

REPRESENTATIONS MADE BY MR JOHN CAMPBELL ON BEHALF OF CONSETT
GREEN SPACES GROUP TO MR EDWIN SIMPSON

Documents exhibited hereto:

1. Ordnance Survey Map of 1921 (not previously filed as evidence before you at the public inquiry) (hereinafter referred to as OS1)
2. Ordnance Survey Map of 1938/39 (not previously filed as evidence before you at the public inquiry) (hereinafter referred to as OS2)
3. Minutes of the Allotments, Parks and Open Spaces and Cemeteries Committee of the Urban District Council of Consett dated 10 September 1963 (not previously filed as evidence before you at the public inquiry)
4. 1922 conveyance (previously filed as evidence before you at the public inquiry)
5. 1936 conveyance (previously filed as evidence before you at the public inquiry)
6. 1979 conveyance (previously filed as evidence before you at the public inquiry)
7. Appendices 1-8 of your first report dated 11 October 2010 (referred to as IR1)
8. Consent to the sale of land dated 24 June 1936 (previously filed as evidence before you at the public inquiry)
9. Consent to the appropriation of land dated 21 November 1938 (previously filed as evidence before you at the public inquiry)
10. Appropriation of land dated 31 March 1949 (previously filed as evidence before you at the public inquiry)

Introduction

1. You have been instructed to reconsider the application that was originally before you at the Public Inquiry between 12 and 15 July 2010 and to prepare a supplementary report which considers the issues raised by the High Court in the judgment of HHJ Kaye QC.
2. The judge found that *"the decision of the Commons Registration Authority, based as it ultimately was, on the reasoning and recommendations of the inspector, must be viewed as flawed sufficient to justify quashing the decision for the reasons advanced by Mr George."*
3. Those submissions were that:
 - *Local authorities are creatures of statute and their powers to acquire, hold and use land are governed as such by statute. None of the relevant statutory framework refers to "inconsistent" use, still less "non inconsistent" use;*
 - *The 1964 Deed assumed its importance precisely because it was unclear on what basis the application land was held before the Deed as the inspector duly noted; thus the Deed could not have "confirmed" anything and insofar as it sought to do so, was irrelevant and of no legal effect. Local authorities had no power to make a determination that land was to be used for a particular purpose and the 1964 Deed did not even appear to do so.*
 - *The reasoning that the 1964 Deed amounted in substance to an informal process of appropriation of the application land to public use was plainly based on the Scott test, i.e. that no formal process was required;*
 - *It was insufficient merely to state that the land was "in practice" held for a purpose which was not inconsistent with the new, informally appropriated, purpose. To be a valid appropriation to the stated use, the local authority must have concluded that the land subject to the appropriation was "not required" for its existing purposes (see Local Government Act 1933, ss 163, 165). No such conclusion is recorded in the 1964 Deed or elsewhere nor does the 1964 Deed declare it was appropriating the land to a different purpose. Moreover, to take effect as an appropriation from one use to another the formal statutory mechanisms of the*

Local Government Act 1933 needed to be complied with and ministerial approval (at that time) was needed. It was apparent none of the formalities had been observed. All this is unsurprising given the inspector was relying on and treating the 1964 Deed as an informal process.

• Thus, it was argued the 1964 Deed was simply of no legal effect at all. That being so, and it being unclear for what purpose the application land was held by the defendant council the only legitimate conclusion was that the CRA had erred in law in refusing the application (since the applicants must thereby have established their user was "as of right" not "by right" and so within s 15 of the 2006 Act)."

4. The judge was also not persuaded with the alternative argument advanced by counsel for the local authority based on informal appropriation, as *"this depended on a finding that the land was not acquired or held for an inconsistent purpose, something the inspector seems to have assumed ("in practice") rather than found as a fact (or in law)."*
5. It is accepted that the minutes of 1963/64 were not before the inquiry, however it is argued that the minutes do not make it more probable that the majority of Belle Vue Playing Fields, and more importantly the application land, were acquired for the purposes of public walks and pleasure grounds under either the Public Health Act 1875 or the Open Spaces Act 1906.
6. It is necessary to consider the previous evidence that was before the inquiry in order to understand those minutes and put them into context.

Conveyances

7. The inquiry had before it the various conveyances of parcels of land which later became known as Belle Vue Playing Fields. The significant conveyances are:
 - a. 21 December 1922 – conveyance of 4,660 square yards (Appendices 5 and 8, IR1)
 - b. 9 May 1936 – conveyance of 44.070 acres (Appendices 5 and 7, IR1)
 - c. 9 November 1979 – conveyance of two parcels of land, one of 6,050 square yards, one of 3,025 square yards
8. The significance of these conveyances is as follows. The plan attached to the conveyance of 1922 (Appendix 8, IR1) shows the land being conveyed edged in red (edged in yellow in Appendix 5, IR1). That plan shows that the land conveyed was part of, but not the whole part, of Black Dyke Common Quarry. More importantly, that plan also refers to the plot of land adjacent to the west of the conveyed plot as Villa Real Park. This was not referred to in your report. The conveyance of 1922 refers simply to *"such land being required by the council for purposes for which they are authorised by statute to acquire land."* No specific reference is made to under which power the land was **acquired**, or, for which specific purposes the land was **required** by the council.
9. The plan attached to the conveyance of 1936 shows the land edged in red and it is accepted that this land is the 44 acres referred to at part c) to the schedule of the 1964 Deed (Appendix 4, IR1). It is accepted that the majority of the application land falls into these 44 acres. Again, the conveyance simply refers to *"such land being required by the Council for purposes for which they are authorised by statute to acquire land."* Again, no specific reference is made to under which power or powers the land was **acquired**, or, for which specific purposes the land was **required** by the council.

10. The conveyances of 1979 refer to the 6,050 square yards known as Berry Edge Quarry, and the 3,025 square yards which makes up that part of Black Dyke Quarry that was not previously conveyed in 1922. The plan attached to that conveyance (Appendix 6, IR1) refers to the land as being Black Dyke Quarry, and is clearly the 3,025 square yards indicated on Appendix 5, IR1. However, when compared with the plan attached to the conveyance of 1922, the 3,025 square yards referred to as Black Dyke Quarry, is clearly the same plot of land referred to as Villa Real Park. This is further evidenced by the Ordnance Survey map of 1921 (OS1), which again shows the same plot of land referred to as Villa Real Park. It is also noteworthy that the vendor of the two plots of land conveyed in 1979 was Park Ground Rents Limited, and that the First Schedule to the conveyance refers to buildings on those plots being subject to a lease between the Ecclesiastical Commissioners for England and Consett Urban District Council.
11. In summary:
- a. None of the conveyances refer to land being acquired under either the Open Spaces Act 1906 or the Public Health Act 1875, nor do they specify for what purposes the land was required by the council;
 - b. In particular, arguably the most important conveyance, that of 1936, does not refer to the powers under which the land was *acquired* or the reasons it was *required* by the council;
 - c. It is clear that, as early as 1921, and potentially earlier, there was a plot of land referred to as Villa Real Park, which is on part of the disused Black Dyke Quarry (OS1);
 - d. Villa Real Park formed one of two parcels, the other being the 6,050 square yards known as Berry Edge Quarry, owned by Park Grounds Rent Limited, and that the council were leasing the land and buildings on those plots.
 - e. It is now clear that at least some part of the 6,050 square yards was used as a park, called Belle Vue Park.(OS1 and 2)

Ministerial Consents/Appropriations

12. These were also presented at the original Inquiry, and were further filed with the court in the subsequent judicial review proceedings. There were three ministerial consents presented in evidence:
- a. 24 June 1936 – consent to sale of land of 192 square yards
 - b. 21 November 1938 – consent to the appropriation of land of 6.149 acres
 - c. 31 March 1949 – appropriation of land of 4,882 square yards
13. The first consent refers to a thin strip of land sold to North Eastern Electric Supply Co. Ltd for the purpose of providing an electricity sub-station. This consent refers to *“certain land being vested in the said Council for purposes of public walks and pleasure grounds, having an area of 192 square yards...”* The plan to the consent shows that the 192 square yards runs adjacent to land referred to as ‘Allotment Gardens’. That same plot referred to as Allotment Gardens is the plot of land marked ‘Clark’ on Appendix 7, IR1, and runs south to abut the southern corner of the land known as Berry Edge Quarry. It is also clear from comparing OS1 and OS2, that the thin strip of land was taken out of the land being held for allotments, the remainder of which remained as such.
14. The second consent, is titled Housing Act 1936 and refers to *“certain land fronting Dale Avenue and comprising an area of 6.149 acres or thereabouts.”* No reference is

made to the land being vested in the council for purposes of public walks or pleasure grounds. This land formed part of the 44 acres conveyed in 1936.

