



COMMONS REGISTRATION ACT 1965

Reference No.44/D/14

In the Matter of Foulsyke Pond,
Church Beck and Green, and Cumboots Quarry,
Scalby, North Yorkshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 187 in the Register of Common Land maintained by the former North Riding County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.VG 110 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 Scarborough on 5th November 1974. The hearing was attended by Mr M.R.F.Mellor, the Clerk of the Scalby Successor Parish Council, the successor of the former Scalby Urban District Council, which applied for the registration, and by Mr J.W.Hardcastle, the applicant for the conflicting registration.

The registration relates to three separate areas, only one of which, known as Church Beck and Green, is the subject of the conflicting registration.

It soon became clear that the dispute was more apparent than real, both the Parish Council and Mr Hardcastle being agreed that their common object was to secure the preservation of the land in question for the benefit of the community. Indeed, so united were they that each said that he would be contented with the registration of the land in either section of the Register Unit. However, each of them agreed that the land is unsuitable for sports and pastimes, and finally Mr Hardcastle said that he did not press for the town or village green registration.

In these circumstances I confirm the registration without modification.

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 29th day of November 1974

Chief Commons Commissioner