



## COMMONS REGISTRATION ACT 1965

Reference Nos. 31/U/15  
31/U/16  
231/U/17

In the Matter of (1) Treginford Pool,  
(2) Vinegar Hill Quarry, and (3) The  
Pound, all in Kinnerley, Oswestry D.,  
Salop

DECISION

These references relate to the question of the ownership of lands known as (1) Treginford Pool containing about 0.2 acres, (2) Vinegar Hill Quarry containing about 0.386 acres, and (3) The Pound containing (as I scale the map) about 0.01 acres, all in Kinnerley, Oswestry District being the lands comprised in the Land Section of Register Unit Nos. CL.37, CL.38 and CL.53 respectively in the Register of Common Land maintained by the Salop 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 Shrewsbury on 20 February 1975. At the hearing Kinnerley Parish Council were represented by Dr. J.E. Symondson.

Dr. Symondson who has practised as a general medical practitioner in the Parish for the last 29 years and who has been a member of the Council for the last 20 years, in the course of his evidence said (in effect) :-

The Parish comprises the Village of Kinnerley and a number of scattered hamlets: Dovaston, Bankfields, Plasau, Treginford (Kynaston on the O.S. map) Knockin Heath, and Edgerley.

The land comprised in Register Unit No. CL.37 is a pool with the surrounding grass land and some trees. It is a local watering place for horses and cattle; a resident who died recently, used to water there his Sentinel Steam Wagon. In winter, when frozen, people slide on it. The pool on the north side is open to the road; it had never been enclosed within living memory (Dr. Symondson has had this confirmed by his retired gardener, now aged 89 years). The pool is the only water on public land on Knockin Heath; it is fed by a spring and never dries up. About 7 years ago a local farmer started putting rubbish into the pool and filled up about a quarter for hard standing for his tractors; local residents complained to members of the Parish Council, and they resolved that the farmer be told to stop because the pool was common land; and he did stop. About 5 years ago the Parish Council were



concerned with tree planting and he (Dr. Symondson) on their behalf planted the trees which are now by the pool on this land.

The land comprised in Register Unit No. CL.38 is an old surface quarry, locally named "The Sand Hole". On its west side it is open to the road; it has always been unenclosed. The stone has never been quarried in his (Dr. Symondson's) day; he understood that stone was, before 1920, taken from it for the local roads. About one half fills up with water. The Parish Council have always been concerned to prevent camping on the other half (which is flat) by persons of unknown reputation; the family (named Roberts) who now camp there are of good reputation and have been there for two generations back (the present Mr. Roberts, his father and grandfather); the Parish Council have allowed this, and have successfully discouraged other gypsies (sometimes with the help of the police), attempting to camp there. A few weeks ago an adjoining owner attempted to fence in part of this land; he was told by local people that it was common land and he stopped.

The land comprised in Register Unit No. CL.53 is hedged in on three sides and open to the road on its fourth side. He (Dr. Symondson) understood that in old times Knockin Heath was open common land (it is now enclosed), and that this registered land was used as the Pound. The back part is now wet with the overflow drainage water from the tank of a neighbouring farm; local sandstone subsoil is such that drainage tanks very soon clog up; the Parish Council are postponing action in the hope that the Village will soon be properly sewered.

Dr. Symondson said that it is generally assumed in the locality that all the lands comprised in these three Register Units belonged to the Parish.

After the hearing I inspected the lands; at the time there were on the Quarry, three caravans (apparently occupied by one family) and three lorries (with some scraps). Notwithstanding this, the general appearance of this land and of the Pool piece and the Pound piece was consistent with their being Parish property; having regard to this, and to the long and detailed acquaintance of Dr. Symondson with the locality, I can, I think, properly give effect to this statement that all these lands are generally assumed to be Parish property and conclude that they are now by operation of law vested in the Parish Council.

For the above reasons, I am satisfied that the Parish Council are the owners of the lands, and I shall accordingly direct the Salop County Council, as registration authority, to register Kinnerley Parish Council as the owner of the lands 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 this 28<sup>th</sup> ——— day of February ——— 1975

a. a. Baden Fuller

Commons Commissioner