

A black and white photograph of a traditional windmill on a grassy hill under a cloudy sky. The windmill is the central focus, with its four sails extending outwards. The sky is filled with large, fluffy clouds, and the foreground is a well-maintained lawn.

STELLING MINNIS

NEW RESIDENTS' GUIDE

April 2007

(Amended Feb 2012)

Welcome to the New Residents' Guide

Some years ago the Conservators of Stelling Minnis Common produced a booklet entitled "LIVING IN STELLING MINNIS: some of your questions answered". The intention was to inform residents old and, particularly new, of the very special circumstances associated with living on or near an actively grazed common.

There have been a number of changes since that publication and revision is now required. In particular:

- The body responsible for managing the Minnis has been reformed and is now called the Managers of Stelling Minnis Common.
- The Owners and Managers of the Minnis have approved and adopted a new management plan for the Minnis.

This guide has been produced to assist adjoining owners. The Managers hope that you will find the contents useful in understanding the ownership and management of the Minnis.

Introduction to the Minnis

Stelling Minnis Common, known as the Minnis, is common land registered under the Commons Registration Act 1965. It is an area of some 50ha (or 124 acres). The Minnis, originally the 'Lord's Waste', was used by cottagers to graze their animals, collect bracken, hay and fallen or dead wood. It is one of the last remaining manorial commons in Kent.

The main part of the Minnis is a substantially unbroken area of wood pasture to the north of Curtis Lane. The southern part of the Minnis is more fragmented and is comprised of smaller areas of open grassland, interspersed with trees and scrub, together with roadside verges. It extends to the south as far as Wheelbarrow Town. The grazing rights which are described later in this guide extend to the whole of the Minnis.

One of the most popular misconceptions about common land is that it belongs to everyone. This is not true in the case of the Minnis, which is owned by the trustees of the late Lord Tomlin of Ash, described in this guide as the Owners. The day to day management of the Minnis is the responsibility of the Managers, a body of volunteers drawn from the local community, but whose formal status is to act on behalf of the Owners.

The rights which people have to make use of the Minnis are described in more detail later in this guide. In summary, the principal rights which are enshrined by law are:

- The rights associated with ownership, to which the Owners are entitled
- The registered rights of common, to which the Commoners are entitled
- The rights of access to the Minnis for air and exercise, to which all members of the public are entitled

- The rights which have been acquired by owners of properties adjacent to the Minnis

Bye Laws have been made, which place restrictions on the use of the Minnis by members of the public when exercising their rights to "air and exercise". They are set out in a separate section of this guide. Similar restrictions apply to the new rights of access granted by the Countryside and Rights and Way Act 2000.

The Owners and the role of the Minnis Managers

The freehold of the Minnis is registered in the name of the Owners to whom it belongs. Their rights to use and manage the Minnis are limited only by the rights of the Commoners and the rights of members of the public (both of which are described in separate sections of this guide). In all other respects, the Owners are entitled to use and manage the Minnis as its freehold owners.

For many years a group known as the Conservators, who were appointed by the Owners, managed the Minnis on behalf of the Owners. In 1991, this management group was re-formed and renamed the 'Managers of Stelling Minnis Common'.

Initially the Managers consisted of four local people appointed by the Owners. In 2001, the Owners decided to increase the number of Managers to be more reflective of the local community, to take account where possible of its interests and views, and to give the body a wider skill base.

The principal role of the Managers remains the management of the Minnis in accordance with a management plan (details of which are given in another section of this guide). To that end, they are concerned in particular with two specific matters:

- Organising manpower for work on the Minnis. Some work, such as mowing, will be carried out by contractors, but considerable clearance and maintenance work is undertaken by work parties of residents acting on a voluntary basis. If you would like to help, please see the Parish Magazine for relevant dates.
- Funding the management of the Minnis. The Managers have sought funding from a variety of sources. Implementation of the most recent management plan is to be funded under the countryside stewardship scheme.

The Managers also deal with a number of general issues relating to the Minnis. These include:

- the dissemination of information relating to the Minnis
- the protection of the ecology of the Minnis, including dealing with issues such as litter and visitor pressure
- the preservation of the integrity of the Minnis, including the reporting to the Owners of fenced and unfenced encroachments onto the Minnis

The Rights of the Commoners

The Commoners are those, or their successors or assigns, who have registered rights of common under the Commons Registration Act 1965. Forty-six properties appear in the Rights Section of the Register of Common Land. Commoners have the legal right to use their registered entitlement. Their rights can only be removed by Act of Parliament.

All 46 properties have registered rights to both grazing and estovers. One property also has registered rights to turbary and pannage.

