



COMMONS REGISTRATION ACT 1965

Reference Nos. 260/D/8
260/D/7

In the Matter of (1) Tytherington Hill, and
(2) additional pieces at Tytherington Hill,
Tytherington, North Avon District, Avon

DECISION

These disputes relate to the registrations (D/8) at Entry No. 1 in the Land Section of Register Unit No. CL. 98, and (D/7) at Entry No. 1 in the Land Section of Register Unit No. CL. 397 in the Register of Common Land maintained by the Avon County Council (formerly Gloucestershire County Council), and are occasioned by Objection No. Ob 16 and Objection No. Ob 205 both made by Roads Reconstruction (Quarries) Limited and noted in the Register on 26 August 1969 and 20 August 1971.

I held a hearing for the purpose of inquiring into the dispute at Bristol on 10 March 1976. At the hearing Amey Roadstone Corporation Limited were represented by Mr W A Blackburn of counsel instructed by Bevan, Hancock & Co Solicitors of Bristol, and Tytherington Parish Council were represented by Mr D H Fletcher of counsel instructed by Crossman & Thurstons Solicitors of Thornbury.

The CL. 98 land is a piece containing (according to the register) about 31 acres, and the registration was made on an application dated 8 March 1968 by the Commons Preservation Society; an application dated 17 November 1969 by Tytherington Parish Council in respect of this land, except O.S. No. 45, is noted in the register; there is no Entry in the Rights Section; Road Reconstruction (Quarries) Limited are registered in the Ownership Section as owners. The grounds stated in Objection No. Ob 16 are:- "The land described as Tytherington Hill in the application of the Commons Preservation Society dated 6 March 1968 which land was coloured green on the plan submitted with the application was not common land at the date of registration."

The Cl. 397 land is two pieces together containing (according to the register) about 0.385 of an acre, and the registration was made on the said application of the Parish Council. There is no Entry either in the Rights Section or in the Ownership Section. The grounds stated in Objection No. Ob 205 are:- "The two additional pieces of land at Tytherington Hill, Gloucestershire containing .385 of an acre or thereabouts and marked with a green verge line inside the boundary of the plan submitted by the Tytherington Parish Council with their application made on 17 November 1979 were not common land at the date of registration".

In a letter dated 4 February 1976, Commons, Open Spaces and Footpaths Preservation Society, with reference to the CL. 98 land, said: "On the basis of information supplied by the Objector which was not known to the Society when the application for registration was made, we do not intend to defend this registration".



Mr Blackburne said that the Objectors, Roads Reconstruction (Quarries) Limited by a conveyance dated 1 September 1971 conveyed the land (or their interest in the land) which is the subject of these registrations to Amalgamated Roadstone Corporation Limited which on 1 January 1973 changed their name to Aney Roadstone Corporation Limited.

After a short adjournment, Mr Fletcher said that the Parish Council had reached an agreement with Aney Roadstone Corporation Limited, under which certain lands would be conveyed and leased to the Parish Council and the registrations now in dispute would be withdrawn. In accordance with the agreement, on behalf of the Parish Council he requested me to refuse to confirm the registrations. Mr Blackburne confirmed the agreement.

In view of such agreement, I conclude that I ought to refuse to confirm and accordingly I do refuse to confirm the registrations.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him require me to state a case for the decision of the High Court.

Dated this 16th day of March —

1976

a. a. Baden Fuller

Commons Commissioner