



# THE COCKPIT

NEWSLETTER OF THE CHISLEHURST RESIDENTS' ASSOCIATION

*The Cockpit, on Chislehurst Common, has been the traditional meeting place for Chislehurst people on all great occasions from time immemorial.*

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No. 17

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## THE FIGHT FOR THE COMMONS

*Chislehurst without its Common would be unthinkable, yet the future of the Common appears to have been at stake this year. Baffling to many people was the decision of the Commons Conservators NOT to wish to register the land as such. Your Executive Committee was alarmed at this attitude and strongly opposed the Conservators at a public inquiry. Here, your Chairman traces the history of common land and outlines the stand taken on our behalf.*

THE COMMONS of England and Wales are a unique British institution with no real counterpart elsewhere, not even in Scotland. It is believed that there are about 5,000 of them, large and small, covering perhaps 1½ million acres, or roughly 1/25th of our total land area. The fact that they still exist supports the generic description of them as "wasteland", or unsuitable for agricultural purposes. But they constitute a priceless heritage going back to our Neolithic and Celtic forefathers, who settled at strategic points, cultivating the better soils for their crops. They used the poorer lands, from which our commons have originated, for grazing, fishing, collection of wood, turf, and peat. There was no question of land ownership those days, for there was plenty for everyone.

Neither the Romans nor the Normans disturbed this advantageous arrangement, which ensured for them a sufficiency of "hewers of wood and drawers of water". By 1189, the presumed date of origin of "Common Law", the commoners' rights of pasture, pannage (pig foraging), estovers (collection of underwood for fuel, etc.), turbary (digging peat and turf), and piscary (fishing for food), had become well established and accepted. The Conqueror, however, by his Domesday Book, put all land into the control of his Barons, and through them to the Lords of the Manor.

Thus the peculiar position developed of Lords of the Manor holding land from the Crown in "freehold", their use of which was restricted by the aged commoners' rights. Except where these rights

have been extinguished, or have fallen into disuse, this prescription has continued to the present day.

The commons have had other uses, too. Often they have seen battles between ruling factions, in which many a king has lost his throne. They have also been the rallying point for confrontations between the commoners and their rulers, for example on Blackheath and Walworth commons.

From the early Middle Ages, social conditions have changed with population growth, and the need for the exercising of commons rights reduced. Many Enclosure Acts have been enforced, particularly where commons rights have fallen into disuse, and many new towns built on hitherto common land, for example Tunbridge Wells. What started as a trickle became a flood between 1845 and 1869, when no fewer than 614,000 acres were enclosed.

An alarmed Government anticipated the future London Green Belt by passing the Metropolitan Commons Acts of 1866 and 1869 which provided machinery for the preservation of the remaining commons in what is now the G.L.C. area. From this sprang the Metropolitan Commons Act (Chislehurst and St. Pauls Cray Common) of 1888 which regulated these commons and provided for a Board of Conservators to be appointed by the Parish Council (now succeeded by the Bromley Borough Council) one seat being permanently reserved for the Lord of the Manor of Chislehurst and Scadbury.

Concerned about the future of the remaining commons of England and Wales, Parliament later passed the Commons Registration Act of 1965 to ascertain the up-to-date facts. In other words, a modern Domesday Book was to be prepared of all commons and all rights of common, on which future legislation could be based for their regulation and preservation. It refers to (a) land subject to rights of common; (b) waste of the manor not subject to rights of common; and (c) village greens. It clearly states that no land capable of being registered under the Act shall be deemed to be

common land unless it is so registered. The same rule applies to commons rights.

Alarmed at the possibility that our commons might not be regarded as such, the Chislehurst Residents' Association pressed the Board of Conservators to register the commons, and this they did with some reluctance. Subsequently the Conservators changed their mind and applied for the commons to be deregistered. At our AGM on April 24, 1974, the membership decided to oppose such deregistration and legal advice was obtained, to prepare the case. Our President embodied the case in the form of an affidavit to be presented, while he was in hospital, by myself as Chairman, at the hearing by the Commons Commissioner, Mr. G. D. Squibb, on May 1, 1974. As an act of courtesy, a copy of the affidavit was forwarded to the Conservators but without reciprocal action on their part, despite our solicitor's request.