- Grazing: Between them, the Commoners have the right to graze 133 cattle, 1040 sheep, 52 geese, 21 horses, 8 goats, 5 donkeys and 2 pigs. The rights to graze are specific and the register states the number and types of stock to which each holding has an entitlement.
- Estovers is the right to gather wood or furze. Historically this was used for fires, bedding and the mending of fences. Only Commoners have this right.
- Turbary is the right to cut and take peat and pannage is the right to turn out pigs to eat acorn and beechmast.

Quite intensive grazing of the Minnis continued until the 1950s when the gates fell into disrepair and were left open as traffic increased. Some of the Commoners continued to graze stock on the Minnis, but this was not enough to halt the encroachment by bracken and scrub and the associated loss of ecologically important acid grassland and heath. In recent times, the only stock which has regularly grazed the Minnis is a small flock of sheep jointly owned by a group of Commoners called the Graziers. These Commoners maintained the flock with the primary purpose of benefiting the Minnis.

The Managers would be grateful if Commoners could inform them of their intention to graze so that it can be incorporated into the general management of the Minnis.

If you have any queries regarding the status of your property, and whether any rights of common are attached to it, they should be addressed to:

The Common Land Registration Department,
County Planning Department, Kent County Council,
Springfield, Maidstone, Kent, ME14 2LX.

This office has a legal duty to maintain the Register of Common Land. The Managers also hold a current copy of the register.

The Rights of the Public

Since 1954, all members of the public, not just residents, have had the right to air and exercise on the Minnis. They also now have the rights of access to the Minnis which are granted by the Countryside and Rights of Way Act 2000. These are the only rights, which everyone has.

The Bye Laws, which make it an offence for certain types of activity to take place on the Minnis, are reproduced at the end of this guide. There is also a Schedule to the Countryside and Rights of Way Act 2000 which imposes restrictions on the activities which members of the public can carry out in exercise of their rights of access under that act. In broad terms, no activity which might disturb the fragile ecology of the Minnis is permitted.

Although, no right exists, certain activities are tolerated by the Owners:

- Occasional and temporary parking on the Minnis is tolerated, so long as it does not damage the surface of the land. Regular or overnight parking is not allowed and residents should always park within the boundaries of their own property.
- The riding of horses is tolerated, but riders are encouraged to be considerate of other users of the Minnis and are required to limit their mounts to walk or trot. The heather, harebells and other heathland plants are intolerant of 'trampling'.

The Managers wish to emphasise that the following activities are not permitted:

- The erection of notices or advertisements on the Minnis is not permitted without the consent of the Owners. Permission can be obtained by application to the Managers, but will only be granted in special circumstances
- No plant or seed (including wildflower seed) should be introduced to the Minnis as it can cause ecological damage.

The Position of Adjoining Property Owners

Fences, Hedges and Edges

Hedges generally belong to the adjoining owner but the Managers are authorised by the Owners of the Minnis to cut back hedges which encroach onto or over the Minnis. Owners and occupiers of adjoining properties are asked to take special care when erecting new fences that they follow the registered boundary of the Minnis.

A number of residents have, from time to time, placed 'stones' on the Minnis outside their property to prevent or reduce vehicular damage to verges. This is not permitted, as it may constitute enclosure. The same areas outside properties are often mowed. This is welcomed by the Owners of the Minnis.

Garden Refuse

From time to time, some residents have disposed of grass cuttings, garden or other refuse on the Minnis. This is not permitted. In addition to being unsightly, such dumping is damaging to the fragile ecology of the Minnis and potentially lethal to any stock.

Access for Vehicles

Residents' cars may only be driven over the Minnis in exercise of a registered or agreed right of access along an established track. The only other rights over the remainder of the Minnis are such rights of access on foot as are available to all members of the general public.

No properties have an automatic right of vehicular access across the Minnis and the driving of vehicles on the Minnis without lawful authority is an offence under section 193(4) of Law of Property Act 1925. Some adjoining property owners have purchased rights of access from the Owners, and the Countryside and Rights of Way Act 2000 provided for the grant of statutory rights of vehicular access in certain circumstances. A vehicular right of access may

also be acquired through long use. All such rights should be registered at the Land Registry.

Owners of properties adjoining the Minnis with rights of access over the Minnis carry out repairs to tracks themselves. The soil remains the property of the Owners and the surface of the Minnis on these access tracks must not be sealed. Thus the use of materials such as concrete or tarmacadam is prohibited.

Services

Pipes from the water main, which in most cases is located by or under the public highway, to individual properties are the responsibility of the owners of these properties. Should repairs be required, permission must be sought from the Owners of the Minnis, who can be contacted through their agents, Savills (attn Charles Gooch), Rolfes House, 60 Milford Street, Salisbury, Wilts SP1 2BP (01722 426800). Where permission is granted it will always be subject to an undertaking to make good and restore the surface of the land.

