



In the Matter of Newsham Lane, Intake Lane, and
Newsham Green, Great and Little Habton, North Yorkshire
(No. 1)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land section of Register Unit No. CL 236 in the Register of Common Land maintained by the former North Riding County Council and are occasioned by Objection No. 0325 made by Mrs B J Smithsons and noted in the Register on 22 June 1971, Objection No. 0443 made by the former Yorkshire River Authority and noted in the Register on 26 July 1972, Objection No. 0483 made by the former County Surveyor and noted in the Register on 4 August 1972, and Objection No. 0501 also made by the former County Surveyor, and noted in the Register on 12 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Malton on 11 October 1977. The hearing was attended by Mr P J Lawrence, solicitor, on behalf of Mr N Wood, the applicant for the registration, the Yorkshire Water Authority, the successor of the former Yorkshire River Authority, and Mr G R P Thackray and Mr S M Withy, the applicants for the registration at Entry No. 2 in the Rights Section of the Register Unit; Mr G M A Newey, solicitor, on behalf of Mr H Farnell, the applicant for the registration at Entry No. 1 in the Rights Section; Mr R J Collinson, solicitor, on behalf of Mrs Smithsons; and Mr M J Boon, solicitor, on behalf of the North Yorkshire County Council.

Mr Lawrence informed me that he was willing that the land referred to in Mrs Smithsons' Objection should be excluded from the Register Unit, that the Yorkshire Water Authority did not wish to pursue Objection No. 0443, and that he was willing that a strip of land 9 ft on either side of the centre of the highway known as Ryton Gated Road and a strip of land 15 ft on either side of the centre of the highway known as Newsham Lane (c.20) should be excluded from the Register Unit.

In these circumstances I confirm the registration with the following modifications:- namely, the exclusion of the areas of land agreed between the applicant and the objectors.

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 10th day of Nov 1977

Chief Commons Commissioner