At the hearing, Conservator Mr. J. S. Bennett opened the case for the Board with a statement claiming (a) that in their view it was not desirable or correct for the commons to be registered as common land as they were protected by their own individual Act of 1888; (b) that no rights of common had been registered by residents and had not been claimed or exercised since the beginning of the century; (c) that the land was manorial waste; (d) that the land could be regarded as cultivated in view of the regular planting and replanting of trees.

Representing Chislehurst Residents' Association, the affidavit opposing deregistration was read. It was pointed out that both Keston and Hayes Commons, similar in character to the Chislehurst Commons, and also covered by their own individual Acts, had been registered by Bromley Borough Council, who were themselves not applying for deregistration. No reason was seen why Chislehurst Commons should be treated differently.

Mr. R. M. K. Gray, QC, also opposed deregistration on behalf of the Borough Council who, apart from their concern over the safeguarding of the many commons in their area (all of which have been registered) appoint all but one of the Conservators, and pay some £10,000 per year for the maintenance of Chislehurst Commons, without which the Board could not function. He produced legal arguments that the commons were in fact common land and disputed the Conservators' claim that common rights had not been exercised. He argued that, even if this were true, it did not follow that the rights did not still exist. The land was natural common land and he questioned the conservators' claim that it could be regarded as cultivated. What potatoes were grown there, he asked?

At the time of writing, the Commissioner's decision is still awaited. Because of the unusual features of the case and the legal implications, it may be delayed some time. Then we shall know whether what are regarded as commons under the 1888 Act will still be officially deemed to be commons under the later 1966 Act. And, if not, what then?

*From Committee member Mr. A. Drage*

IT SEEMS that the Board of Commons Conservators question the existing rights of common (estovers, pasturage, etc.) which are the heritage of Chislehurst people. At the public inquiry in May, they sought to deregister the Commons. They contended that the 1888 Act of Parliament, which now governs the Commons, provides greater protection than the 1965 Commons Registration Act. If that is so, perhaps we should applaud their action, but as the latter does not extinguish the former, surely it is better to register and enjoy the protection of both Acts.

Whatever the merits, they should not have erroneously stated in their evidence to the Commissioner that "rights of common had not been exercised over these Commons since 1900 and that, when challenged by commons keepers, no-one had laid claim to those rights".

How can they be so uninformed? Since 1920, for example, I have periodically collected faggots of wood from the Commons, and still do so. At least two Chislehurst ladies have also collected baskets of wood before and after that date. Far from challenging us, at least three Commons keepers have cordially conversed with us during collections.

Furthermore, in the 1920s and 1930s, geese, fowls and bantams of Dabner's Cottages, Robin Hood Cottages, Scadbury Lodge, and Heath Cottages, Mill Place, ran the Commons without restriction. Goats were also tethered on the Commons outside Dabner's Cottages and outside the Crown Hotel, near the Cockpit. All this with the full knowledge of the Conservators and keepers.

Other people may know of more examples. Meantime, the Commons Commissioner has now been properly informed.

Space may not permit more on the status of our Commons and our rights thereon, but residents may find interesting reading in "The Chislehurst & St. Pauls Cray Commons Supplemental Act, 1888" (price six old pence, from the Conservators' Office, Old Fire Station, Hawkwood Lane, Chislehurst) and the book "Law Relating to Common Land" by Harris and Ryan (publisher Sweet & Maxwell) obtainable in some libraries, though not in Chislehurst Library.

## **AGM, April 24th, 1974**

WE WERE PLEASED to welcome Mr. R. Sims our MP, Mrs. Wykes our GLC Councillor, and local Councillors, Mrs. Bryant, Mr. Parkinson and Mr. Reeves.

The President, Mr. T. A. Bushell conducted the packed meeting and was re-elected together with the Chairman, Mr. H. T. A. Sharpe, Vice-Chairman Mr. A. T. C. Jones, Treasurer, Mr. R. Oblath, and Secretary Mrs. M. Holt. Also re-elected were retiring committee members Mrs. Jarrett and Messrs. Brown, Drage, Kinsella, Mack, Vivian, and Young.

Major matters dealt with were as follows:

**St. Nicholas School.** A lack of progress was reported,

following our request for a feasibility study in connection with the proposed re-siting of the school on Bull Lane allotments. A resolution was carried that Bromley Borough Council should be informed of our disappointment and further representations made.

