



In the Matter of Birkdale Common, Maker,
North Yorkshire

DECISION

This dispute relates to the registrations at Entry Nos 1, 6, 7 and 8 in the Rights section of Register Unit No. CL 149 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 0286 made by Earl Peel and noted in the Register on 29 July 1977.

I held a hearing for the purpose of inquiring into the dispute at Richmond on 9 June 1982. The hearing was attended by Mrs M Alderson, one of the applicants for the registration at Entry No. 8, and by Mr M Gillibrand, solicitor, on behalf of the Objector.

Mr Gillibrand informed me that he was instructed not to pursue the Objection in so far as it related to the registrations at Entry Nos. 1 and 8. He also informed me that it had been agreed that the number of sheep or hogs to be grazed in respect of the registration at Entry No. 6 should be reduced from 500 to 450 and the time restriction of 10 weeks should apply only to cattle.

I adjourned the hearing insofar as it related to the registration at Entry No 7 in order to give the parties an opportunity to resolve an outstanding point. It now appears from letters addressed to the Clerk of the Commons Commissioners by the solicitors acting for the parties that it has been agreed that the number of hogs to be grazed in respect of that registration should be reduced from 140 to 133.

In these circumstances I confirm the registrations at Entry Nos 1 and 8 without modification, the registration at Entry No. 6 with the following modifications, namely the substitution of the figure "450" for the figure "500" and the substitution of the words "(the cattle for 10 weeks only)" for the words "(for 10 weeks)", and the registration at Entry No. 7 with the substitution of "133" for "140".

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

October

1982

Chief Commons Commissioner