

COMMONS REGISTRATION ACT 1965



In the Matter of Neasham Village Green, Neasham,
Darlington District, Durham

SECOND DECISION

This second decision is supplemental to my decision dated 30 June 1986 which relates to the part, therein called "the Referred Part", of the land, therein called "the Unit Land", known as Neasham Village Green and being the land comprised in the Land Section of Register Unit No. VG48 in the Register of Town or Village Greens maintained by the Durham County Council. This second decision relates to and only to the part ("the NWA Part") defined in the Schedule hereto, being the part of the Unit Land the ownership of which is claimed by Northumbrian Water Authority.

In my said June decision, I referred (at page 2) to my having during my inspection noticed a well walled and roofed building about 20 feet long and 10 feet wide in the central part of the Unit Land, and I gave (at page 5) liberty to any authority concerned with the River Tees to apply that the hearing be adjourned so that evidence of the ownership of it might be given.

In a letter to the Commons Commissioners dated 14 August 1986, the Solicitor of the Northumbrian Water Authority said that the building belongs to them, being in fact a Sewage Pumping Station, and enclosing (1) certified copy of a conveyance dated 6 November 1961 by which the Neasham Parish Council conveyed to the Darlington Rural District Council

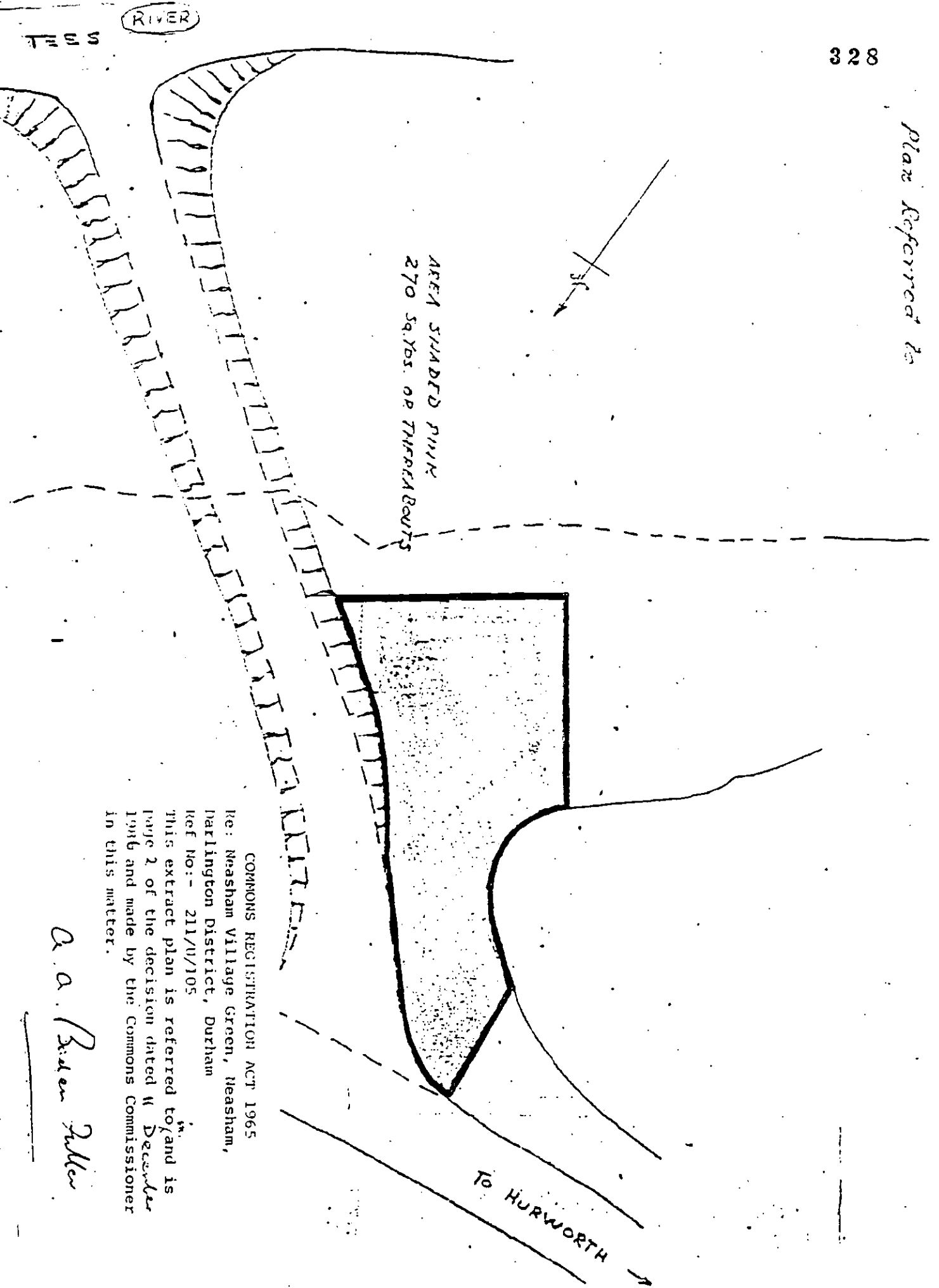
"ALL THAT piece ... of freehold land situate at Neasham ... part of the Village Green situated on the West side of the road leading to the River Tees and comprising two hundred and seventy square yards or thereabouts WHICH said piece ... is ... delineated ... on the plan annexed hereto and thereon coloured red"

