

Re-structured Undertakings

A. UNDERTAKING NOT TO APPLY TO DE-REGISTER THE LAND AS COMMON LAND

Cancelled

B. NEW UNDERTAKING TO GRANT NEW RIGHTS

If Warcop Training Area becomes surplus, the MOD will, immediately prior to the disposal of Warcop Training Area, create a small number of limited Common Rights in accordance with the terms set out below.

Terms of Grant of New Rights:

1. The new Rights of Common will be granted to 6 farmers who were Commoners immediately prior to extinguishment (or the persons who might be regarded as their successors), 2 from each of the 3 extinguished commons. In addition a new right will be granted to a national amenity society (which would be most unlikely ever to agree to sell the Right). Reference in this paragraph to “successors” means the persons on whom the rights of common, had they not been compulsorily extinguished, would clearly have devolved under the former commoner’s will or intestacy; and may include any person who has succeeded, otherwise than by purchase, to the land to which the extinguished rights of common had been attached prior to the extinguishment. The MOD will follow procedures to trace former commoners similar to those outlined in the Crichel Down Rules in ODPM Circular 06/2004 to trace former owners.
2. The new Rights will be granted for the benefit of (as appurtenant to) farms owned by the farmers, and the grant of the new Rights will be granted expressly on the basis that the new Rights are attached to, and (to the extent that the law allows) are not to be capable of being dealt with separately from, the farms.
3. In relation to the Right for the national amenity society, a suitable piece of land within Warcop Training Area will, immediately prior to disposal of Warcop Training Area, be transferred to the society at no cost and the new right will be granted for the benefit of (as appurtenant to) that land, and the grant of the new Right will be granted expressly on the basis that the new Right is attached to, and (to the extent that the law allows) is not to be capable of being dealt with separately from, that land. The location and size of the piece of land to be transferred to the national amenity society will be decided by the MOD in consultation with the national amenity society.
4. The new Right of Common will be a right for each farmer/society to graze 1 sheep on the land on Christmas day in every year. The new Right of Common will be the only right created and the deed creating the new right will expressly negative the creation of any ancillary or other implied rights.
5. The new Right of Common will extend over the whole of the area in respect of which the old rights have been extinguished excluding areas, such as that used for construction of the new car park at Murton. Access to the new common land will be

solely by the existing public right of way up Hayber Lane; there will be no private right of access over MOD land.