lawful authority, fire or discharge any firearm or throw or discharge any missile on the Commons.

9. Where the Council set apart any part of the Commons as may be fixed by the Council and described in a notice board affixed or set up in some conspicuous position on the Commons for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person on the Commons may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the Commons, no person shall in any space elsewhere on the commons play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

10. A person resorting to the Commons and playing or taking part in any game for which the exclusive use of any space on the Commons has been set apart shall:-

(i) not play on the space any game other than the game for which it is set apart, (ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the Commons by other persons;

(iii) when the space is already occupied by other players not begin to play there on without their permission;

(iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein;

(v) except where the exclusive use of the space has been granted by the Council for the playing of a match in which he is taking part, not use the space for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.

11. No person shall on any part of the Commons which may have been set apart by the Council for any game play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play on that part of the Commons.

12. No groom or other person shall, without lawful authority, at any time break in or exercise any horse on the Commons.

13. No person shall, without lawful authority, turn out or permit to remain on the Commons any cattle, sheep or other animals.

14. No person shall wilfully, carelessly or negligently soil or defile any part of any wall or fence, or any part of any building, barrier or railing, or any fixed or moveable seat, or any other structure or erection on the Commons.

15. No person shall in any part of the Commons wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the Commons.

16. It shall be lawful for any officer of the Council, after due warning, to remove from the Commons any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of these bye laws or to exclude from the Commons any person who within his view commits, or whom he reasonably suspects of committing an offence against any such bye law or against the Vagrancy Act 1824

17. No person shall hinder or obstruct an officer of the Council in the exercise of his powers or duties under the scheme here inbefore referred to or under any byelaws made thereunder.

18. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

The Common Seal of Martismore
Rural District Council was hereunto
presence of:-

(L.S.) affixed this third day of July 1972 in the

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the date here-of.

K. P. WITNEY

An Assistant Under Secretary of State, Home Office, Whitehall. 16 November 1972. This is a true copy of the byelaws as confirmed.

GUIDANCE FOR GRAZING HORSES ON THE COMMONS

The commons are important places for wildlife and have been designated as County Wildlife Sites by Suffolk Wildlife Trust and the County Council. They have also been entered into the Countryside Stewardship Scheme, run by the Department for Environment, Food and Rural Affairs (DEFRA), to provide funds for positive management.

Light grazing of the commons is essential if their character and value are to survive. However, in order to comply with the Stewardship agreement, protect wildlife and ensure that the commons are maintained in a good condition for everyone to enjoy, *please follow these simple conditions.*

The commons have naturally poorly-drained soils so are often very wet or waterlogged. It is therefore important to avoid over-grazing and poaching at all times. This means that horses should be moved before poaching occurs. In addition, please do not graze your horses between 1 November and 31 March, when the ground is most likely to be poached.

Please avoid supplementary feeding as this encourages poaching.

Do not apply any organic or inorganic fertilisers

Please do not apply any herbicides. Thistles and rushes can be controlled by topping but avoid disturbing ground-nesting birds.

Do not alter the drains or drainage of the commons.

Electric fencing must not prevent access to footpaths or access tracks and should be well clear of the public highway (i.e. At least 2.5 metres from the roadside verge). Suitable warning signs should also be erected.