15. The third consent refers to a plot of land to be used for the purposes of public offices. It refers to "*certain land containing an area of 4,882 square yards...and vesting in the said Council for purposes of public walks and pleasure grounds.*" As noted in IR1, paragraph 94, "*Intriguingly, this parcel of land, although the boundaries are not identical, is in the same location as the land described as 'Berry Edge Common Quarry' in the 1979 conveyance, and shown as such in the plan at Appendix 6 (see also the modern composite plan at Appendix 5).*"
16. It was not argued before the judge by the council, that these consents confirmed that the majority of the 44 acres conveyed in 1936 had been acquired for the purposes of public walks or pleasure grounds. It could only be argued that, because the consent of 24 June 1936 to the disposal of a thin strip of land referred to the land being so vested in the council, that this was a 'very strong pointer' towards the whole of the land being so held.
17. On the contrary, the fact that the appropriation on 21 November 1938 of the much larger piece of land, the 6.149 acres, for the purposes of housing does not refer to the land being vested in the council for public walks and pleasure grounds, is an even stronger pointer to the whole of the 44 acres conveyed in 1936 not being acquired for the purposes of public walks and pleasure grounds.
18. It is irreconcilable that, if the whole of the 44 acres is to be treated as having been acquired and held for the purposes of public walks and pleasure grounds, on the basis that the sale of land in 1936 and the appropriation in 1949 were so held such that it was felt necessary to refer to them being so held in those documents, that the appropriation of a much larger area of land for housing in 1938 should not similarly need to refer to the land being so held.
19. A more probable reason why the sale of 24 June 1936 and the appropriation of 31 March 1949 refer to the land being vested for purposes of public walks and pleasure grounds, whilst the appropriation of 1938 does not is this:
 - a. The appropriation of 1949 that refers to "*...4882 sq. yards or thereabouts situate at Belle Vue Park...*" [my emphasis] refers to an actual park on the site of Berry Edge Quarry. (see OS1 and 2 showing Belle Vue Park). This land (which was not part of the 44 acres) **was** therefore held as public walks, parks and pleasure grounds, requiring the appropriation for the purposes of council offices in 1949.
 - b. It is clear when comparing the plan annexed to the appropriation of 1949 with the maps showing Belle Vue Park (see in particular Appendix 7 IR, but see also the plan to appropriation of 1938, OS map 1938, Appendix 5 to IR), that some of Belle Vue Park, principally the north east corner section that adjoins the land referred to as Clark on the 1936 conveyance map (on which can also be seen the words 'Park View' running along the northern boundary of what was Belle Vue Park) needed to be appropriated for the planned civic offices. It is for this reason that the appropriation in 1949 had to refer to the land being held as public walks and pleasure grounds, because it was held as Belle Vue Park, and it is known that the council leased the land and buildings thereon under a lease of 1906 (First Schedule to 1979 conveyance)..
 - c. It also explains why the larger appropriation of the 6.149 acres for housing, which is **undeniably** part of the 44 acres, does not refer to the land being so held.

- d. Considering the above points, it cannot be inferred that the 44 acres as a whole, were acquired or held for the purposes of public walks and pleasure grounds. On the contrary, it is more probable that they were not so held.

Minutes of 1963/64

- 20. The minutes of the council meetings in 1963/64 were not before the Inquiry but were filed in evidence by the council for the judicial review hearing and were considered by HHJ Kaye QC.
- 21. Mr Laurence for the council argued that:
 - a. They show responsibility for the application land being administered and managed by the relevant committee dealing with parks and open spaces (the Allotments, Parks and Open Spaces and Cemeteries Committee). This evidence had been before you at the Inquiry;
 - b. The 1963/64 minutes themselves described the Belle Vue Grounds as "*held as public walks and pleasure grounds*"
 - c. The minutes show that the defendant's predecessors, having consulted the lawyers, were advised the land was held (in substance) under the 1875 Act and therefore needed ministerial consent if there was to be any "*variation*" of that use.
- 22. We suggest there is no relevance, and therefore no weight should be attached, to the fact that responsibility for the application land was administered by the Allotments, Parks and Open Spaces and Cemeteries Committee. It is obvious that such a committee would be responsible for such an area and, in any event, by 1963/64 the land at Number One had been, and was being, used for rugby, football, allotments and parks (Villa Real Park and Belle Vue Park).
- 23. It is accepted that the minutes of 10 September 1963 state, "*It would appear that the Council is adequately covered in so far that the Sherburn Park and Belle Vue Grounds are held as public walks and pleasure grounds*" (my emphasis). When compared with the wording of the Deed, however, there is no reference to Belle Vue Grounds, though the reference to Sherburn Park remains. Instead, there is the reference to the 44 acres being known as 'Number One, Consett.' We suggest that this indicates that having consulted their lawyers, the council itself were unsure that they could support the statement from the minutes that "*Belle Vue Grounds are held as public walks and pleasure grounds.*" We infer this from the inclusion of "as public quarries" and "open spaces" amongst the purposes for which the land is held. This cannot refer to Sherburn Park nor the Market Square or Omnibus station which were held for their respective purposes.
- 24. We know from the original Inquiry that in addition to purchasing the land for housing the council used the land for a variety of purposes including use as a landfill site, and it is highly probable that at the time of purchase in 1936 they had in mind other uses for the "public quarries" including building and road construction uses and may well have intended to retain those of the allotments marked on the maps (OS1 and OS2) which they did not require for the erection of the Dale Avenue Estate. This is supported by the general description of their purposes for purchasing the land stated in the conveyance.