and (2) a plan, scale 1/250 of the Sewage Pumping Station and its surroundings, together with a location plan, scale 1/10,000.

At page 2 of this decision is an uncoloured extract from the plan referred to in the said copy 1961 conveyance with the additions made by myself of (a) a thick black line and (b) the word "RIVER" to indicate (a) the edge of the land coloured red on the said plan, and (b) where the word "River" appears on the southeast corner of the said plan just outside the said extract. At page 3 of this decision is an extract of the said plan scale 1/250. For the purposes of this decision, I define the part ("the NWA Part") by the Northumbrian Water Authority claimed (as I understand their letter) in the Schedule hereto.

In a letter to the Commons Commissioners dated 11 October 1986 the Clerk to the Neasham Parish Council, referring to the said August 1986 letter and to the documents enclosed with it, say: it has been resolved, because the subject was negotiated and agreed by the Parish Council in 1961, this Council do not wish to contest the ownership of the area in question, therefore a further hearing will not be required.

Plan referred to



AREA SHADED PINK
270 SQ. YDS. OR THEREABOUTS

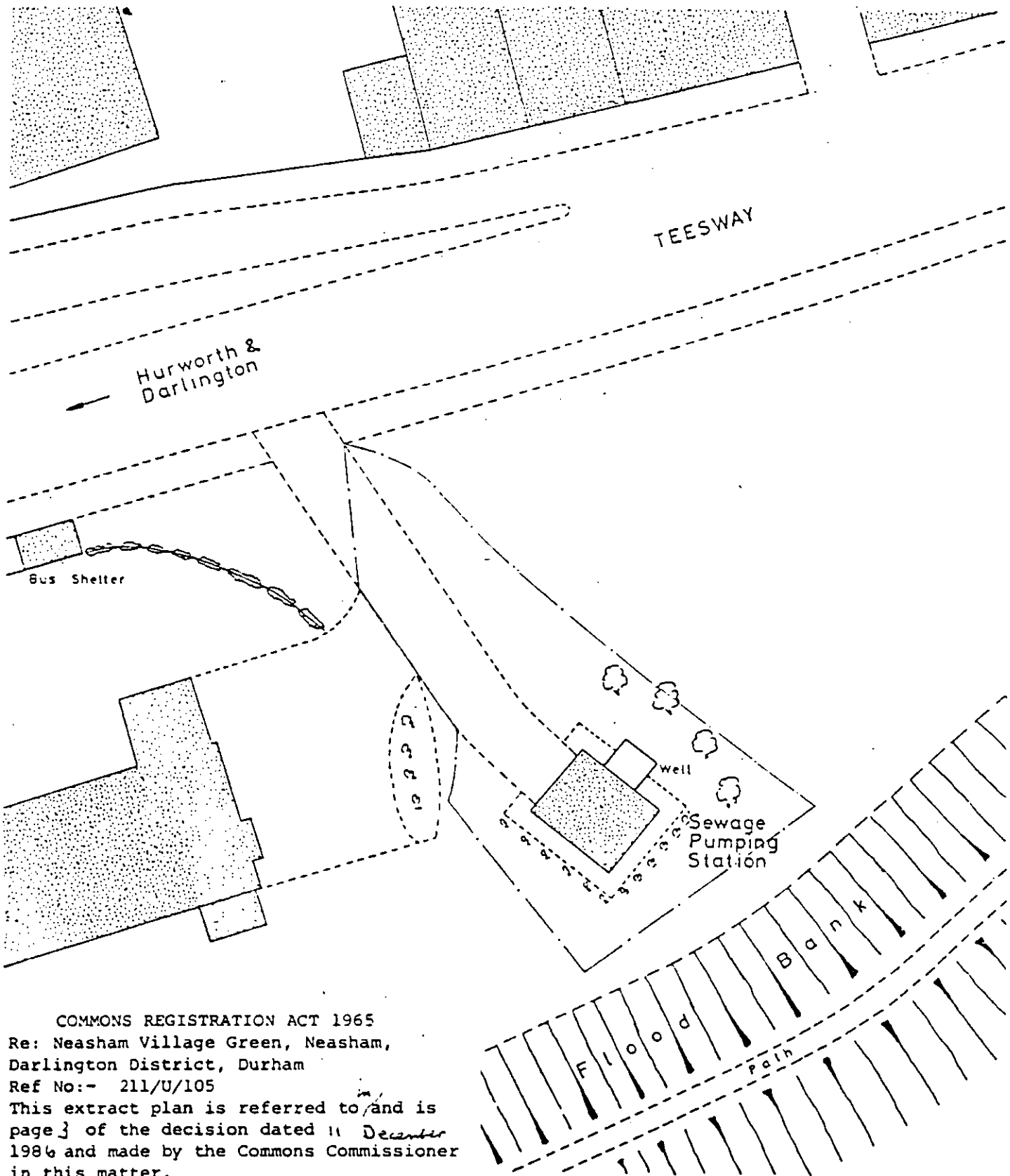
TO HURWORTH →

COMMONS REGISTRATION ACT 1965
 Re: Neasham Village Green, Neasham,
 Darlington District, Durham
 Ref No: - 211/U/105

This extract plan is referred to and is
 page 2 of the decision dated 11 December
 1986 and made by the Commons Commissioner
 in this matter.

A. A. Brien Miller

1/250



COMMONS REGISTRATION ACT 1965
 Re: Neasham Village Green, Neasham,
 Darlington District, Durham
 Ref No:- 211/U/105
 This extract plan is referred to, and is
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 in this matter.

a. a. Baden Fuller



- 4 -

