



In the Matter of Elmton Green and Fox Green,  
Elmton with Creswell, Derbyshire.

DECISION

This reference relates to the question of the ownership of land known as Elmton Green and Fox Green, Elmton and Creswell, being the land comprised in the Land Section of Register Unit No. VG 45 in the Register of Town or Village Greens maintained by the Derbyshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Derby on 2 April 1981.

At the hearing the Elmton with Creswell Parish Council was represented by Mr P C Crowley, solicitor, and the Bolsover District Council by Mr H W Betts, one of its officers.

Mr Crowley and Mr Betts had no evidence as to the ownership of Elmton Green. I am therefore not satisfied that any person is the owner of Elmton Green and I shall accordingly direct the Derbyshire County Council, as registration authority, to register the Elmton with Creswell Parish Council as the owner of that land under section 8(3) of the Act of 1965.

Fox Green was conveyed to the Parish Council by a conveyance made 22 December 1914 between (1) William John Arthur Charles James, Duke of Portland (2) William Arthur Henry Cavendish-Bentwick commonly called the Marquess of Titchfield (3) The Parish Council of Elmton with Creswell.

A narrow strip of land along the northern and eastern boundaries of Fox Green was conveyed to the District Council by a conveyance made 18 July 1974 between (1) The Parish Council (2) The District Council.

On this evidence I am satisfied that the Parish Council and the District Council are the owners of parts of Fox Green, and I shall accordingly direct the Derbyshire County Council, as registration authority, to register the Parish Council and the District Council as the owners of their respective parts of Fox Green under section 8(2) of the Act of 1965.

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

12<sup>th</sup>

day of

April

1981

Chief Commons Commissioner