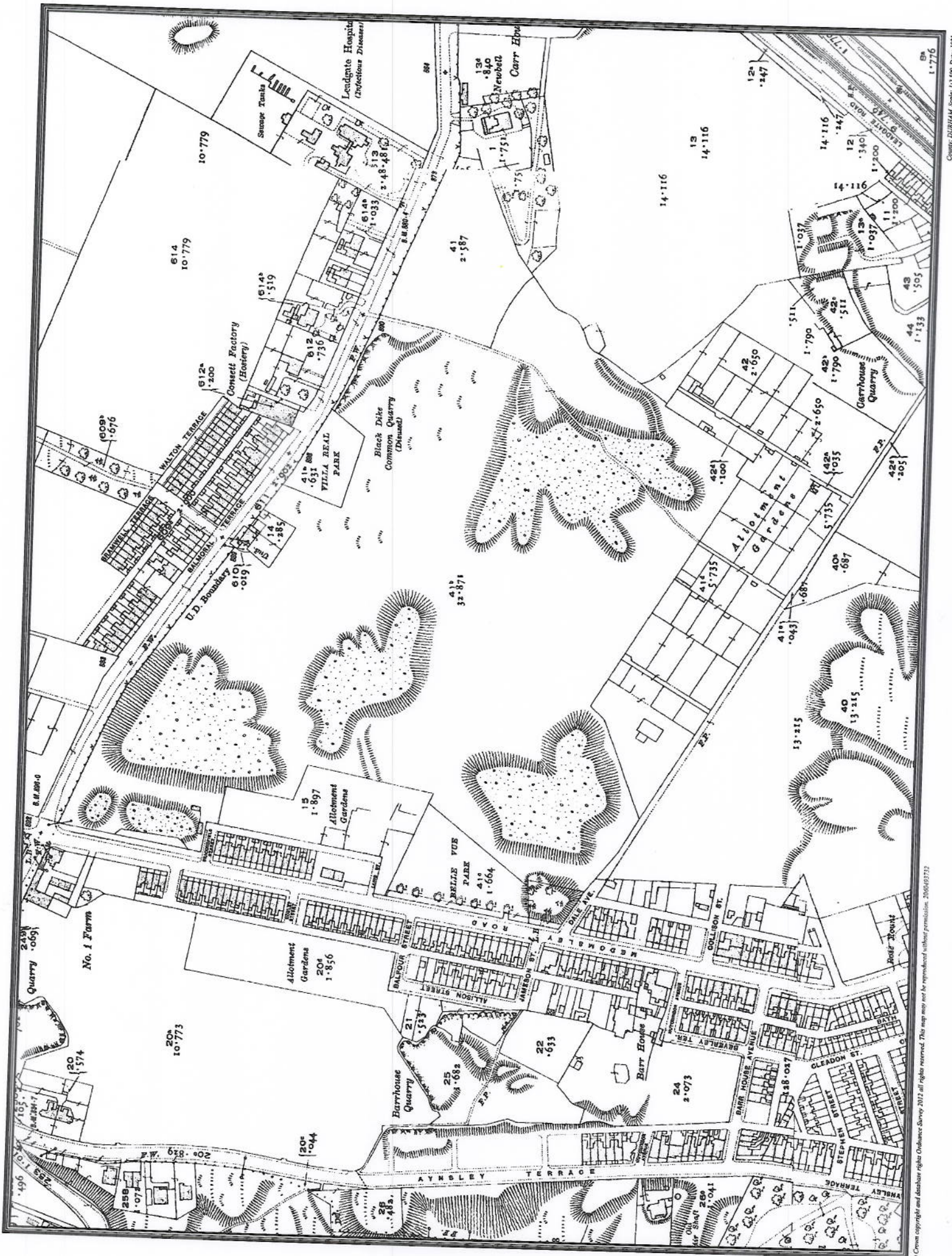
Further evidence

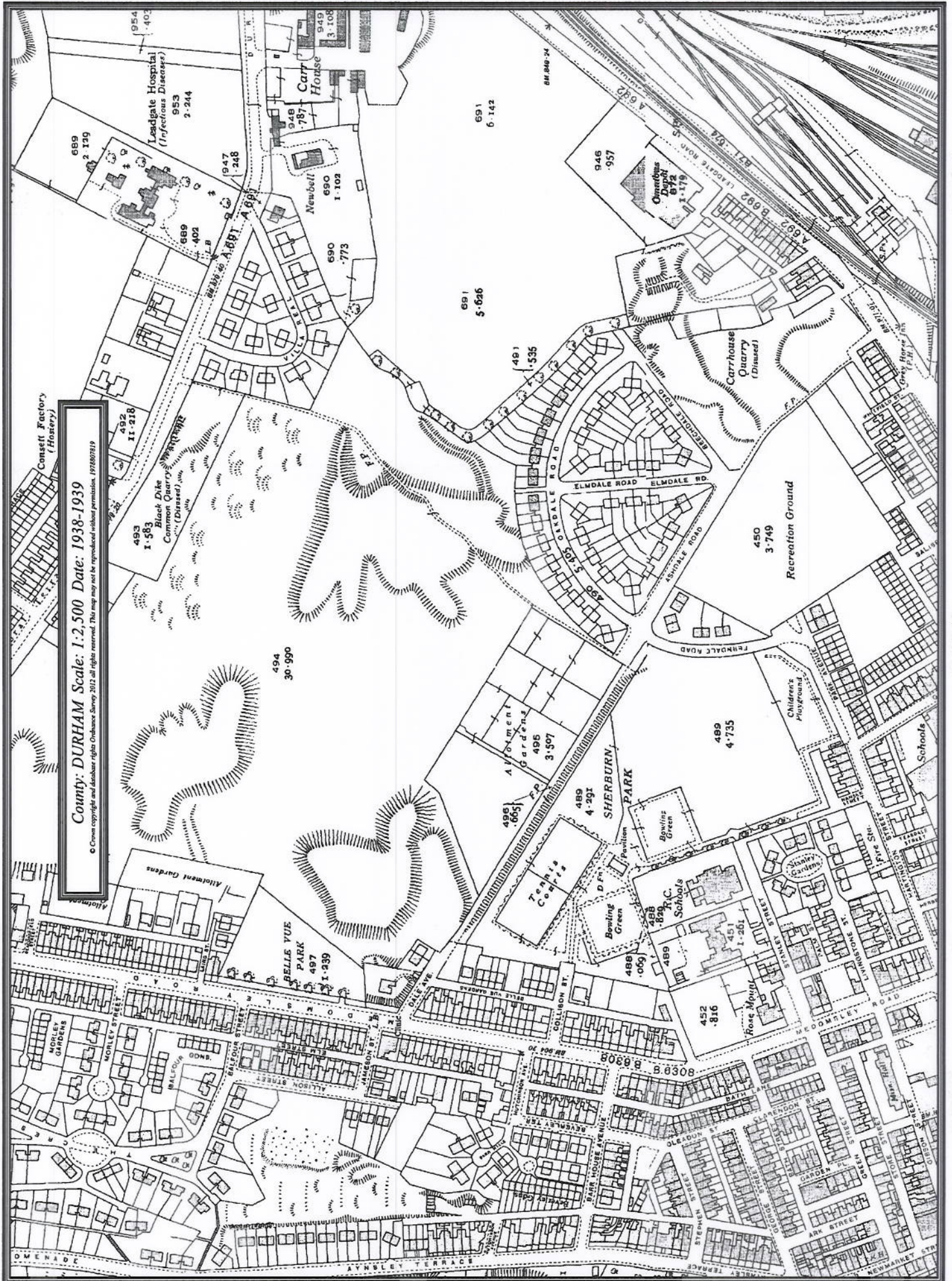
25. The Ordnance map of 1938/39 (OS2), shows the location of Sherburn Park with Stanley Gardens just to the south of the park. It also shows an area marked Recreation Ground, with Ferndale Road dividing it from Sherburn Park. A comparison with the map of 1921 (OS1) shows neither Sherburn Park, nor the Recreation Ground nor Ferndale Road.
26. In your report, at paragraph 81, you did not think that paragraph b) in the Deed, which refers to 10 acres of land known as Sherburn Park was directly relevant to the Application Land. However, with the benefit of this fresh evidence and the 1963/64 minutes, we suggest that Sherburn Park and paragraph b) of the Deed are **fundamentally** relevant to the Application Land:
- a. The Deed ambiguously lists the purposes for which various pieces of land are held by the council, "...as Open Spaces for the recreation of the Public or for Public Walks, Parks and Pleasure Grounds or as Public Quarries or for the general use of the Public by way of provision of an Omnibus Station and as a Market as the case may be." It has already been accepted that this list does not go hand in hand with the Schedule to the Deed, given that the Schedule lists the land as follows:
 - i. a) Market Square
 - ii. b) Sherburn Park
 - iii. c) 44 acres known as Number One
 - iv. d) 2,570 square yards in Medomsley Road
 - v. e) Black Dyke Quarry, Berry Edge Quarry and West Carr House Quarry
 - b. The minutes of 10 September 1963 refer to the Charter for Sherburn Park and Belle Vue Grounds (as separate from the Charter for Market Square). The minutes continue to refer to "*Sherburn Park and Belle Vue Grounds*" together as being held as public walks and pleasure grounds.
 - c. It is clear that Sherburn Park was a park and may have had public walks and pleasure grounds, which is the direct wording used in the Deed. It is also clear from comparing the maps of 1921 and 1938, that the council undertook major development of the land in creating Sherburn Park with bowling greens, tennis court and a pavilion (which may suggest the presence of public walks) and a children's playground, as it must have intended. The 1938 map also suggests however, that there is a significant part of the land underneath the words Sherburn Park and outside of the enclosed Bowling Green, which appears to remain undeveloped, but possibly levelled when compared with the 1921 map. The council therefore took positive action to create a park, public walks and pleasure ground; no such positive action was taken with regard to the 40 acres of land at Number One (now referred to as Belle Vue Playing Fields).
 - d. OS1 and 2 also confirm that there was a park called Belle Vue Park.
 - e. I suggest that this explains why the Deed refers to public walks and pleasure grounds, and why the minutes make a combined reference to Sherburn Park and Belle Vue Grounds being held as such. Both Sherburn Park and Belle Vue Park must have been acquired/held for the purposes of public walks, parks or pleasure grounds, and the reference to Belle Vue Grounds simply refers to Belle Vue Park, defined in OS1 and 2), and its immediate vicinity.
 - f. The reference in the Deed to parks, undoubtedly refers to Sherburn Park, and Villa Real Park and Belle Vue Park (and the buildings the council lease in those parks under a lease of 1906 referred to in the 1979 conveyance). The reference in the Deed to open spaces must refer to that part of Sherburn Park

