



COMMONS REGISTRATION ACT 1965

Reference Nos. 271/D/43
271/D/44

In the Matter of Belmont Tip abutting
Higher Common Road, Buckley, Alyn and
Deeside D. Clwyd

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. CL.18 in the Register of Common Land maintained by the former Flintshire County Council and are occasioned by Objection No. 3 made by Captain P P Davies Cooke and noted in the Register on 16th December 1969.

I held a hearing for the purpose of inquiring into these disputes at Mold on 12 March 1975. Mr. Hibbert of Messrs May May & Merriman appeared for Capt. Davies Cooke and Mr. Shone and Mr. Roberts appeared for the Buckley Residents Association and Mr. Jackson appeared in person.

Mr. Jackson who gave evidence did not satisfy me that he had any grazing rights over the land in question and no evidence was led that at the date of registration the land was waste of the manor.

The land was for many years used as a rubbish tip until it became a health hazard when it was filled in and restored as grass land. Thereafter the land was let for grazing and the tenant gave evidence that he had had the exclusive enjoyment of the land.

For these reasons I refuse to confirm the registrations at Entry No.1 in the Land Section and at Entry No. 1 in the Rights Section of the Register.

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

19th

day of

March.

1975

C. A. Sefton

Commons Commissioner