



In the Matter of the Village Green,  
Soulbury, Aylesbury Vale District,  
Buckinghamshire

DECISION

This reference relates to the question of the ownership of land known as the Village Green, Soulbury, Aylesbury Vale District being the land comprised in the Land Section of Register Unit No. CL 174 in the Register of Common Land maintained by the Buckinghamshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Aylesbury on 18 June 1979. At the hearing Miss M E Mead and Miss E V Mead (the registrations at Entry Nos 2 and 3 in the Rights Section were made on their application) were represented by Mr C A Birchall articled clerk with Wall & James, Solicitors of Aylesbury; and Aylesbury Vale District Council were represented by Mr C D Durrant of the County Secretary and Solicitor's Department of Buckinghamshire County Council.

Mr Birchall said that the Misses Mead (who were both present) could offer no evidence of ownership. Mr Durrant produced a copy of the Aylesbury Vale District Council (the Green Soulbury) Compulsory Purchase Order 1975, and a copy of a General Vesting Declaration dated 23 March 1979 by which the District Council declared that all the land ("the CPO Land") authorised to be acquired by the Order should as from the date on which the service of the notices required by paragraph 4 of Schedule 3 to the Town and Country Planning Act 1968 is completed.

The CPO Land contains 550 square yards, and was acquired for the purpose of widening and extending an existing access road to provide vehicular access to a Council housing site lying southwest of Soulbury Common. Mr Durrant said that the CPO Land would shortly be removed from the Register.

I assume that the CPO Land will be so removed, and that it is not therefore necessary for me to give any direction about it to the County Council under section 8(2) of the 1965 Act. But in case no such removal be effected, I give Aylesbury Vale District Council liberty within 12 months of the date of this decision to apply to me or any other Commons Commissioner to reopen the hearing so that they can prove that the said Schedule 3 notices have been served or otherwise established their ownership.

As to the remainder of the land comprised in this Register Unit, the 1975 Order Schedule, in relation to the then ownership has: "None known. No ownership of the soil has been claimed". I have no evidence of ownership. So I am not satisfied that any person is the owner and it will therefore remain subject to protection under section 9 of the Act of 1965.

TURN OVER



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 13<sup>th</sup> —

day of July — 1979

*a. a. Baden Fuller*

Commons Commissioner