



COMMONS REGISTRATION ACT 1965

Reference No. 31/D/1

In the Matter of Tuck Hill, surrounding
Holy Innocents Church, Alveley,
Bridgnorth, Shropshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 26 in the Register of Common Land maintained by the Shropshire County Council and is occasioned by Objection No. O.57 made by Mr Peter Howard Thompson and noted in the Register on 18 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Shrewsbury on 18 February 1975. At the hearing Alveley Parish Council on whose application the registration was made were represented by Mr J L H Riches solicitor of Fowler, Langley & Wright, Solicitors of Bridgnorth.

At the hearing I read a letter dated 6 February 1975 from Ivens & Morton, Solicitors of Kidderminster written on behalf of Mr P H Thompson. Mr Riches said (in effect):- The land comprised in this Register Unit is $8\frac{1}{2}$ acres surrounding the church. There are roads on three sides, and it was apparently grazed by sheep until about 1930. The situation now is that there is no grazing at all, because saplings have been allowed to grow up, and it is in effect a young woodland area. Mr Thompson is quite happy for the land to remain as it is at present, which is unfenced and open for access to the public, but he does not want to agree to it being common land without some assurance that it is going to be properly looked after. The point is that it has recently been used as a motor cycle scramble course, and as a rubbish tip; for this reason the Parish Council and Mr Thompson wish to make a joint approach to the District Council for a Scheme of Management under the 1899 Commons Act, and to enable both parties to draw up the necessary documents, ~~they~~ ^{they are} applying for ~~the~~ an adjournment. The church was built in about 1870; a Church of England church; it is in a clearing in the middle of a wood. The land is very near the County boundary between Shropshire and Staffordshire. The Parish Council do not wish to dispute that Mr Thompson is the owner although they do not know whether he could produce title deeds, he is reputed to be Lord of the Manor.

In accordance with the said letter and statement of Mr Riches, I adjourned the proceedings.

Mr Morris Smith Commons Commissioner held the adjourned hearing at Ludlow on 23 January 1979. At this hearing he had before him: (1) letter dated 22 December 1978 from Fowler, Langley & Wright which said that the Parish Council and Mr Thompson wished to apply jointly for an application to be made to the Bridgnorth District Council for a scheme of management of the land to be drawn up under the Commons Act 1899 whereby the rights of the commoners would be ~~preserved~~ ^{preserved}, the matter had been very protracted, and that the District Council had informed them that subject to the execution of a section 193 agreement by Mr Thompson the matter could be submitted to the Secretary of State for confirmation; and (2) letter dated 9 January 1979 from Bridgnorth District Council showing that a scheme had been



prepared and approved by the District Council but was subject to the execution of an agreement under section 193 of the Law of Property Act 1925 by the owner of the common Mr Peter Thompson. In these circumstances the Commissioner adjourned the proceedings.

On 26 March 1980 Mr Morris Smith Commons Commissioner held the adjourned hearing at Shrewsbury. He had before him letters dated 19 February and 21 March from Fowler, Langley & Wright saying that the scheme of management under the 1899 Commons Act was with the District Council for approval, the Commissioner adjourned the proceedings again.

I held the adjourned hearing at Shrewsbury on ~~February~~ 24 February 1982. I had before me: (1) a letter dated 11 February 1982 from Fowler, Langley & Wright saying that Mr P H Thompson was withdrawing his objection and they were assuming the land would now be registered as common; and (2) a letter dated 9 February 1982 from Ivens & Morton enclosing such a withdrawal dated the same day and signed by Mr P J Thompson. In the foregoing circumstances I confirm the registration without any modification.

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 15th — day of March — 1982

a. a. Baden Fuller

Commons Commissioner