

**COMMONS ACT 2006 & THE COMMONS (REGISTRATION OF TOWN OR VILLAGE GREENS) (INTERIM ARRANGEMENTS) (ENGLAND) REGULATIONS 2007 REGULATION 9  
NOTICE OF DETERMINATION OF  
APPLICATION TO REGISTER AS TOWN OR VILLAGE GREEN  
LAND KNOWN AS BELLE VUE PLAYING FIELDS, CONSETT  
APPLICATION REF: NL33 (“The Application”)**

Notice is hereby given that Durham County Council, as Commons Registration Authority has, at a meeting of its Highways Committee on 25 February 2013, considered an application to register land known as Belle Vue Playing Fields at Consett (“the Land”).

The Land is shown edged in green on the plan attached to this Notice.

**Decision**

The Highways Committee took into account the evidence submitted in support of the application, together with the conclusions and recommendations of the independent Inspector, and resolved that the application should be rejected.

**Reasons**

- There is powerful support for the inference that the Part of the Land acquired under the Conveyance dated 9 May 1936, was as a whole, held pursuant to Section 164 of the Public Health Act 1875 since its acquisition in 1936.
- The use of this land has therefore been ‘by right’ as opposed to ‘as of right’.
- The evidence with the Application would not support the registration of those areas of the Land which were not acquired by the Conveyance dated 9 May 1936, as on the evidence, there has not been sufficient qualifying use of that area of land.
- The Applicant has therefore failed to strictly prove the elements of the legal test set out in Section 15 of the Commons Act 2006

Dated 27 March 2013

**Colette Longbottom  
Head of Legal and Democratic Services**