



In the Matter of Newby Moor, Chapham-Cum-Newby

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and Entry Nos 4-13, 15-36, 38-41, 43,45,47,49 and 51 in the Rights Section of Register Unit No.CL.137 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 572 made by British Railways Board and noted in the Register on 19 February 1971, and to Entry No 41 in the same Rights Section occasioned by Objection No. 189 made by Newby Landowners and noted on the Register on 16 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Skipton on 14 May 1981. The hearing was attended by Miss M W Leadbeater (Chairman) appearing for Clapham-Cum-Newby Parish Council, the applicant in the Land Section, Mr D Stubbington for British Railways Board, Mr I Lewthwaite (Secretary) for Newby Landowners and Dr. J A Farrer (in person) an applicant in the Rights Section.

I was informed that the Parish Council had agreed to exclude Nulta Bridge from the registration and in consequence British Railways Board withdrew its objection to any Entry in the Rights Section. That left only the objection made by Newby Landowners to the application at Entry No. 41 in the Rights Section which was maintained. The applicant did not attend the hearing and appeared to have left the district.

For these reasons I confirm the registration at Entry No 1 in the Land Section and the registrations at all the Entries in the Rights Section except No. 41 with the modification that the land shown edged blue and hatched blue on the plan attached to Objection No. 572 be excluded.

I am required by regulation 30 (1) of the Commons 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

4<sup>th</sup>

day of

June

1981

*George Harkentin*

Commons Commissioner