- that was not developed but which would appear to have been levelled and held as an open space for the recreation of the public.
- g. The Deed refers to the 44 acres or thereabouts of land situate **and known as** Number One Consett (our emphasis), whereas the minutes refer to Sherburn Park and Belle Vue Grounds. The 44 acres of land was so widely known as Number One that the council used that name in the Deed in the confidence that people would understand where that meant. It is irreconcilable that the council would refer to the same area of land as 'Belle Vue Grounds' in September 1963 and to Number One only five months later in the Deed. This is particularly so because the Deed does not simply state the land was situated at Number One, but was actually **known as Number One** (i.e. not known as Belle Vue Grounds). Therefore Belle Vue Grounds must refer to Belle Vue Park and its immediate vicinity, but not the majority of the 40 acres conveyed in May 1936.
27. It is also clear from comparing the 1921 and 1938 maps, that in addition to the council developing the land which became known as Sherburn Park (for the benefit of the public) it also developed Dale Avenue housing (now Oakdale). This is located in the south east corner of the 1938 map, and formed part of the conveyance of the 44 acres in 1936. The appropriation for housing in 1938, together with the 1938 OS map, shows that one reason the council had for purchasing the 44 acres was for housing.
28. It is equally clear, that the council had no clear intention to acquire the 44 acres (in which the majority of the application land lies) solely or even mainly for use as parks, public walks or pleasure grounds, or for the general recreation of the public, and did not regard it as being so acquired. It is for this reason that the council did not take any positive action to create a park, public walks or pleasure grounds on the 40 acres, *which is in direct contrast to the positive actions they took to create Sherburn Park*
29. On the basis of all of the evidence available, and for the reasons stated above and in the judgment of HHJ Kaye QC, I submit that the 40 acres of land, which includes the application land, was neither originally acquired for the benefit of the public as parks, public walks or pleasure grounds or for the recreation of the public, and was not later appropriated for such purposes (there being no evidence to support that). The Deed therefore could not have operated either as confirmation of an earlier acquisition or an informal appropriation. On the contrary, the 40 acres, referred to at the time as Number One land, was acquired for the purposes set out above (principally housing), and the purpose of the Deed therefore becomes clear – it is simply a summary of the various pieces of land the council held (but not necessarily owned).
30. As such, it cannot be said that the use by the public of Number One land (now known as Belle Vue Playing Fields) was "by right" therefore any such use must have been "as of right." Consequently, having already satisfied all of the other elements required for registering the application land as a town or village green, on behalf of the Consett Green Spaces Group, I urge you to recommend that the Commons Registration Authority grant my application to register Belle Vue Playing Fields as a town or village green.

John Campbell

Consett Green Spaces Group





County: DURHAM Scale: 1:2,500 Date: 1938-1939
© Crown copyright and database rights Ordnance Survey, 2012 all rights reserved. This map may not be reproduced without permission. 1978807819

1320.

CONSETT URBAN DISTRICT COUNCIL

At a meeting of the Allotments, Parks and Open Spaces and Cemeteries Committee held in the Council Offices, Medomsley Road, Consett, on Tuesday, 6th September 1963 at 6.30 p.m.

PRESENT:- Councillor F. Agar (Chairman)
 Couns. J. Redshaw, J.P., N.F. Nattrass, O.B.E., J.P.,
 R. Bell, W. Brown, B. Chisholm, J. Hunt, M.M., B.E.M.,
 W. Jemson, S.W. Smith, M.M., J.T. Stobbs,
 L. A. Thomas, Miss M. Walker, W. Walton, B.E.M.,
 I. Williamson.
 Plus outside representatives - Messrs. A.J. Coombes,
 N. Graham, N. Willis and invited members Councillors
 J. Donnelly and Mrs. S. Donnelly.

Welcome

A cordial welcome was extended to the Chairman of the Committee who was attending for the first time since his recent illness and the hope was expressed that Councillor Agar was completely fit again and fully restored to health and that he would enjoy good health for many years to come.

Apologies for Absence

Apologies for absence submitted on behalf of Councillors A. W. Davies and H. W. Maddison were received.

PARKS AND OPEN SPACESSurveyor's report

Submitted the Surveyor's report dated 5th September 1963 which was received.

Community Centres(a) St. Aidans Hall, Blackhill(i) Provision of new heating system

The Committee considered this matter under reference back by the Council and the Clerk reported that as instructed he had made application to the Diocesan Church Authorities for permission to effect alterations to the St. Aidans Hall, Blackhill, and in particular to the provision of a new heating system. In a letter dated 6th July 1963 the Secretary of the Diocesan Church Council has given approval to this work but has asked for submission of certain details as and when the type of heating system is determined.

(ii) Payment of grant and capital expenditure on St. Aidans Hall

With the consent of the Chairman, Councillors J. Donnelly and Mrs. S. Donnelly were in attendance at the meeting and spoke in relation to the provision of a new heating system at St. Aidans Hall. The Committee also considered a letter dated 27th September 1963 from the Chairman of the Community Association submitting details of the type of heating installation which the Association hoped to install. It is anticipated that this will cost in the region of £1,300 and that a further expenditure of approximately £200 - £250 will be entailed in alterations to the hall. A sum of £200 is included in the Council estimates for expenditure during the current year in respect of capital expenditure on the hall and following detailed discussion on the matter the Committee recommends the Council to agree to make a grant of the sum stated forthwith, such sum to be used on capital expenditure other than heating installation.

(b) Moorside

Carried forward.

Community Centres (contd)

(c) The Dene, Medomsley

Councillor Mrs. I. Williamson reported that she had received detailed plans of the Community Centre at Leasingthorne together with estimates of cost and that this plan would be considered at an early meeting of the Medomsley Community Association. In due course it was hoped that the Association would be able to draw a suitable plan for the Medomsley area and to submit details thereof to this Committee in the hope that assistance could be given towards furthering the provision of this amenity in the Medomsley area.

