



In the Matter of The Sands, Durham City,
Co. Durham. (No.2)

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No.CL.29 in the Register of Common Land maintained by the Durham County Council and are occasioned by Objection No. 5 made by the former City of Durham Council, and noted in the Register on 3 November 1978 and the conflicting registration at Entry No 1 in the Land Section of Register Unit No.VG.97 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Durham on 2 July 1980. The hearing was attended by Mr W K Wills, Solicitor, on behalf of the Trustees and Wardens of the Freeman of the City of Durham, the applicants for the registration at Entry No 1 in the Rights Section of the Register Unit, in consequence of which the registration the subject of these disputes was made, by Mr Robin Campbell, of Counsel, on behalf of the Durham City Council, the successor authority of the Objector, and by Professor B.Smythe, the Chairman of the Sands Residents Association, the applicant for the conflicting registration.

The land comprised in the Register Unit consists of a large main area and a small detached area to the south-east of it. I was informed that the rights of common over the small detached area were released in 1970 and that it was not desired to support the registration of this small area or of a part of the main area indicated on a plan which was put in. I was also informed that it was accepted that there are rights of common over the remainder of the land comprised in the Register Unit, so that the only matter remaining to be determined is whether the land should be registered in the Register of Common Land or in the Register of Town or Village Greens.

For the reasons given in my decision in In the Matter of the Sands Durham City (NO.1) (1980), 211/D/79-80, I have refused to confirm the registration in the Register of Town or Village Greens.

I therefore confirm this registration with the following modifications, namely the exclusion of the land which it was agreed should be excluded.

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

25th

day of

July

1980


Chief Commons Commissioner