



COMMONS REGISTRATION ACT 1965

Reference No: 268/U/306

In the Matter of Acomb Green,
York City, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Acomb Green, York City being the land comprised in the Land Section of Register Unit No VG2 in the Register of Town or Village Greens maintained by the North Yorkshire County (formerly York County Borough) Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at York on 21 February 1985. At the hearing York City Council were represented by Miss K L Tripp, solicitor in their legal department.

Miss Tripp produced the documents specified in the Schedule hereto. The 1776 Award (YCC/1), made I suppose under the Acombe and Holdgate (Townships) Inclosure Act 1774, 14 Geo.3. c.28, included:-

"...set out allot and award unto the owners and occupiers of lands and tenements residing within the Township of Acomb aforesaid for the time being two acres three roods and sixteen perches of land be the same more or less parcel of the Common called Bark Green for the purpose of getting sand and materials to be applied in and towards the repairing and maintaining the public and private roads and ways within the said Township of Acomb bounded by the Wetherby Turnpike Road on or towards the North, by a road from the last mentioned road towards Rufforth on or towards the West, and by another road called Barkside or York Road on or towards the South".

By the 1937-1938 Order (YCC/22) the Parish Council of Acomb was dissolved and succeeded by and its property transferred to (paragraph 67) the Corporation of the county borough of York. The 1935-1943 Book Index shows numerous entries relating to THE GREEN and my attention was drawn particularly to the minutes of 20 May 1937 recording: permission was granted to the Acomb and District Branch of the British Legion to hold their annual memorial service on Acomb Green on Sunday 20 June and to have the loan of a flag formerly belonging to the Acomb Parish Council; and instructions to the City Engineer to submit a report on the costs of making a suitable approach and concrete bed to the stream at the bottom of Acomb Green.

Miss Tripp identified the land in this Register Unit on the Register map marked "ACOMB GREEN" with that on the 1776 Award Map marked "A GREEN 3.2.16" and said: it is a green having on it play equipment and structures for children; and it is currently maintained by the City Council through its Recreation and Amenities Committee.



As to the above quoted allotment being for "getting sand and materials", Mrs Jennifer Kaner, a local resident who was attending the hearing, said that the land was like a large hole (perhaps such as might have been made by the extraction of sand materials) with the sides steep enough (when snow covered) to ski down.

On the day after the hearing I inspected the land. It is a triangular area with sides about 160, 140 and 90 yards long or a little less with much grass and a few trees: a very attractive amenity for those living nearby and many others.

On this evidence I am satisfied that the York City Council are, as successors of the County Borough of York, the owners of the land and I shall accordingly direct North Yorkshire County Council, as registration authority, to register the Council of the City of York as the owners of the the land under section 8(2) of the Act of 1965.

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
(Documents produced)

YCC/21	1776	Extract (York City Archives) from Acomb and Holgate Inclosure Award and map with modern transcription of extract from Award.
YCC/22	1937-38	Extract from West Riding Review Order made under section 46 of the Local Government Act 1929.
YCC/23	20 May 1937 30 May 1937	Extract (York City Archives) from Parks Committee Minute Book for 1935-1943.

Dated this 10th — day of February 1986.

a a. Baden Fuller

Commons Commissioner

