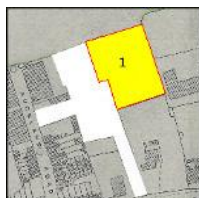
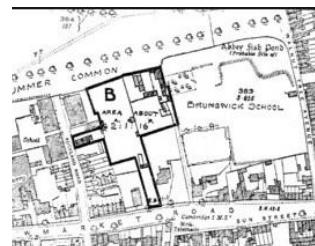
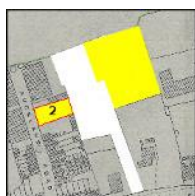


In 1930 the City Corporation agreed to give Jesus College part of Midsummer Common in exchange for 3 College-owned pieces of land. This exchange proved controversial and led to a public inquiry and Ministerial involvement. The Minister finally approved the transfer but subject to one of the College sites becoming 'common land' and forming part of "Midsummer Common". The *Deed of Exchange* (held in Jesus College archives) shows this site clearly defined (B in the map to the right). The Minister also insisted that the buildings on this site be demolished which they were.



During the war, the City Corporation fenced off part of this transferred 'common land' (see area 1 to the left) and created an allotment in support of the Government's "Dig for Victory" campaign. This did not change its legal status. The site remains in use as allotments to the present day with access from Auckland Road across the Common.



In 1949 the City Council gave "period consent" for the placement of a building on part of the transferred 'common land' (see area 2 to the left). This was the Yasume Club, an organisation formed by survivors of Japanese POW camps. City Council papers show that the Minister gave approval "to the inclosure of the said land and the erection thereon of the social club building". However, the City Council respected its 'common land' status by keeping it open for public access at all times with a pedestrian and vehicle passageway to the Common (see picture to the right). The Club building became unused and the lease was surrendered with effect from the 24 March 2008. The building itself was removed from the site in 2011 but the gated fence separating the site from the rest of the common land remained.



On 26th June 1968, John Elven (City Town Clerk) passed information to the County Council in order to register Midsummer Common under the *Commons Registration Act 1965*. It entered the Register on 2 February 1970 as CL 59 and is described therein as "Land known as Midsummer Green or Jesus Green and Butts Green". There is an accompanying map (sheet No 52 dated 1 December 1969) showing its boundary. This map has proved to be inaccurate. Apart from excluding Jesus Green, the boundary includes only part of the 'common land' that was transferred from Jesus College (see area 3 to the left). This part is now a Community Orchard.

In 1970 a Cambridge citizen, Ena Mitchell, took exception to the exclusion of Jesus Green from the map and took the matter to court. However, the Chief Commons Commissioner decided that the 1965 Act gave him insufficient powers to correct this mistake. This was confirmed by a similar case in Oxford which was taken to the [House of Lords](#). Nevertheless, Lord Hoffman did draw attention to what had been said by the *Royal Commission on Common Land* (Cmnd 462) that "as the last reserve of uncommitted land in England and Wales, common land ought to be preserved in the public interest".

Papers show that in February 1971 the City Council asked the County Council why Jesus Green and the allotments and Yasume sites had been left off the map in the register. The County Council said that "the omissions were the result of a misunderstanding on the part of the draughtsman" but it was too late to correct the mistakes as the law required the register to be closed at 31st July 1970. Jesus Green was reinstated as 'common land' by primary legislation in the *Cambridge City Council Act 1985*. Why

the City Council failed to include the allotments and Yasume sites with that of Jesus Green in the 1985 Act is beyond comprehension.

On being approached, the Ministry pointed out that "there is scope to correct certain errors in the registers under Part 1 of the *Commons Act 2006* when that Part is brought into force in Cambridgeshire". Under section 19(1) of the Act "a commons registration authority may amend its register of common land or town or village greens for any purpose referred to in subsection (2)" which includes "correcting a mistake made by the commons registration authority in making or amending an entry in the register". The County Council will be able to correct the mistake "on its own initiative or on the application of any person". However, the Ministry has also pointed out that the likelihood of amending the register might be reduced where land has been developed.