Acquiring an Access Right or Service Connection

Owners or occupiers of properties adjoining the Minnis who require a new access or service connection must negotiate a licence or easement with the Owners, who can be contacted through their agents (details of whom are given above). Savills act as agents for the Owners of the Minnis, and are therefore unable to give advice to any other party.

Residents should note that the Managers are not authorised by the Owners to grant any rights over the Minnis and are not able to give advice on such issues. Accordingly, adjoining property owners who are unsure of their own position are advised to consult a solicitor.

The Management Plan

Background

During 1992 the Managers developed a policy statement, which identified their aims and objectives. A management plan was published early in 1993 as a statement of the way in which those aims and objectives would be realised. Having been adopted by the Owners and the Managers, this plan was then presented at a public meeting.

Policy Aims

The overall aim of the original management plan was to encourage the treatment of the Minnis as an active, historic grazing common, as an important site for wildlife and as an area of public enjoyment, while protecting existing proprietorial, registered and public rights.

Policy Objectives

These main aims were to be pursued with the following specific objectives in mind:

- To retain the day-to-day management of the Minnis in the hands of representatives of the local community subject to the rights of the Owners of the Minnis.
- To mark and ensure the boundaries of the Minnis.
- To maintain and, if appropriate, restore lowland heath, acid grassland, ponds and Western Gorse scrub within the mosaic of habitats including managed scrub, pasture woodland and woodland.
- To introduce grazing into the management of the Minnis.
- To minimise damage by road vehicles.
- To keep the Minnis clear of rubbish and similar obstructions.
- To ensure that dogs are kept under proper control.
- To interpret the Minnis and its management for the better information of residents, visitors and other interested parties.
- To carry out such works as might be required by the interests of public safety.

Since 1st October 2003 the management of the Minnis has been subject to a countryside stewardship scheme agreement which will continue until 30th September 2013.

The Current Plan

In October 2005, the Kent Wildlife Trust submitted to the Managers a new 10 year management plan. Drafts of this plan had been subject to wide public consultation and its broad objectives were adopted by the Managers in November 2005. It is a large but very interesting document and a copy can be found on the Stelling Minnis website: www.stelling-minnis.co.uk. The Managers will also supply a CD Rom on written request to Ann Day, the Managers' Secretary.

The broad policy of the original management plan is repeated in the KWT plan but with some differences of emphasis. The specific long term objectives are summarised in Part 4 as follows:

- To establish a grazing and mowing regime to effectively manage the Minnis for the benefit of wildlife and public amenity.
- To encourage the continued development of wood pasture that will, for generations to come, be a valued landscape feature and provide habitat of grassland and veteran trees rich in wildlife.
- To maintain and enhance the current areas of heathy vegetation and consider the creation of additional heathy areas, aiming for the development of a sustainable resource supporting a good range of wildlife.
- To restore the ponds on the Minnis to a state where they are suitable for breeding great crested newt and other amphibians and where they will form an attractive public feature.
- To manage the intensively managed neutral grassland in a way that is compatible both as a public amenity and for wildlife.
- To manage the secondary woodland in a way that will maintain its function as valuable screening, as a landscape feature, as well as increasing its potential to support wildlife.
- To manage the scrub in a way that will maintain its function as valuable screening, as a landscape feature, as well as increasing its potential to support wildlife.

- To provide habitat conditions that will be suitable for the species identified in the Plan.
- To consider the provision of formalised parking and high amenity areas.
- To maximise the potential for local educational and community involvement on the Minnis.
- To consider the provision of interpretation boards.
- To monitor the impact of work on the wildlife of the Minnis and on the opinions of the local residents.

The work so far undertaken, much of it on a voluntary basis by groups of local residents (see Parish Magazine for dates to volunteer), has resulted in the Managers achieving the pasture management tier area payments. These annual payments will help fund the implementation of the KWT plan.

While the KWT plan deals with the Minnis area by area it is based upon a habitat management approach. The following is a summary of what is intended should happen to the different habitats on the Minnis.

Grassland and Heath

The grassland of the Minnis will be managed by mowing and grazing, using fencing in selected areas. The objective is to provide a mosaic of spring and summer flowering areas. Areas of heather now prevalent in places will be encouraged.

Scrub

Scrub will be managed by cutting on rotation to ensure its vigour and value as a habitat for birds and other animals. In many areas the scrub will be rationalised. In essence this means that some small areas of scrub will be combined into larger, more viable areas and others will be cut and stumps treated. The sections of scrub cut in any one year will take account of the privacy of residents. Management will favour the Western Gorse.