(d) Leadgate

Carried forward.

(e) Ebchester

Carried forward pending meeting with representatives of the Village Hall Committee.

(f) Crookhall Colliery Miners Welfare Institute

Carried forward.

Number One Land

(a) Exchange with Mr. R. Clark

(b) Lifting of restriction in conveyance of land sold to the North Eastern Electricity Board

Carried forward.

Playing Fields

(a) Report of Surveyor as to site nr. Ridley Street, Blackhill

Carried forward.

(b) Provision of "Adventure" playground

Carried forward.

(c) Templetown

The Clerk reported that the owner of the land required for playing field purposes in the Templetown area had intimated his willingness to sell the land to the Council and had now referred the matter to an Estate Agent to act on his behalf and it is hoped that the negotiations for the sale of land would be opened in the near future.

(d) Shaw Lane, Ebchester

The Clerk reported that he had now ascertained that the land required by the Council for playing field purposes and for the erection thereon of a set of swings was in the ownership of the National Coal Board. Before agreeing to a sale the Board had now made application to the County Planning Authority for the issue of a Certificate of Appropriate Alternative Development. It appears that this Certificate will be issued and that the land will be granted residential use. In the circumstances the Committee refer the matter to the officials concerned to report as to the possibility of obtaining the use of another suitable site in the Ebchester area for the erection thereon of a set of swings.

H

Playing fields (contd)(e) Application by Caravan Club to hold rally on Belle Vue Grounds in July 1964.

In a letter dated 17th August 1963 Mrs. R. Brewis of 39 Ritsons Road, Washhill, asks for permission to use land on Belle Vue Grounds, Consett, for a Caravan Rally in July 1964. The Caravan Club has previously used these grounds for a rally in conjunction with the Annual Exhibition and Show but as no Caravan Rallies are held in the month of August on account of the holiday period the applicant asks for permission to be given for the use of the grounds preferably for the first weekend in July 1964.

After careful consideration of the application the Committee recommend the Council to approve thereof, subject to the site being limited to that part of Belle Vue Grounds adjacent to Villa Real Estate and to the payment by the applicant of the fee of £2, 2s. 0d.

46. Land at Whinney Hill - Application for use as site for firewood business

The Committee gave further consideration to this application and recommend the Council not to agree thereto.

47. Public Playfields

- (a) "Charter for Sherburn Park and Belle Vue Grounds." }
 (b) "Charter for Market Square, Consett." }

The Clerk reported upon discussions with the Council's Legal Advisers and the Town Clerk of Newcastle in relation to the provision of Charter for Sherburn Park and Belle Vue Grounds and for the Market Square, Consett. It would appear that the Council is adequately covered in so far that the Sherburn Park and Belle Vue Grounds are held as public walks and pleasure grounds and that any variation to this use would require the consent of the Ministry of Housing and Local Government and the use of the Market Square is governed by a covenant in the Deeds. The Clerk is instructed to discuss this matter further with the Council's Legal Advisers to ascertain whether a simple Deed of Dedication or similar document could be prepared in respect of the areas concerned.

48. Sherburn Park Bowls Club

The Surveyor reported that he had, in accordance with the Committee's instructions, investigated the possibility of providing a tea-room in Sherburn Park for the use of the Bowls Club. In his opinion the most economical method of providing the facilities required would be to make alterations to the existing old people's shelter and provide built in tables and seats. This work would cost approximately £275. The alterations proposed would give seating accommodation for at least 32 persons but would not provide cooking or washing up facilities but adequate facilities exist for these services in the present pavilion. The alternative would be to erect a prefabricated type of building but to obtain one of the required quality for this site and to erect same would cost in the region of £1,500. The Committee recommends the Council to approve of the Surveyor's suggestion to provide the facilities required by alteration to the old people's shelter at an estimated cost of £275 and instruct that details of this scheme should be submitted to the Bowls Club for approval.

49. "Stay at Home Holidays"

Carried forward.

H.

BWS 1

(12)

4.

1323.

30.

Playing fields and Open Spaces

The attention of the Committee was drawn to the considerable improvements effected throughout the district by the painting in gay colours of swings, roundabouts, etc. in children's play-parks in the area and by the provision of open spaces and flower beds, and the Committee extends to the Surveyor and his Department their sincere congratulations on these improvements.

A L L O T M E N T S

31.

Welcome

The Chairman extended to Mr. N. Willis, who was attending his first meeting as a co-opted member of the Committee, a sincere welcome and expressed the hope that Mr. Willis would find the proceedings interesting and that he would contribute to the discussions.

32.

Surveyor's report

Submitted the Surveyor's report dated 5th September 1963 which was received.

33.

Land at Hole House Farm

The Sub-Committee appointed for this purpose had met on Monday, 9th September 1963 and after careful consideration of the matter had reported that in order to preserve the aesthetic amenities for the benefit of inhabitants of Moorside and Bridgehill areas and in the hope that at some future date the land in question will be developed as a woodland park they had recommended that the land be not let for the purposes requested, i.e. pig and poultry breeding. The Committee concurred with the suggestion submitted and recommend the Council accordingly.

C E M E T E R I E S

34.

Surveyor's report

Submitted the Surveyor's report dated the 5th September 1963 which was received.

35.

Proposed Crematorium

The Committee note that the General Purposes and Finance Committee have raised certain queries in relation to the financing of the proposed Crematorium and that this matter will be discussed at the next meeting of the Joint Crematorium Committee.

F. Agur.

Chairman

[WILLS] [2]

APPENDICES

B. 1922 CONVEYANCE

P.D.B.



943



This Indenture

made the Twenty first day
 nine hundred and twenty two Between The Master & Brethren of
Christ's Hospital in Batham in the County of Durham (hereinafter
 referred to as the Master and Brethren) of the first part The Right
Reverend James Edward Cowell Bishop Weldon
Frank William Goodyear, John Stapleton
Grey Pemberton, John George Marshall
and Thomas Foster



being five of the Governors of the said Hospital (hereinafter referred to as
 the Governors) of the second part and The Council Urban District
Council (hereinafter referred to as the Council) of the third part

Whereas the Master and Brethren have agreed with the Council for the
 absolute sale to them of the land hereinafter conveyed for the price of One
 hundred pounds such land being required by the Council for purposes for
 which they are authorised by statute to acquire land

And whereas the Board of Charities Commissioners for England and
 Wales have by an Order in writing under their Common Seal bearing date
 the twenty fifth day of January one thousand nine hundred and twenty
 one approved of and authorised the sale of the said land for the sum
 approved within twelve calendar months from the date thereof and by a
 further Order in writing under their Common Seal dated the twentieth
 day of October one thousand nine hundred and twenty two they have
 extended the time for completing the sale for a further period of twelve calendar
 months

Now this Indenture witnesseth that in pursuance of the said agreement
 and in consideration of the sum of One hundred pounds to the
 Master and Brethren now paid by the Council by the direction of the
 Governors (the receipt whereof the Master and Brethren hereby acknowledge)
 the Master and Brethren as Beneficial Owners (with the authority and
 by the direction of the Governors testified by their execution of these
 presents) convey unto the Council

20/1 That piece of build ground containing four thousand six hundred and
 twenty square yards or thereabouts situate on the Southern side of the road
 leading from Bluckhill to Sedge and known as Little West Road and
 within the Urban District of Council in the said County which plot of
 land is delineated on the plan endorsed on these presents and shown
 except with red (except and reserved unto the Beneficial Commissioners