**Loop Road-Ashfield Lane.** It was agreed that pressure should again be put on the authorities for action to prevent the continued accidents taking place at this road junction, which, they say, should not occur.

**Commons Registration.** The meeting authorised necessary expenditure for legal assistance on this matter, which is reported elsewhere in this issue.

**Biggin Hill Airport.** The meeting supported your committee's view that the Council's draft brochure on the proposed development represented a reasonable basis. Opposition from Bromley Residents' Federation has, however, resulted in the setting up of a working party of Federation members and borough councillors. Mr. Rawling-Smith had been unsuccessfully nominated to serve on the working party, it was reported.

**Green Belt Development.** Large-scale development proposals for Sparrows Wood and Old West Kent Golf Course have been opposed by the Association and other organisations. The Chairman reported that, at the public inquiry into the Sparrows Wood scheme, counsel for the developers made great use of the fact that 300 adjacent residents had been informed of the inquiry but only about 70 had made individual representations. The Chairman emphasised that it was not sufficient for residents to leave objections to local organisations on planning applications or appeals. The absence of individual objections strengthened the developer's case. Both developers' appeals have, in fact, since been dismissed.

**High St. Development between Willow Grove and International Stores.** Support from local Councillors to our objections was reported. Strong representations were made from the floor regarding the way the site had been left, with danger and vandalism affecting adjacent properties. Requests for a protective hoarding around the site were made, which Councillors and Committee would follow up.

Major matters dealt with apart from the AGM have included:

**Old Hill.** The GLC has agreed to an experimental, 18-month closure to through traffic, by erecting a barrier above Lubbock Road. Some residents have mixed views on this. Your Committee agreed to keep a careful watch on its effects on other roads such as Lower Camden and Yester Road.

**Chislehurst Caves.** Application for a full drink licence was opposed by the Association at the Licensing Sessions. It was refused, mainly on safety grounds.

**Bus Route 227 and the Bickley Arms.** The Committee has been concerned at reported hooliganism on evening buses arriving at Chislehurst Station, presumably caused by teenagers attending the Bickley Arms discotheque. We are pleased to record

the co-operation of the Bickley Arms manager. He will continue to liaise with us.

**Bromley Residents' Federation.** Currently dealing with such matters as heavy lorry routes, Green Belt preservation, and transport matters affecting the whole Borough, the Federation continues to have our support and all meetings have been attended by your delegate.

**May Queen Ceremony.** A considerable crowd gathered in fine weather on the Common on Saturday, May 4, for the annual May Queen celebrations, sponsored jointly by this Association and the Men of Kent and Kentish Men. The Chairman presided as deputy to our President, then unfortunately in hospital. He was supported by our MP, Mr. Roger Sims. Councillor Parkinson deputised for the Mayor. The most important person present was unquestionably the delightful May Queen, Miss Carol-Anne Sells, who, with her retinue, represented Chislehurst at the colourful London May Queens Festival on Hayes Common the following Saturday.

Following a successful coffee morning early this year, the May Queen Committee Secretary Mrs. J. Peacock of 5 Alexander Road, advises that a Christmas Bazaar is to be held on Saturday afternoon, November 30 at St. Patrick's Hall. She would welcome donations, assistance and attendance. Proceeds are in aid of the May Queen Fund to ensure the continuance of this traditional Chislehurst Village event.

**Bromley Social Workers.** The Association has been approached by Bromley Council's Department of Social Service, seeking our co-operation. They wish to contact members of the local community who might benefit from their assistance. Their address is Park House, 4, Beckenham Lane, Bromley, and the Senior Social Worker is Mr. G. L. Russell.

#### STOP PRESS

Following a recent announcement that the Highways Committee is recommending the Council not to proceed with the experimental closure of Old Hill, nearly 100 residents there signed a petition urging the Council nevertheless to go ahead with the experiment. The Association has therefore reiterated to the Council its support for the experiment, whose potential value is not diminished by the possibility of future local restrictions on heavy lorries.

