



In the Matter of Roe Green, Salford

DECISION

These disputes relate to and are occasioned by the conflicting registrations at Entry No. 1 in the Land section of Register Unit No. VG 29 in the Register of Town or Village Greens and at Entry No. 1 in the Land Section of Register No. CL 185 in the Register of Common Land, which Registers are maintained by the Greater Manchester County Council.

I held a hearing for the purpose of inquiring into the dispute at Salford on 3 April 1979. The hearing was attended by Mr M G M Brogden, Solicitor, of the Registration Authority, and by no other person.

The registration as a Village Green was made on the application of Worsley UDC to which Salford Metropolitan DC is the successor. The Registration as common land was made on the application of Mr H Tyldesley. Mr Tyldesley in a letter dated 1 March 1979, stated that he wished to withdraw his application as the designation 'village green' would be satisfactory to him: there was also a written request signed by him and on behalf of the Salford City Council which I gathered was intended as a request to confirm the registration as village green but was, on the face of it, ambiguous.

Mr Brogden whilst not making any submission as to the appropriate registration of the land, drew my attention to documents copies of which were found in the Registration Authority's records and which might throw some light on this question. The most relevant of these is an Agreement dated 25 January 1899 between (1) the Trustees of the will of the Duke of Bridgewater (2) Worsley UDC, which recited that Roe Green is waste land within the manor of Worsley and (inter alia) provided that after certain improvements had been effected by the Trustees the Council should assume the management and control of the Green as a Public Recreation Ground: there was a proviso that either party might terminate the Agreement by three months notice and should then be deemed to have reassumed their rights.

There are no rights of common registered, so that registration as common land is dependent <sup>on</sup> as it being waste land of a manor. I think the Agreement sufficiently establishes this, but in itself provides little support for the view that it is a village green. On the facts as known to me it could not fall within either of the first two limbs of the definition of village green in Section 22(1) of the Act of 1965: as regards the third limb I have no evidence as to indulgence in sports and pastimes by the inhabitants of any locality, and determinable rights to management and control as a Public Recreation Ground seem to me, without more, a somewhat flimsy basis for registration as a village green.

I understood that the Salford Metropolitan DC had been informed of the question arising by reference to the Agreement and (as was the case) that if they wished to be heard on the matter I would reopen the hearing on the following day (4 April), but there was no attendance on their behalf.

Having regard to the circumstances, I am not disposed to confirm the village green registration simply because the public may have so agreed, and I shall confirm the registration as common land and refuse to confirm the registration as a village green.



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

31 May

1979

*L. J. Morris Smith*

Commons Commissioner