

6th August 2012

Warcop Consultation
RPS,
P O Box 607,
Abingdon,
Oxon OX14 9GR,

WARCOP TRAINING AREA: Restructuring of Common Land Undertakings Consultation

The above consultation came to my attention today. While I note that the consultation period ended on July 31st 2012 the purpose of this letter is to make a submission. We have been told by a colleague that you are accepting late submissions, therefore we hope you will consider our response.

The Federation was set up in early 2003 to be a representative voice to support and protect the commoners of Cumbria. We are a membership organisation and are open to all Commons Associations and commoners in Cumbria. We also have affiliate members who are members of Commons Associations in Lancashire and Northumberland. We currently have nearly 700 members.

This submission covers three areas of concern as follows:

- 1) The consultation process - we wish to question the breadth of the consultation. The Federation is an interested party in this consultation, but we have neither received information about the consultation process, nor have we been invited to the public meetings. We note that the Federation was not in existence at the time of the Public Enquiry in 2002 but informing "all those who attended the public inquiry (as far as is possible)" (p 26, Consultation Report April 2012) while necessary is not sufficient for a consultation process ten years on, as new stakeholders/interested parties will emerge in the intervening 10 years.
- 2) Commons Councils – we wish to question the assertion that a Commons Council will pose a threat to MOD's management of the common land at Hilton, Murton and Warcop on the basis that is highly unlikely that a Commons Council could ever be established in the first place. To set up a Commons Council you need to demonstrate substantial support from those with legal rights including the owners and rights holders. The Secretary of State cannot make the order unless satisfied that there is 'substantial support' for a council. This judgement will be made on a case-by-case basis based on the relative weighting of the

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different interests (see p 17 Part 2 of the Commons Act 2006: Commons Councils. Technical Guidance on setting up a Commons Council, Feb 2010). As the MOD is **the** major stakeholder, the Secretary of State will have to be reassured that the MOD is favour of establishing a Commons Council before making the order. Thus we believe that a major part of the argument to cancel the first of the Common Land Undertakings is flawed.

- 3) We believe that the land is currently classified 'waste of the manor' and therefore cannot be de-registered.

In summary we do not agree that the effect of the Commons Act 2006 on the existing undertakings will be to produce a result that is contrary to what was intended at the Warcop public inquiry. We strongly oppose the proposal to de-register the land as common land and we wish that our views are taken into consideration in this consultation

Yours faithfully,

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