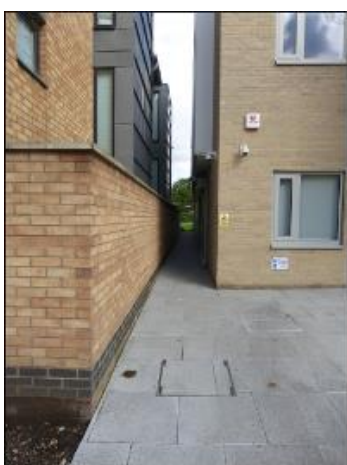
In 2008 the Council decided to sell the Yasume site. A [report](#) to the Strategy and Resources Scrutiny Committee meeting on 16th June 2008 says that "the premises comprise a rather basic single storey timber building on a rectangular parcel of land ... and has an area of approx. 370sqm/0.09acres. ... The rear of the site backs on to public open space, which connects to Midsummer Common." No mention is made of it being given to the Council as 'common land' with buildings removed and being made part of Midsummer Common. It was voted through and the site was sold in 2009.

In January 2011 the new owner (Beth Shalom Reform Community) applied for planning permission to build thereon (Planning Application number 11/0044/FUL). In their document *Design, Access, Planning and Heritage Statement* covering the Beth Shalom planning application, it is stated (Section 7.6) that "An external passageway is provided along the northern side, at 1200mm width, allowing access directly to Midsummer Common from Auckland Road". The architect's site plan for the development shows this passageway as "Pedestrian Access Right of Way".

Public representation called for pedestrian access across the site to remain unfettered as it had been for over 85 years. It was pointed out that under Section 38 of the *Commons Act 2006* a person may not carry out works "which have the effect of preventing or impeding access" to common land. The Council recognised this in paragraph 7.5 of their [report](#) to the West Central Area Committee. At their [meeting](#) on 28th April 2011, the Area Committee resolved (by 5 votes to 2) to approve the planning application conditionally; condition 25 says that access between Auckland Road and Midsummer Common must be maintained along this passageway.

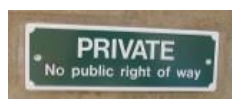
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To safeguard this access into Midsummer Common, an application was made to Cambridgeshire County Council in 2013 by a Cambridge citizen, Dr R S Baxter, calling for this much-used footpath from Auckland Road to Midsummer Common to be established as a Public Right of Way. Copies of this application were sent to all interested parties, including the Beth Shalom Administrators. The County Council requested further information including witness evidence. This was supplied in early 2014 and the Council officer replied in April saying "I write to acknowledge receipt of your application to modify the Definitive Map. I have undertaken a preliminary assessment of the application and can confirm that it has been duly made. I will be in touch again shortly to confirm the next steps in the procedure." In August 2015 he wrote saying that the Council had a backlog of Definitive Map Order Modification applications and it would likely be 2017 before this footpath could be registered. He went on to say that he understood "that in this case the path is available for public use on the ground".



The passageway was closed temporarily during construction for security and safety reasons. In the architect's letter to the Council dated 18th October 2013, it is said that "The access between Auckland Road & allotments in the rear will be maintained during the course of the works. However, the contractor may need to close this route off temporarily during the works and will contact the Council prior to undertaking any works for the necessary permits". This made the point that only the Council could authorise closure of this public footpath.

The Council wrote to the architect on 8 September 2014 stating that "The access hereby approved shall be installed as shown on the approved drawings prior to the use of the building hereby approved and thereafter retained free of obstruction" (see picture to the left). And went on to say that "no gates shall be erected across the approved access unless agreed otherwise in writing by the local planning authority".



The situation became confused when, after opening, the synagogue told neighbours that "The passageway runs over land owned by the synagogue, and over which there is a right of way reserved to Cambridge City Council ... there is no right of way for the general public over this strip of land". And then went on to install a notice (see picture to the left) saying there was no public right of way followed by another one saying that the passageway would be closed to public access on Wednesday 23 September 2015. The passageway was duly closed on that day (see picture to the right) thus blocking public access into the Community Orchard on Midsummer Common and through to the Council allotments.



Please contact us if you have anything to say about the issues raised on this page.