



COMMONS REGISTRATION ACT 1965

Reference No 27/D/ 42

In the matter of the Village Green and  
Common, Kirkwhelpington, Tynedale District,  
Northumberland

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No VG. 41 in the Register of Town or Village Greens maintained by the Northumberland County Council and is occasioned by Objection No 46 made by Mr W Hugonin as Head Agent to the Duke of Northumberland and noted in the Register on 2 March 1971.

I held a hearing for the purpose of inquiring into the dispute at Hexham on 5 May 1976. At the hearing the most noble Hugh Algernon Duke of Northumberland was represented by his Surveyor, Mr D F Graham.

The Land comprised in this Register Unit is in three pieces: one ("the Recreation Ground") so marked on the Register map and situated southeast of St Bartholomews Church, and two others ("the Bridge Pieces") south of the road which leads to the Village from the main road, A696T and on either side of the bridge over the River Wansbeck. The registration was made on the application of Kirkwhelpington Parish Council; in a letter 15 April 1976 to the Clerk of the Commons Commissioners, their chairman said (in effect) that the Parish Council do not claim that the Recreation Ground is a village green for the purposes of the 1965 Act, or that there are public rights in relation to it.

Mr Graham said (in effect):- The substance of the Objection is that the Recreation Ground is part of the Duke of Northumberland's Estates; the Parish Council have held it under a tenancy from the Duke for some years. The Estates have no objection to the Bridge Pieces remaining on the Register.

In the circumstances outlined above, I confirm the registration with the modification that the Recreation Ground (as above defined) be removed from the Register.

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 11<sup>th</sup> day of May ———

1976

a. a. Baden Fuller

Commons Commissioner