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Dear Member

### The threat of deregistration

While we are busy registering lost commons under the Commons Act 2006, other commons are threatened with deregistration. We are fighting two particularly outrageous proposals.

The Ministry of Defence seeks to deregister 17 square miles of common land at Warcop, in the Cumbrian North Pennines Area of Outstanding Natural Beauty. The MoD has given no plausible reason for doing this. We fear that, if the land is deregistered, it will lack any protection against whatever MoD might decide to do with it in future. The society, the Friends of the Lake District, parish councils and local commoners oppose this plan.

Whether to deregister or not is a matter for Cumbria County Council. In September it held a public inquiry to help it decide, but the inspector wanted to hear more evidence on the arguments and so the inquiry had to adjourn to the end of October. The society was represented by a legal team who put forward expert arguments in defence of the commons.

Despite the generosity of our lawyers, we estimate that preparation for and appearance at the public inquiry will cost us **£23,000**. That includes legal costs, travel and accommodation.

Under the Commons Act 2006, Cumbria County Council must decide before 14 December whether or not to grant the deregistration. Whichever way it goes, court action—and further expense—may well follow.

#### What does 'curtilage' mean?

The second case, at Yateley Common, an extensive lowland heath in Hampshire, will

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set an important precedent. Blackbushe Airport was registered as common land, but since the Second World War it has been partly occupied by buildings and concrete runways which were left in place after the wartime airfield was derequisitioned.

Now the airport wishes to deregister part of the common, arguing that it has been covered by buildings, or the curtilage of buildings, continuously since 1967 when it became possible to register land under the Commons Registration Act 1965. We argue that 'curtilage' does not have the broad meaning claimed by the airport.

If we lose this case and curtilage is given an extended meaning, many other commons will be at risk because they will be deemed to have been in the curtilage of buildings at the time of registration. We are therefore employing legal representation at the public inquiry to be held by the Planning Inspectorate in April next year.

We estimate the cost of this to the society will be **£15,000**.

Adding it up, we are probably facing **£38,000** of costs over and above our normal expectations—and that does not take account of the additional staff time required. But this work is vital and urgent if we are to save these and many other commons from deregistration, and *the society is the only body with the know-how to do this*.

That is why we ask you to back our campaign now to stop the wrongful deregistration of common land. Please give what you can.

Yours sincerely

A handwritten signature in black ink that reads 'Kate Ashbrook'.

Kate Ashbrook  
General Secretary

*PS: We are pleased to accept donations to this appeal as follows:*

1. Online at <https://www.oss.org.uk/how-you-can-help/appeals/>
2. By bank transfer to Account: 00100021 Sort Code: 20-39-53
3. By cheque in the post using the enclosed envelope.

**Thank you**