

RIGHTS OF WAY SUB-COMMITTEE : 8TH JANUARY, 1976

COMMONS REGISTRATION ACT, 1965

CONFIRMATION OF CHAIRMAN'S ACTION

(a) Broxhead Common

Broxhead Common has been the subject of a number of reports to Committee, the latest being to the January 1975 meeting. The County Council and the Commoners Association co-operated in presenting a joint case to the Commons Commissioner, and the sharing of legal expenses on a fifty/fifty basis was approved. The Commons Commissioner found the claims of a number of commoners to be justified. The owner of part of the Common has objected to these findings, and the case has gone, as expected, to appeal. The points being taken are technical; it is interesting to note that documents held in the Hampshire Record Office may, in the event, be instrumental in establishing the status of this land as Common.

(b) Hazeley Heath

In 1969, 337 acres of land known as Hazeley Heath at Mattingley were registered by the Parish Council. There is a long account of the commons in the area in Dr. Tavener's book 'The Common Lands of Hampshire' and the County Council had their interest noted in the Register. Subsequently, several rights were registered, but no ownership. Objection to these registrations was lodged by the owners.

The Mattingley Parish Council, through the Hampshire Association of Parish Councils, requested financial assistance for legal fees at the inevitable Commons Commissioner's Enquiry. It was resolved at the 28th October, 1973 meeting of the Countryside Committee and endorsed by the then Finance Committee, that the County Council should make a contribution.

As this decision was made by the former County Council, the Chairman was consulted. It was considered that as the Common was of more than local significance, the County Council should make a one-third contribution to the Parish Council's legal expenses, on the understanding that the District Council and Parish Council would each pay one-third. Both Parish and District have agreed to this proposal.

The Commons Commissioner's Enquiry took place at Reading on 4th November, 1975, and the Commissioner confirmed the land registration and also three of the rights registrations. Unexpectedly, the case was settled at the last minute and legal costs should not exceed £600/700.

RECOMMENDATIONS:

(a) That, in respect of Broxhead Common, the Sub-Committee endorse the Chairman's decision to pursue the appeal in collaboration with the commoners on the basis of the costs being shared equally between the County Council and the Commoners Association.

(b) That, in respect of Hazeley Heath, the Sub-Committee endorse the Chairman's decision to uphold the resolution of the former County Council and contribute one-third of the legal costs of the Mattingley Parish Council in substantiating their registration of Hazeley Heath as Common Land.