



COMMONS REGISTRATION ACT 1965

Reference No. 271/D/14

In the Matter of Land south east of
Allt-y-Plas Housing Estate, Pentre
Halkyn, Halkyn.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.9 in the Register of Town or Village Greens maintained by the Clwyd County Council and is occasioned by the conflicting registration at Entry No.1 in the Land section of Register Unit No.11 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Mold on 9th April 1975. The hearing was attended by Mr. Armon Ellis, Solicitor, on behalf of Halkyn Community Council, the successor to Halkyn Parish Council, which applied for registration of the land as a village green; and by Miss F. E. Woodruffe, Solicitor, on behalf of the Executors of the late Duke of Westminster, who applied for registration of the land as common land.

Mr Emlyn Lloyd, the Clerk to the Halkyn Community Council, gave evidence in support of the registration of the land as a village green. He told me that he was the Clerk to the former Halkyn Parish Council from 1943 to 1973, and was intimately acquainted with the land in question. He produced a Conveyance dated 8th February 1966 by which part of the land in question was conveyed to Halkyn Parish Council, which bought it for recreational purposes. The remainder of the land was acquired by Holywell Rural District Council in 1952, and was let to the Parish Council by an Agreement dated 18th August 1964 (which the witness produced) for a term of 21 years and thereafter until determined by 6 months' notice. The whole of the land has been used as a recreation ground for children for upwards of 20 years. The former Parish Council incurred expenditure in levelling and maintaining the land for recreational use.

Miss Woodruffe informed me that her clients did not wish to contest the registration of the land as a village green.

For these reasons I confirm the registration.

I am required by regulation 30(1) of the Commons Commissioners Regulation 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 14th day of November 1975

A. E. Francis

Commons Commissioner