Part 943

DIP

FREE: OLD TITLE NUMBER
TITLE NUMBER 0000000000

75450

Dated 21st December 1972

23 943

The Mayor & Council
of Ashford & Bourne

of the Borough Urban District
Council

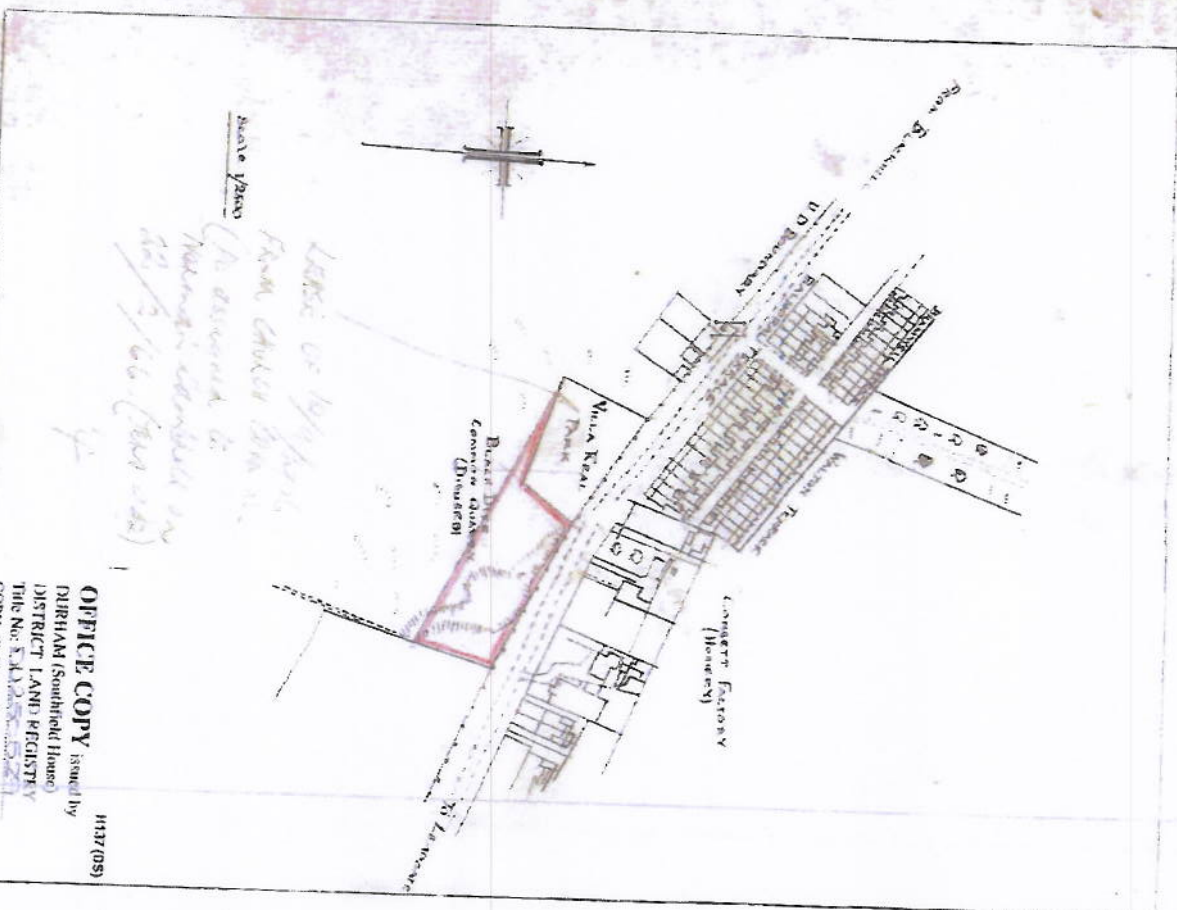
of
Compliance

a piece of freehold ground situated in
the Urban District of Ashford



Text No. 943

Enclosed to
be filed (1972)



lease of 99 years
from Ashford Urban
District Council
in accordance with
the provisions of the
1972 Act (para 102)

OFFICE COPY issued by
DURHAM (Southfield House)
DISTRICT LAND REGISTRY
Title No. E.A. 225/520

COPY (liable to destruction)
of plan filed 21 Dec 1972

PRODUCED TO THE COMMISSIONERS
OF INLAND REVENUE in compliance
with the provisions of SECT. 30 of
THE ACT 58 VICT. Chap. 16.
AUG 1938



This

CONVEYANCE is made the *Ninth*

day of *May* one thousand nine hundred and thirty *six*

BETWEEN THE MASTER AND BRETHERN OF CHRIST'S HOSPITAL IN
SHERBURN in the County of Durham (hereinafter referred to as
The Master and Brethren) of the first part JOHN STAPYLTON GREY
PEMBERTON, FRANK WILLIAM GOODYEAR, WILLIAM KELLY, EDWARD
HALL and SIR ARTHUR NICHOLAS LINDSAY WOOD, Bart.

being Five of the Governors of the said Hospital (hereinafter
referred to as the Governors) of the second part and THE
URBAN DISTRICT COUNCIL for the URBAN DISTRICT OF CONSETT in
the said County (hereinafter referred to as the Council) of
the third part _____

WHEREAS the Master and Brethren have agreed with the Council
for the absolute sale to them of the land hereinafter conveyed
for the price of One thousand seven hundred and fifty pounds
such land being required by the Council for purposes for which
they are authorised by statute to acquire land _____

AND WHEREAS the Board of Charity Commissioners for England
and Wales have by an Order in writing under their Common Seal
bearing date the Twenty-seventh day of September One thousand
nine hundred and thirty five approved of and authorised the
sale of the said land for the sum aforesaid _____

NOW THIS CONVEYANCE WITNESSES that in pursuance of the said

agreement and Order and in consideration of the sum of One thousand seven hundred and fifty pounds to the Master and Brethren now paid by the Council by the direction of the Governors (the receipt whereof the Master and Brethren hereby acknowledge) the Master and Brethren as beneficial owners (with the authority and by the direction of the Governors testified by their execution of this Conveyance) convey unto the Council _____

ALL THAT piece of land situate at Number One near Consett aforesaid and containing in the whole 44.070 acres or thereabouts BOUNDED on the North by the Durham Road and on the South by Dale Avenue as the same with the dimensions and boundaries thereof is delineated on the plan endorsed on these presents and thereon edged with red (EXCEPT AND RESERVED unto the Ecclesiastical Commissioners for England or other the owners thereof all mines and minerals within and under the said piece of land with such full powers of winning working and carrying away the same as are reserved to them by virtue of the Lanchester Common Inclosure Act) _____

TO HOLD the same to the use of the Council in fee simple subject to the reservations terms and provisions of the said Lanchester Common Inclosure Act and the Award made thereunder so far as the same are now in force and applicable to the piece of land hereby conveyed And also subject to the existing tenancies of the land and to all rights and claims of tenants for compensation which may become due to the tenants or in respect of the tenancies of the land by virtue

of any statute or the custom of the country or any agreement or tenancy or otherwise _____

AND the Council hereby covenants with the Master and Brethren to indemnify the Master and Brethren against all such rights and claims of the tenants as aforesaid _____

AND the Master and Brethren acknowledge the right of the Council to the production and delivery of copies of the said Order of the Twenty-seventh day of September One thousand nine hundred and thirty five and undertake for the safe custody thereof _____

IN WITNESS whereof to one part of these presents remaining with the Council the Common Seal of the said Master and Brethren has been affixed and Five of the Governors of the said Hospital have thereto affixed their hands and seals and to another part thereof remaining with the Master and Brethren the Common Seal of the Council has been affixed all the day and year first before written _____

THE COMMON SEAL of THE MASTER)
AND BRETHREN OF CHRIST'S)
HOSPITAL IN SHERBURN was)
hereto affixed in the presence)
of)

Guy Stafford

Clerk to the Governors.

