



COMMONS REGISTRATION ACT 1965

Reference Nos. 212/D/177-181

In the Matter of Roydon Mead,
 Roydon, Epping Forest D

DECISION

These disputes relate to the registrations in all three sections of Register Unit No. 4314 in the Register of Common Land maintained by the Essex County Council. The Objections are (a) No. 165 by British Waterways Board to Entry No. 1 in the Land Section and Entries Nos. 1 to 4 in the Rights Section, (b) No. 358 and No. 357 by D M Camp and others, to Entries Nos. 1, 2 and 3 in the Rights Section, (c) No. 359 by D M Camp and others to Entry No. 1 in the Ownership Section.

The Objections were noted in the Register - No. 165 on 30 October 1970, Nos. 358 and 357 on 14 April 1971 and No. 359 on 27 May 1971.

I held a hearing for the purpose of inquiring into the disputes at Chelmsford on 19 February 1981. Mr P C Findlay attended representing the applicants for registration at Entry No. 1 in the Rights Section, in consequence of which the registration in the Land Section was made. Mr J G Clegg, Solicitor, appeared on behalf of the Objectors Mr D M Camp and Others, and Mr J Trenhaile, of Counsel, appeared on behalf of Lord Aldenham, on whose application the registration in the Ownership Section was made.

The area of land comprised in the Register Unit adjoins at its northern boundary a waterway and Objection 165 relates to a strip of the land forming the bank or towpath of the waterway. This Objection was accepted by the other parties and accordingly I confirm the registration in the Land Section modified to exclude the strip (which is shown on the plan accompanying the Objection).

It was agreed by Mr Findlay that Entry No. 1 in the Rights Section be not confirmed, and I refuse to confirm the registration. As regards Entries Nos. 2 and 3 which were both registered on the application of R J and E H Carter, Mr D M Camp, who had been pinder for 16 years and had knowledge of the position going back to the 1930s, said that only people in Roydon Parish grazed cattle on the land and that the Carters never had. In the absence of any evidence to support the rights, I refuse to confirm the registrations at Entry Nos. 2 and 3.

Lord Aldenham is registered as owner of the whole of the land and Objection No. 359 relates to certain areas ("the disputed areas") which are shown on the plan accompanying the Objection. Mr Trenhaile said that although his client had a good paper title to a substantial portion of the land, that



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title did not extend to the disputed areas and he did not resist the Objection. I shall therefore confirm the registration in the Ownership Section modified by the exclusion of the disputed areas: as to these Mr Trenhaile said that there were queries as to the precise boundaries and a new plan is to be prepared and agreed and the exclusion will be of the disputed areas as shown on that plan.

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

24 March

1981

L. J. Morris Smith

Commons Commissioner