

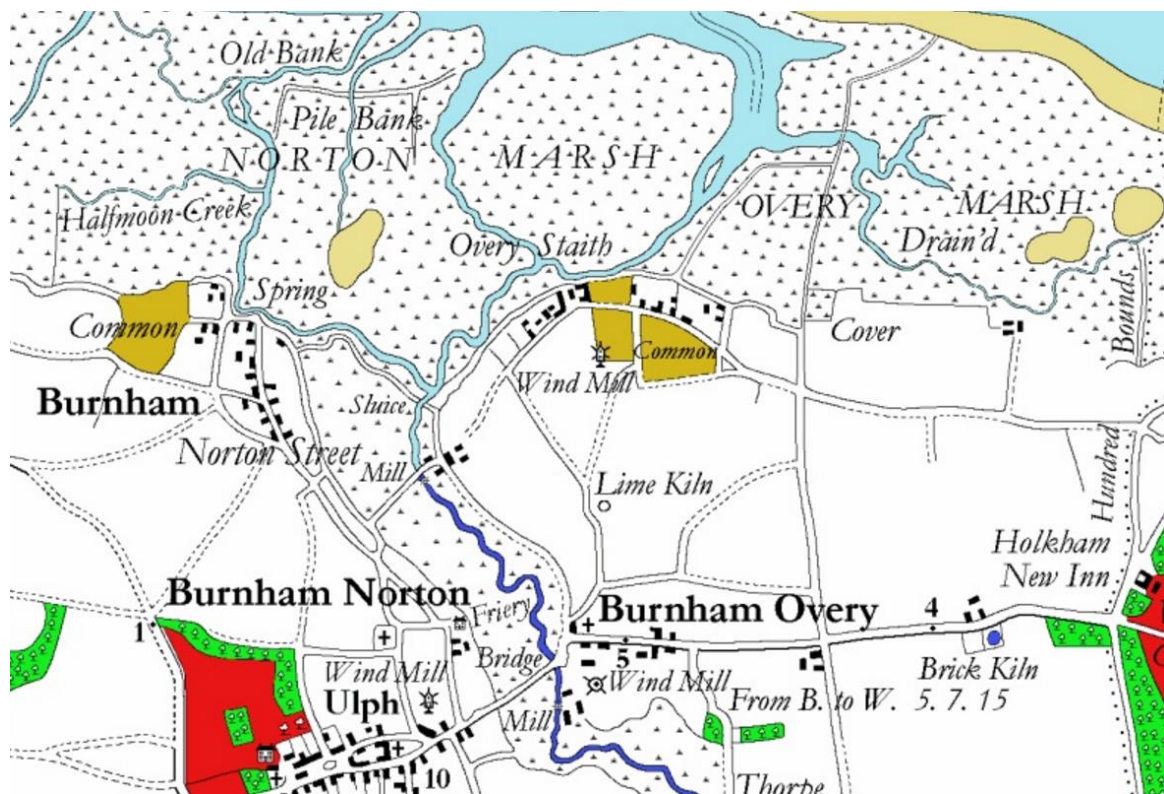
Burnham Overy Staithe: Common Lands and Enclosure followed by The Parish Council Record

The following notes will outline briefly the facts, using the historic records, relating to the “loss” of the Common Land in Burnham Overy Staithe between the Eighteenth Century and the Nineteenth Century. The notes will provide a preamble to the document: BURNHAM OVERY STAITHE – LAND, FORESHORES, CREEKS AND SEABED - WHO OWNS WHAT? How the commons were disposed of provides further evidence to the later ownership questions discussed in that paper.

(It is really important to get some historical perspective before dealing with the changes in the ownership of the commons at Burnham Overy. The major landowners throughout England, under the guise of so called “agricultural improvement” measures, had been enclosing Common Land for decades. They did this using Acts of Parliament, sometimes privately and sometimes on a national scale. This was at a time when very, very few men had the vote; there were “rotten boroughs”; in 1819 there had been the Peterloo Massacre when Cavalry killed 18 people and injured many hundreds who were asking for parliamentary reform. Enclosure at Burnham Overy took place in 1825 just six years later.)

The extent of the Common Land in Burnham Overy can be seen on the map produced by Faden in 1797. (Faden's Map of Norfolk 1797 digitally redrawn in 2005 by Andrew McNair. See www.faden.co.uk.) Whilst there is not the detail here to say exactly which fields were held in common, it can be seen that there were extensive common fields in Burnham Overy Staithe.

