



COMMONS REGISTRATION ACT 1965

Reference Nos. 211/D/2
211/D/3

In the Matter of part of Hope Moor,
Hope, Teesdale D., Durham

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL.306 in the Register of Common Land maintained by the Durham County Council and are occasioned by Objection No. 0463 made by the Minister of Agriculture, Fisheries and Food and noted in the Register on 1 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Bishop Auckland on 29 April 1975. At the hearing the Minister of Agriculture, Fisheries and Food and the Forestry Commissioners were represented by Mr. W.D. Curnock, solicitor of the Solicitor Department of the Ministry.

The land ("the Unit Land") comprised in this Register Unit is a triangular piece whose sides are (as I scale the Register map) about 1,400 feet on the north, about 550 feet on the east and about 1,600 feet on the southwest (about 9 acres); it is on the east side of Hope Moor, about 500 yards north of Cocher Hill. The registration in the Rights Section is of a right to graze 600 sheep, of turbarry and of estover over the Unit Land and other land, and the Entry was made on the application of Mr. Herbert Matthew Ridley. The registration in the Land Section was made in consequence of the registration in the Rights Section. The grounds stated in the Objection are: "That the land shown verged red on the attached plan marked "A" was not common land at the date of registration"; on the attached plan the northeast part (about half) of the Unit Land is edged red.

Mr. Curnock said that the part of the Unit Land mentioned in the Objection is owned by the Forestry Commissioners, and was by them about 20 years ago, fenced off and planted with trees. He produced a letter dated 17 April 1975 from Malcolm E. Scott & Son, Solicitors of Leyburn saying (in effect) that Mr. Ridley did not wish to pursue the registrations he had caused to be made in this Unit.

In the above circumstances, I consider that I can without any more evidence than the statement of Mr. Curnock, conclude that the Objection succeeds.

As regards the remainder of the Unit Land, not mentioned in the Objection, it being evident from his Solicitor's letter that Mr. Ridley does not wish to support the registration, and there being no suggestion by anyone else that it ought to remain, I conclude that this part too cannot properly be regarded as common land.

For these reasons I refuse to confirm the registrations.



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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 6th — day of May 1975

a. a. Baden Fuller

Commons Commissioner