17/11/35
11
1

SIGNED SEALED AND DELIVERED
by the said John Stapylton Grey
Pemberton, Frank William Good-
year, William Kelly, Edward Hall
and Arthur Nicholas Lindsay Wood
in the presence of

Geoff Stifford

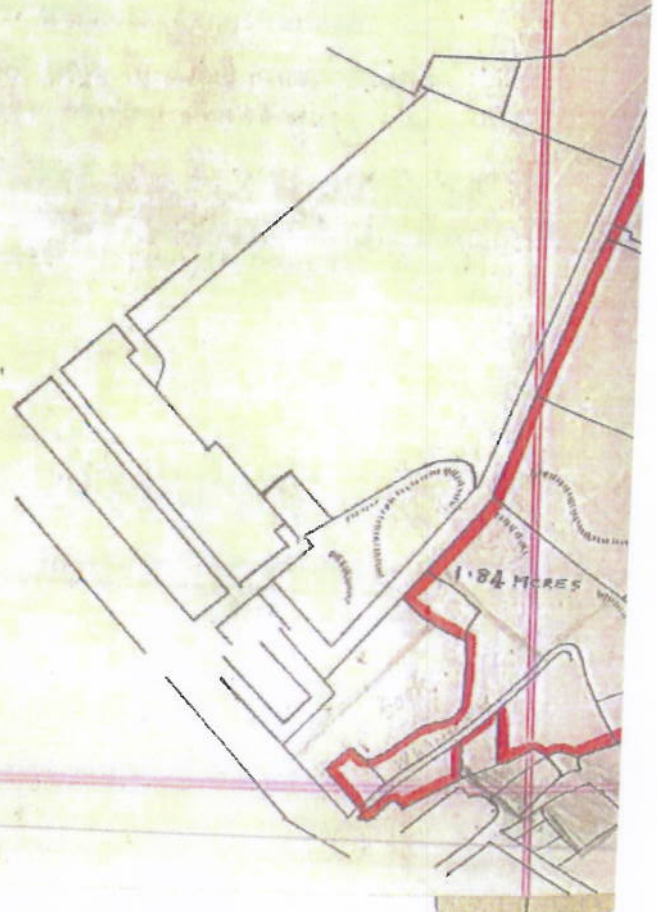
John Stapylton Grey

F. W. Goodyear

Wm Kelly

Edward Hall

Arthur Nicholas Wood



1.84 ACRES



MEMO By a Conveyance dated 17th April 1962 and made between the within named Council (1) and Siddle C Cook Ltd (2) a piece of land containing 668 sq yards or thereabouts situate behind Beechdale Road Consett in the County of Durham was conveyed unto the said Siddle C Cook Ltd in fee simple and their right to the production of this deed was therein given
10/10/62
11/10/62
12/10/62
13/10/62
14/10/62
15/10/62
16/10/62
17/10/62
18/10/62
19/10/62
20/10/62
21/10/62
22/10/62
23/10/62
24/10/62
25/10/62
26/10/62
27/10/62
28/10/62
29/10/62
30/10/62
31/10/62
1/11/62
2/11/62
3/11/62
4/11/62
5/11/62
6/11/62
7/11/62
8/11/62
9/11/62
10/11/62
11/11/62
12/11/62
13/11/62
14/11/62
15/11/62
16/11/62
17/11/62
18/11/62
19/11/62
20/11/62
21/11/62
22/11/62
23/11/62
24/11/62
25/11/62
26/11/62
27/11/62
28/11/62
29/11/62
30/11/62
1/12/62
2/12/62
3/12/62
4/12/62
5/12/62
6/12/62
7/12/62
8/12/62
9/12/62
10/12/62
11/12/62
12/12/62
13/12/62
14/12/62
15/12/62
16/12/62
17/12/62
18/12/62
19/12/62
20/12/62
21/12/62
22/12/62
23/12/62
24/12/62
25/12/62
26/12/62
27/12/62
28/12/62
29/12/62
30/12/62
31/12/62

✓ BY A DEED OF EXCHANGE dated the 19th day of September 1950 and made between the Urban District Council of Consett of the one part and Siddle Codling Cook of the other part for the consideration therein mentioned the said Urban District Council of Consett conveyed unto the said Siddle Codling Cook the piece of land coloured Red on the plan annexed thereto (and which plan bearing reference CL/C/224 is annexed hereto) in fee simple, and the said Urban District Council of Consett acknowledged the right of the said Siddle Codling Cook to production of this deed.

O/S Shows Existing Boundaries

Swin Infact
19/9/50

Solicitors,
Consett, Co. Durham.

✓ BY A DEED OF EXCHANGE dated the 31st day of ~~October~~ One thousand nine hundred and fifty four and made BETWEEN The Urban District Council of Consett of the one part and Robert Clark of the other part a piece of land containing 2232 square yards or thereabouts situate in Back Blumont Terrace Consett part of the land comprised in the within-written deed was for the consideration therein expressed conveyed to the said Robert Clark in fee simple and the said Deed of Exchange contained an acknowledgment for the production of the within written Deed.

O/S Shows Existing Boundaries

Swin Infact

Solicitors,
Consett, Co. Durham.

✓ BY a Conveyance dated the 17th day of October 1955 and made between the within-named Urban District Council of Consett (1) and Siddle C. Cook Limited (2) a piece of land containing 2414 square yards or thereabouts part of the within described land (more particularly described on the attached plan and coloured red) was conveyed to the said Siddle C. Cook Limited in fee simple and the said Conveyance contained an acknowledgment for the production of the within written deed.