Faden's Map 1797

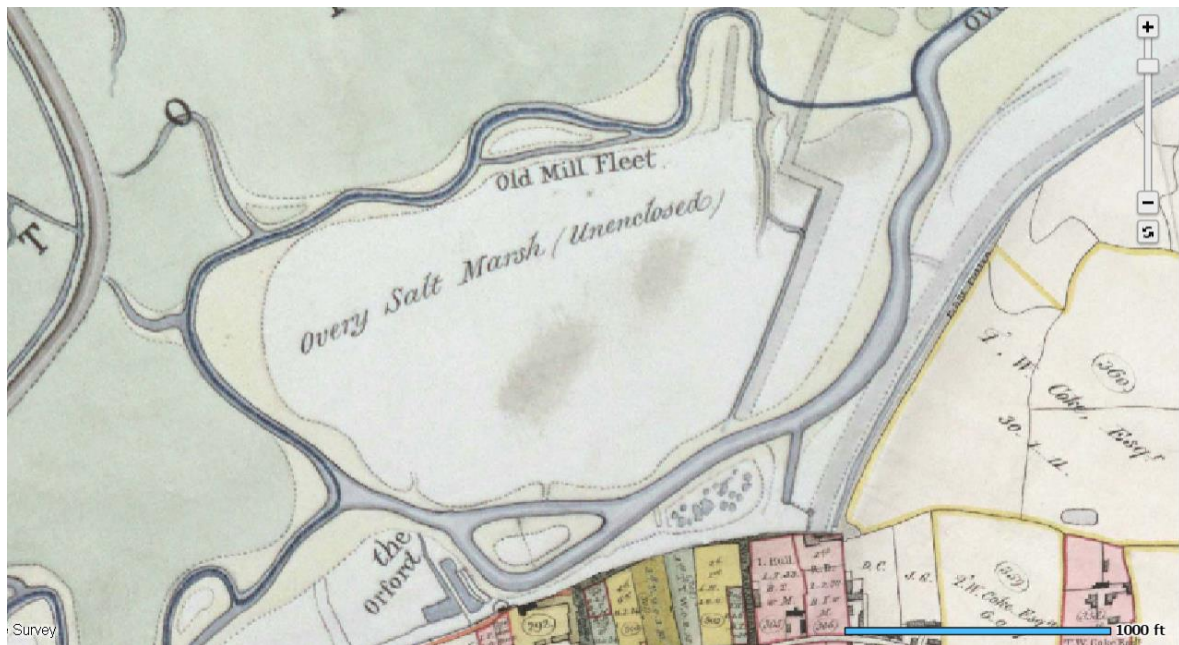


The next map that we have, Enclosure Award Map 1825 is much more detailed and more reliable in-as-much-as it remains a legal document up to the present time. Here, some 28 years after Faden, it can be seen that there is no longer any Common Land left in Burnham Overy Staithe at all. These maps can be seen at www.historic-maps.norfolk.gov.uk/

Enclosure Award Map 1825



However, on closer inspection of the Enclosure Award it can be seen that “Overy Salt Marsh” remains as “Unenclosed” The details reveal that there were 77 acres and that the “island” of “one acre” was also included in this unenclosed land. (Norfolk Record Office CSa2/60 p.64)



To summarise:

The evidence here with the Enclosure Awards is quite clear, all of the land shown as “common” on Faden’s map has now been enclosed. The land is numbered and owners are listed. As to Overy Salt Marsh however, here are 77 acres and 1 acre of island left unenclosed and for the common benefit. (NRO CSa2/60 p.64). Not only is this further evidence for Holkham Estate not owning Burnham Overy Staithe foreshores, creeks and seabed, but also evidence for the ownership by Burnham Overy Staithe Parish Council of the marsh and island too.

The Parish Council Record:

The historic record with regard to Burnham Overy Parish Council is only available from 1921 as the minute book/s from 1894 to 1921 are missing, possibly burnt in the Norwich Library fire some years ago. However, a trawl through the three minute books available at the NRO do add something more to the history of ownership of parts of Burnham Overy Staithe:

- 1927 An entry where the Parish Council refuses permission for use of the island by a private person. Ownership of the island seems to be established at that time therefore.
- 1979 October 9th Fairways and Lord Coke meeting concerning parking and moorings at Overy. Lord Coke is reported as saying; “Holkham Estates owned the seaward side and parish the landward side of Staithe.” A few months later, January 1980, a draft discussion paper has the statement; “The bed of the creek including Hard is now in ownership of Holkham Estates” There seems to be some confusion at this time.
- 1991 19th March Burnham Overy Parish Council having been questioned about ownership of the Marsh reported confidently in the minutes that there were no problems with ownership. The 1955 (should be 1965) Act Section 9 made the Parish Council protectors should the need arise.

(There are other parcels of parish land mentioned in the minute books of the council but they are not relevant to the present discussion.)

Ownership of the one acre island seems well established in 1927. There doesn’t seem in these documents to have been any attempt by the parties concerned to check the historic record in 1979/80. Assumptions seem to have been made in 1979/80 and to go unchallenged until 1991. At this time ownership of the land by Burnham Overy Parish Council seems to the council to be unquestionable.

Conclusion:

This information is offered in order to reinforce the evidence provided in the document BURNHAM OVERY STAITHE – LAND, FORESHORES, CREEKS AND SEABED - WHO OWNS WHAT? All of the evidence comes from the historic record that can be found in the Norfolk Record Office. It cannot be described as definitive as these records might only give part of the picture. However, as said before, should there be any other evidence held in private hands, it is for that evidence to be shown. Holkham Estate were asked for such evidence nearly two years ago but failed to respond!