**WANTED**—more members of this Association, and more Road Stewards who will collect subscriptions and distribute these issues of "The Cockpit". We are still below 2,000 in membership, and our immediate target is 2,500. The evidence is that nearly everyone in Chislehurst would become a member of the Association, with its low subscription, if personally approached to join. And the keystone here is the work of our invaluable Road Stewards, to whom we once again express thanks.

*The views expressed in signed contributions to The Cockpit are not necessarily those of Chislehurst Residents' Association, but are included as matters of local interest.*

# CHISLEHURST TRAFFIC—A DESPERATE SITUATION?

*From our editor, Mr. Vernon Leonard:*

NOTHING is more surprised than the ostrich when, with head tucked safely in the sand, it receives a poisoned dart in the tenderest area of its body still easily visible. The moral of the story being, for Chislehurst, that we should not bury our eyes to the possibility of change. Rather that we should be looking around for positive moves to make, in anticipation of a possible painful attack.

The traffic situation in the area is becoming not just uncomfortable but disastrous. The lack of remedial plans by those who are supposed to make them is ridiculous. The real danger is, however, that some day someone will wake us all up with an appalling plan for which no-one else has any presentable alternative.

The situation around the Common, and along the Bromley-Sidcup road from the Cricket Ground to Perry Street in particular, is fraught with possible planning catastrophe. Something has to be done—every resident and passing motorist knows it. Yet the chaos is building and the only real action one gets is reaction if any palliative is suggested.

The disease is there, and growing: A six-road junction at the Cricket Ground, carrying an inevitably rising amount of traffic, yet with no control save drivers' patience, which understandably gets shorter. A narrow bottleneck to follow, capped by a traffic-light intersection. Rush-hour queues stretching a quarter-of-a-mile each way.

What are the cures, and why doesn't someone responsible (even Chislehurst Residents' Association) begin to list them, and discuss them, publicly? Are too many heads already in the sand?

The spectre of a one-way traffic system through the Common produces screams of horror—and no better suggestions. But, with adequate feeder planning, Prince Imperial Road could surely be incorporated. The virtue of such a system is that it leaves roads virtually in their present shape, against the alternatives of wholesale widening, flyovers, and destruction of trees at least along one side. A few years ago Catford eased its daily jams at the South Circular junction by merely painting a few white

lines, installing a couple of extra lights, and adapting the present street system into a one-way flow.

Another way to aid the situation along the whole of the Bromley-Sidcup road in Chislehurst could be to construct a fly-under at the War Memorial, to tunnel one of the two roads under the other and thus eliminate the lights and the bottleneck build-up. Again this obviates the need for road widening and for above-the-surface destruction of the wooded landscape.

Whatever happens at the War Memorial junction, however, the necessity of control at the Cricket Ground is becoming desperate. The need seems obvious for traffic lights, and maybe a centre island refuge that would help guide the traffic into lanes.

These suggestions will lead no doubt, to a sudden rise of local apoplexy. But who thinks the traffic will go away merely by wishing it? Who believes a complete bypass is possible—and when?

Who has a better idea And will he begin to act on it, before the poisoned dart is fired?

## Stop this waste!

WE HAVE BEEN WARNED by Bromley Council of another steep rise in the rates for 1975/76 and several critical comments have been made about this to your Committee. One Association member has written to "The Cockpit" suggesting that the Council should exercise more control over its expenditure. He calls for members to prepare a dossier on alleged council waste of labour and materials, including transport, postage, stationery, telephone calls, etc.

"I suggest", he writes, "that examples of such waste should be sent to your Committee for forwarding in bulk to the Council. This should certainly be done before January, 1975, when the Council's financial revue is being undertaken."

He also calls for withholding "a token amount of (say) 5p by all those subscribing to the bulk protest, until it is clearly demonstrated that the wastages and fruitless expenditures have been eliminated, and that enterprises which have been shown elsewhere to be profitable, have been implemented".

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## CHISLEHURST RESIDENTS' ASSOCIATION

To..... (member of the committee/road steward)

OR

To the Manager, Barclays Bank Ltd., 7, High Street, Chislehurst

Please receive ..... subscriptions to the above Association (household 30p, individual member 15p, O.A.P. 5p.)

Name..... If new member please tick.....

Address.....

Subscriptions may also be sent direct to the Hon. Treasurer at 36, Lower Camden, Chislehurst