On the information above summarised, I am satisfied that Northumbrian Water Authority are the owners of the NWA Part. Bearing in mind that in the absence of any claim to its ownership, I would by subsection (3) of section 8 of the 1965 Act be required to direct the registration of the Parish Council as owner, I consider that notwithstanding anything said in my June decision about a further hearing, I can, because the Parish Council, agreeable, without any further hearing, direct the registration of the Northumbrian Water Authority as owners. But because in being so satisfied I have assumed, as seems to be very likely, that they are the successors in title of the Darlington Rural District Council (nothing about this is said in the August 1986 letter) and because there may be others concerned with the ownership of the NWA Part, I give liberty to Darlington Borough Council and to any other person who attended or was entitled to be heard at, my February 1986 hearing to apply to set aside this my second decision, such application to be made in the first instance by letter to the Clerk of the Commons Commissioners in London before the expiration of THREE MONTHS of this decision being sent out (or such extended time as a Commons Commissioner may allow). If no such application is made before the expiration of such THREE MONTHS (or such extended time) I shall direct pursuant to section 8(2) of the 1965 Act Durham County Council as registration authority to register Northumbrian Water Authority of Northumbria House, Gosforth, Newcastle upon Tyne, NE3 3PX as owner of the NWA Part as in the Schedule hereto defined.

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.

SCHEDULE
(the NWA Part)

In this second decision, the NWA Part means the part of the land comprised in the Land Section of this Register Unit No. VG48 which contains about 270 square yards which for the purpose of identification is edged with a thick black line on the extract plan being page 2 of this second decision, which has on it the Sewage Pumping Station marked on the extract plan being page 3 of this second decision and which has for its northeast boundary a line which is the same as or not far from the southeast boundary of the track marked on the Register map from the public highway near "Post Office" to the middle of the River Tees: "Low Ford".

Dated this 11th day of December 1986

A. A. Baden Fuller

Commons Commissioner