



In the Matter of Tutney Pond, Writtle, Chelmsford B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 342 in the Register of Common Land maintained by the Essex 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 Writtle Parish Council claimed to be the freehold owner of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ~~Unit~~ ^{ownership of the} land at Chelmsford on 20 July 1983.

At the hearing Mr A Sayles, Solicitor, appeared on behalf of the Parish Council.

Mrs D Sayles, who has been Clerk to the Parish Council for 12 years and has charge of its records, told me that all public ponds in the locality have been regularly cleared and cleaned by the Parish Council, including the Unit land, Tutney Pond. This was supported by two letters which were produced, one from Mr S Redhouse who has been associated with the Parish Council for 30 years and for part of that time was chairman of the Green and Open Spaces Committee, when many cleaning out and maintenance parties were organised. The second letter, from Mr M O Meadows, who was on the Parish Council during the 1950's, stated that during that time the Council undertook improvement work to Tutney Pond, restocking the pond with fish and clearing one verge so that fishing could take place. A notice was erected with regard to the dumping of rubbish, for which prosecutions were brought by the Council: and enforcement orders were obtained against gipsies camping on the banks.

On the evidence I am satisfied that the Parish Council is the owner of the Unit land and I shall accordingly direct the Essex County Council, as registration authority, to register it as the owner under section 8(2) of the Act of 1965.

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

3 October

1983

L. J. Morris Smith

Commons Commissioner