



COMMONS REGISTRATION ACT 1965

Reference No 225/U/18

In the Matter of Lower Common,
Coltishall, Broadland District
Norfolk

DECISION

This reference relates to the question of the ownership of part of land known as Lower Common, Coltishall, Broadland District being the land comprised in the Land Section of Register Unit No CL155 in the Register of Common Land maintained by the Norfolk County Council. The said land (the Unit Land") has for its south-west and northeast boundaries (each about 300 yards long) the River Bure (except where there is a boathouse) and the B1354 road, and is (except by the boat house) about 30 yards or a little more wide: it is for the most part grass land. Of all the Unit Land except a comparatively very small part not far from the west boundary ("the Reference Part", being that to which this reference relates) the Provost and Scholars of the Kings College of Our Lady and Saint Nicholas in Cambridge (Kings College) are registered under section 4 of the Commons Registration Act 1965 as the owner; of the Reference Part no person is so registered.

Following upon the public notice of this reference Coltishall Parish Council said (their chairman's letter of 12 July 1974) that the land was owned by Kings College and is administered by the Parish Council being held on lease from the College. No person claimed to be the freehold owner of the Referred 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 ownership of the land at Norwich on 16 July 1975. There was no appearance at the hearing. After the hearing I inspected the Unit Land and found that on the Referred Part there appeared to be a small and compact brick building securely fenced which was or might be a sewage pumping station. I therefore directed notice of these proceedings to be given to Anglian Water Authority. On their application (letters of 1 and 28 September 1975), I adjourned these proceedings.

The Chief Commons Commissioner held the adjourned hearing at Norwich on 23 May 1978. There was no appearance at this hearing and he gave his decision dated 8 June 1978. On the application of Anglian Water Authority (by letter of 1 September 1978), the Chief Commons Commissioner set aside his decision and adjourned the proceedings.

I held the ^{second} adjourned hearing at Norwich on 6 December 1978. At this hearing Anglian Water Authority were represented by Mr G L Heygate, Solicitor, their Area Legal Advisor.

Mr Heygate in the course of his evidence produced; (1) a conveyance dated 15 March 1966 by which Kings College conveyed to the Rural District Council of St Faith's and Aylesham two pieces of land one of which is the Referred Park and they covenanted to use the properties as sites for pumping stations in connection with the disposal of sewage and for no other purpose; (2) a consent dated 5 May 1967 by which the Minister of Housing and Local Government under (among other Acts) the Commons Act 1899 (section 22) and the Law of Property Act 1925 (section 194) to the inclosure and to the construction of works as therein specified. Mr Heygate said that the Referred Park is used in connection with the sewage system of the area.



The Authority in one of their 1975 letters mentioned the Local Authorities (England) (Property etc) Order 1973. On the evidence summarised above, I am satisfied that the Authority is the owner of the land and I shall accordingly direct the Norfolk County Council, as registration authority, to register Anglian Water Authority of Yare House, 62-64 Thorpe Road, Norwich as the owner of the land 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 3rd day of *January* 1979.

a.a. Baden Feller

Commons Commissioner.