



## COMMONS REGISTRATION ACT 1965

Reference Nos 203/D/8  
203/D/128  
203/D/129

In the Matter of (1) Pitstone Ragpit and  
(2) Pitstone Hills, Pitstone, Aylesbury Vale  
District, Buckinghamshire

DECISION

These disputes relate (1) to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.68 in the Register of Common Land maintained by the Buckinghamshire County Council, and (2) to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL.273 in the said Register, and are occasioned (1) by Objection No. 27 made by Tunnel Cement Ltd and noted in the Register on 19 October 1970, and (2) by Objection No. 106 and made by the said Council and noted in the Register on 1 May 1972.

I held hearings for the purpose of inquiring into these disputes at Aylesbury (CL.68) on 23 June 1976 and 4 October 1977, and (CL.68 and CL.273) on 23 January 1979. At the 1976 hearing Tunnel Cement Limited were represented by Mr M Driscoll of Counsel instructed by Thomas Cooper & Stibbard, Solicitors of London, (2) Pitstone Parish Council on whose application the CL.68 registration was made were represented by Mr R G Merrilees of Counsel instructed by Allan Janes & Co, Solicitors of High Wycombe, (3) Aylesbury Vale District Council were represented by Mr S D Wadsworth, solicitor of their Legal Department, and (4) Buckinghamshire County Council were represented by Mr D W John their Assistant County Secretary; I adjourned the proceedings. At the 1977 hearing, Buckinghamshire County Council were represented by Mr John; having regard to what he said and a letter dated 26 September 1977 from Pitstone Parish Council with a consent endorsed thereon signed on behalf of Tunnel Cement Ltd, I again adjourned the proceedings. At the 1977 hearing Buckinghamshire County Council were represented by Mr John.

The land ("the CL.68 Land") in Register Unit No. CL.68 (Pitstone Ragpit) contains about 2 acres; the grounds of Objection No. 27 are "that the land was not common land at the date of registration". The land ("the CL.273 Land") in Register Unit No. CL.273 (Pitstone Hills) contains about 56.4 acres; in the Rights Section has been registered on the application of Mr J D Hawkins, Mr J C Hawkins and Mr C C Hawkins (trading as J H Hawkins and Son) a right attached to Pitstone Green Farm to graze 120 sheep; the grounds of Objection No. 106 are: "That the land was not common land at the date of registration and that the right claimed does not exist at all".

At the 1979 hearing I had before me: (a) a letter dated 17 January 1979 from J H Hawkins and Son saying that they now wish completely and for all time to withdraw their claim to grazing rights on the Pitstone Hills; (b) a request signed on behalf of Buckinghamshire County Council, Pitstone Parish Council, J H Hawkins and Son, and Aylesbury Vale District Council to the Commons Commissioner to refuse to confirm the CL.273 registration; and (c) a request signed on behalf of the said Councils and Tunnel Cement Limited to the Commons Commissioners to refuse to confirm the CL.68 registration.



Mr John at the 1979 hearing (bringing up to date what he outlined at the 1977 hearing) gave a history of the negotiations relating to these matters, which history I summarise as follows:- By the Pitstone Inclosure Award, the CL.63 Land was allotted to the Surveyors of Highways for the repair of public and private roads; many years ago for this purpose the land had been worked out and become much overgrown. The CL.273 Land was owned by the Tunnel Cement Co Ltd (or one of the companies in the same group); this land (a hill) is open and suitable for use by the public; a quarry on it would or might be very unsightly and, because anything on the land is visible from a wide area, against the public interest. On the other hand the CL.68 Land is in a flat surrounding, so that its addition to adjoining quarry land would or might not be much noticed. There have been complex negotiations which have resulted in various agreements under which in effect the CL.68 Land will be available for quarry purposes and the CL.273 Land will be enjoyed by the public as an open space.

Mr John produced an agreement dated 17 January 1979 and made between the County Council and the Parish Council which embodied the result of these negotiations and with the details of which I am not now concerned. Negotiations were on the basis that the registrations with which I am concerned could be dealt with as set out in the requests summarised above. In the circumstances outlined by Mr John, I consider I ought to give effect to the said request, and accordingly I refuse to confirm any of the said 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 12<sup>th</sup> - day of February - 1979

*a. a. B. J. J.*

Commons Commissioner