



In the Matter of Sodbury Commons, Sodbury, and
Little Sodbury, Avon (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 190 in the Register of Common Land maintained by the Avon County Council and is occasioned by Objection No. 687 made by the former Gloucestershire County Council and noted in the Register on 27 February 1973.

I held a hearing for the purpose of inquiring into the dispute at Bath on 21 July 1981. The hearing was attended by Mr V H Harris, Solicitor and Clerk to the Conservators of Sodbury Commons, the applicants for the registration and Miss D Jenkins-Evans of the Commons Registration Section of the Avon County Council.

The Objection is to the inclusion in the Register Unit ^{of} certain roads and paths identified by numbers shown on an attached plan.

Mr Harris informed me that it was agreed that the roads and paths which were in existence in 1908 were highways and therefore not within the definition of "Common Land" in s.22(1) of the Commons Registration Act 1965.

In 1908 the land comprised in the Register Unit was inclosed by an award made in pursuance of a Provisional Order for the regulation under the provisions of the Inclosure Acts 1845 to 1899. The Conservators are appointed under this award which confers on them power to set out, make, and maintain, new carriage-roads, bridle-paths and foot-paths over the Commons. By several agreements made with the former Gloucestershire County Council the Conservators consented to the Council breaking up the turf of portions of the Commons and making them up as part of the public highways the Council paying an annual sum by way of acknowledgement. It was, however, provided that the Council should relay the turf and make good the surface of the Commons to the satisfaction of the Conservators after six months' notice. It was further provided that nothing in the agreement should be held to create any right of easement of any kind in the Council, however long any part of the public highway should exist and continue to be used by the Council.

Miss Jenkins-Evans agreed that the land used by the Council under these agreements for highway purposes did not in law form part of a highway.

I therefore confirm the registration with the following modifications; namely, the exclusion of the roads and paths existing in 1908.

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.

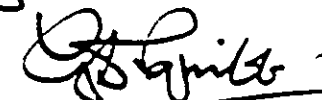
Dated this

30th

day of

July

1981


Chief Commons Commissioner