Bracken

Bracken will be controlled using a variety of methods. In twenty years bracken will be less dominant, appearing primarily at woodland and scrub edges.

Woodland

The woodland falls into two categories: secondary climax woodland and pasture woodland (wood pasture). Areas of well-established woodland will be maintained. Woodland edges will be graded and scalloped to maximise wildlife interest. Alien species such as Sycamore will be controlled.

Ponds

Ponds will be maintained by clearance of one third every year or two to prevent silting and drying out. Shading vegetation will be removed. At a later stage it may be appropriate to reline the ponds.

Temporary Fencing

In 1994 the Managers successfully applied for the right to erect temporary fencing on the Minnis. As this guide is revised (January 2007), grazing on a controlled basis is again taking place in areas of the Minnis fenced in accordance with that permission.

Fencing may only be erected under the direction of the Managers and is restricted to temporary, electric fencing in accordance with the aims and objectives of the original 1993 management plan.

The fences will, at any one time, enclose a total of no more than 10 hectares within a maximum of four enclosures. The enclosures may be made between access and other major tracks or paths within identified areas. No more than one enclosure will be made in each area at any one time. Each enclosure will be provided with stiled access for pedestrians and remain in one place for no more than ten weeks.

In May 2006, a further application for time limited fencing was made to the Secretary of State. This application has been approved, and the results have been posted on the website (www.stelling-minnis.co.uk).

The Bye Laws

The following notice has been given under section 193 of the LAW OF PROPERTY ACT, 1925 and constitutes the Bye Laws for STELLING MINNIS COMMON in the Parish of Stelling Minnis, County of Kent.

NOTICE IS HEREBY GIVEN THAT STELLING MINNIS COMMON is subject to the provisions of Section 193 of the Law of Property Act, 1925, under which members of the public have rights of access to the Common for air and exercise.

1. If done on the Common without lawful authority, it is an offence for anyone exercising the aforesaid rights of access to the Common:-

(i) a) To draw or drive any carriage, cart, caravan, truck or other vehicle otherwise than on a public carriage way.

b) To camp.

c) To light fires.

(ii) a) To remove gravel, sand, soil or turf.

b) To take or attempt to take fish from any pond or stream.

c) To shoot or wilfully disturb, chase or take game or other birds or animals.

d) To permit dogs to chase game or other birds or animals or otherwise fail to keep dogs under proper control.

e) To remove or attempt to remove birds' eggs or nests.

f) To set traps, nets or snares for birds or animals.

g) To permit horses, cattle, sheep or other animals to graze or stray.

h) To bathe in any pond or stream.

i) To post or paint bills, advertisements, placards or notices.

j) To train or break in horses by grooms or others.

k) To hold any show, exhibition or fair or place any swing, roundabout or other like thing.

l) To construct or place any building, tent, booth, stall, fence, post, railing, trench, pit, roadway or other similar structure or work for any purpose.

m) Generally to injure or disfigure the land or interfere with the use thereof by the public for the purposes of air and exercise.

2. Anyone committing such an offence as aforesaid is liable on summary conviction to a fine not exceeding 40 shillings for each offence.

3. The acts mentioned in paragraph 1(ii) are forbidden by reason of the limitations and conditions imposed by an Order dated the Fifteenth day of March, 1954, by the Minister of Agriculture and Fisheries under the said section 193.

4. The said Order with the relative plan has been deposited at the Public Record Office, Chancery Lane, London, W.C.2, and a certified copy has been deposited with the Council of the Rural District of Elham in which the land is situated. The Order and the Copy will be open to inspection during ordinary office hours.

W.G. TROWER M.E. PUMPHERY
Lords of the Manor of Stelling Minnis.
Dated 17th March, 1954

TRUSTEES

The current trustees of Stelling Minnis Charitable Trust are:

Gillian Baldwin (Owners' Representative)
Andrew Barchi (Owners' Representative)
Ivor Champion (Commoners)
John Gifford (FOSM)
Roy Griffin (Owners' Representative & Chairman)
John Haffenden (Parish Council)
Mike Hamilton (Owners' Representative)

The trust authorises all expenditure and is a registered charity.

MANAGERS

The Minnis managers are:

Gillian Baldwin
Andrew Barchi
Ivor Champion
Steve Chantler
Roy Griffin
Kevin Smythe (Chairman)
Mike Hamilton (Historical Society)

SECRETARY & TREASURER

Ann Day (Parish Council Representative)

OWNERS' AGENT



C W Gooch MRICS FAAV
Rolfes House
60 Milford Street
Salisbury SP1 2BP
Email: cgooch@savills.com

STELLING MINNIS COMMON
LORD TOMLIN WILL TRUST