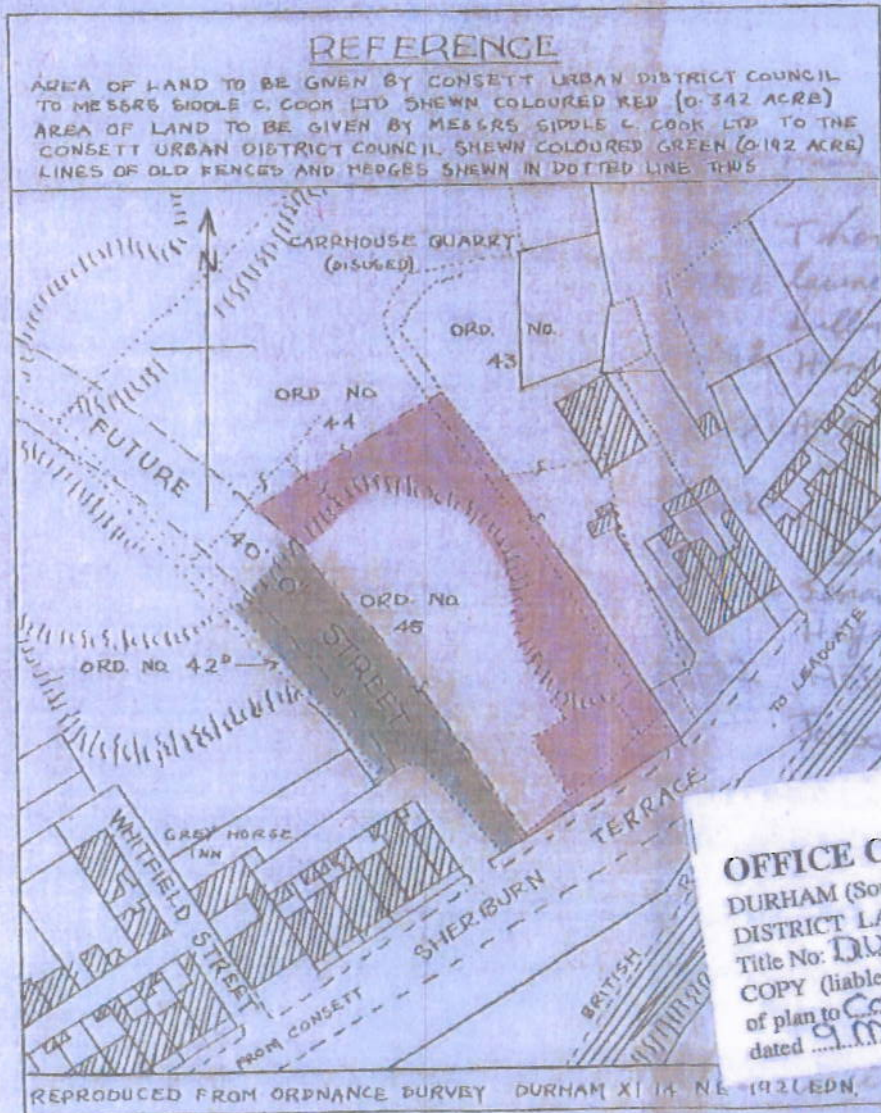
O/S Shows Existing Boundaries

Swainburne & Jackson

Solicitors,
Consett. 17/10/55.

PLAN No CL/C/224/

PLAN REFERRED TO



H137 (DS)

OFFICE COPY issued by
 DURHAM (Southfield House)
 DISTRICT LAND REGISTRY
 Title No: DU250529
 COPY (liable to distortion)
 of plan to Conveyance
 dated 9 May 1936 (Revised 3/66)

SCALE: 1/1250
 J.F.A. AUGUST, 1949

T. HUTTON M.I.M.S.E.
 ENGINEER AND SURVEYOR

Joseph Henry Inning & Betty Inning

ADDM.
7/6

and made between the within named Council (1) and George Jenkins and Verona May Jenkins conveyed to the said George Jenkins and Verona May Jenkins in fee simple and an acknowledgment was given for the production of this deed.

MEMO: By a Conveyance dated the 20th day of January 1966 between the within named Consett Urban District Council (1) and Arthur Kenrick Sydney Gale (2) the property known as Number 55 Oakdale Road Consett was conveyed to the said Arthur Kenrick Sydney Gale in fee simple and an acknowledgment was given for the production of this deed.

MEMO:

By a Conveyance dated the 18th day of November One thousand nine hundred and fifty five and made between the within named Consett Urban District Council (1) and Robert Christopher Whinney and Lillian Kirtley Whinney (2) for the consideration therein mentioned the said Consett Urban District Council conveyed unto the said R.C. Whinney and L.K. Whinney the piece of land coloured red on the plan attached thereto in fee simple as joint tenants and the said Council acknowledged the right of the said R.C. Whinney and L.K. Whinney to production of the within written deed.

Swinburne & Jackson,
Consett.

MEMO: By Conveyance dated 25th March 1965 and made between the within named Consett Urban District Council (1) and Elizabeth Ann Lockrane (2) the property known as 6 Elmdale Road Consett in the County of Durham was conveyed to the said Elizabeth Ann Lockrane in fee simple and an acknowledgment was given for the production of this deed.

Memo. By Conveyance dated 9th June 1965 made between the within named Consett U.D.C. (1) & John Oliver Dent the property No. 41 Oakdale Road Consett was conveyed to the said John Oliver Dent in fee simple & an acknowledgment was given for the production of this deed.

Memo. By Conveyance dated the 15th February 1965 made between the within named Consett U.D.C. (1) & John Thomas Harris & Mary Catherine Harris (2) the property No. 18 Oakdale Road Consett was conveyed to the said John Thomas Harris & Mary Catherine Harris in fee simple as joint tenants & an acknowledgment was given for the production of this deed.

Memo. By Conveyance dated 13th March 1965 made between the within named Consett U.D.C. (1) & William Hure & Elizabeth Ann Hure (2) the property No. 6 Oakdale Road Consett was conveyed to the said William Hure & Elizabeth Ann Hure in fee simple as joint tenants & an acknowledgment was given for the production of this deed.

MEMO: By Conveyance dated 10th November, 1965 and made between the within named Consett Urban District Council (1) and Eric Hicks and Yvonne Hicks (2) the property Number 2 Elmdale Road Consett was conveyed to the said Eric Hicks and Yvonne Hicks in fee simple as joint tenants and an acknowledgment was given for the production of this deed.

By a conveyance made the 5th day of Nov. 1936 Between the within named Council (1) & the North Eastern Electric Supply Co. (2) a piece of land containing 192.6 sq yds in back Edumont Tce. Consett part of the land comprised in the within written deed was for the consideration therein expressed conveyed to the said Company & the receipt of copies of this deed was therein acknowledged.

Welford Jackson
5/11/36

DATED

9th May

1936

83

THE MASTER AND BRETHREN OF
CHRIST'S HOSPITAL IN SHERBURN

FOR
H.M. LAND REGISTRY
FREEHOLD TITLE REGISTERED
TITLE NUMBER DU 250399
AS TO PART

CONSETT URBAN DISTRICT COUNCIL.

FOR
H.M. LAND REGISTRY
FREEHOLD TITLE REGISTERED
TITLE NUMBER DU 250559
CONVEYANCE AS TO PART

of piece of land at Number One near
Consett in the county of Durham.

By a conveyance made the 12th April 1937 Between the Council (1) and David Hewitt (2) a piece of land containing 427 1/2 sq. yds. in back Blenheim Tce. Consett part of the land comprised in the within written deed was for the consideration therein expressed conveyed to the said David Hewitt in fee simple and the said conveyance contained an acknowledgment for the production of the within written Deed.

Welford Jackson
12/4/37

822/36

Welford & Jackson,
Solicitors,
CONSETT.

[WILLS] [2]

APPENDICES

E. 1979 CONVEYANCE



does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds the sum of Fifteen thousand pounds

IN WITNESS whereof the Vendor and the Purchaser have caused their common seals to be hereunto affixed the day and year first hereinbefore written

THE FIRST SCHEDULE

above referred to

ALL THOSE two pieces of land situate and known as Berry Edge Quarry Consett aforesaid and Black Dyke Quarry aforesaid together with the buildings erected thereon or on some part thereof being the premises comprised in a lease dated the Tenth day of September One thousand nine hundred and six and made between the Ecclesiastical Commissioners for England of the one part and Consett Urban District Council of the other part for a term of Nine hundred and ninety nine years from the Thirteenth day of May One thousand nine hundred and six at the yearly rent of Three shillings and Three pence

THE SECOND SCHEDULE

above referred to

- (a) ALL walls and fences dividing the Purchased property from adjoining property of the Vendor shall be deemed to be party walls and fences unless the ownership of such walls and fences has already been vested in an adjoining owner or agreed so to be
- (b) THE Purchasers right to the use of any private road common passage entry pump well or other easement now appurtenant to the Purchased property shall be conditional upon the Purchaser contributing a fair proportion of the cost of renewing repairing and maintaining the same in good order and condition

THE THIRD SCHEDULE

above referred to

<u>Date</u>	<u>Description</u>	<u>Parties</u>
<u>1st September 1960</u>	<u>The Conveyance</u>	
<u>1st September 1960</u>	<u>Legal Charge</u>	Park Investments Ltd (1) The Vendor (2) Co-operative Insurance Society Ltd (3)
<u>10th May 1977</u>	<u>Deed of Release</u>	Co-operative Insurance Society Ltd (1) Park Investments Ltd (2) The Vendor (3)

SEAL No. 870



THE COMMON SEAL of PARK GROUND RENTS LIMITED was hereunto affixed in the presence of:-

J. Minnie
Director

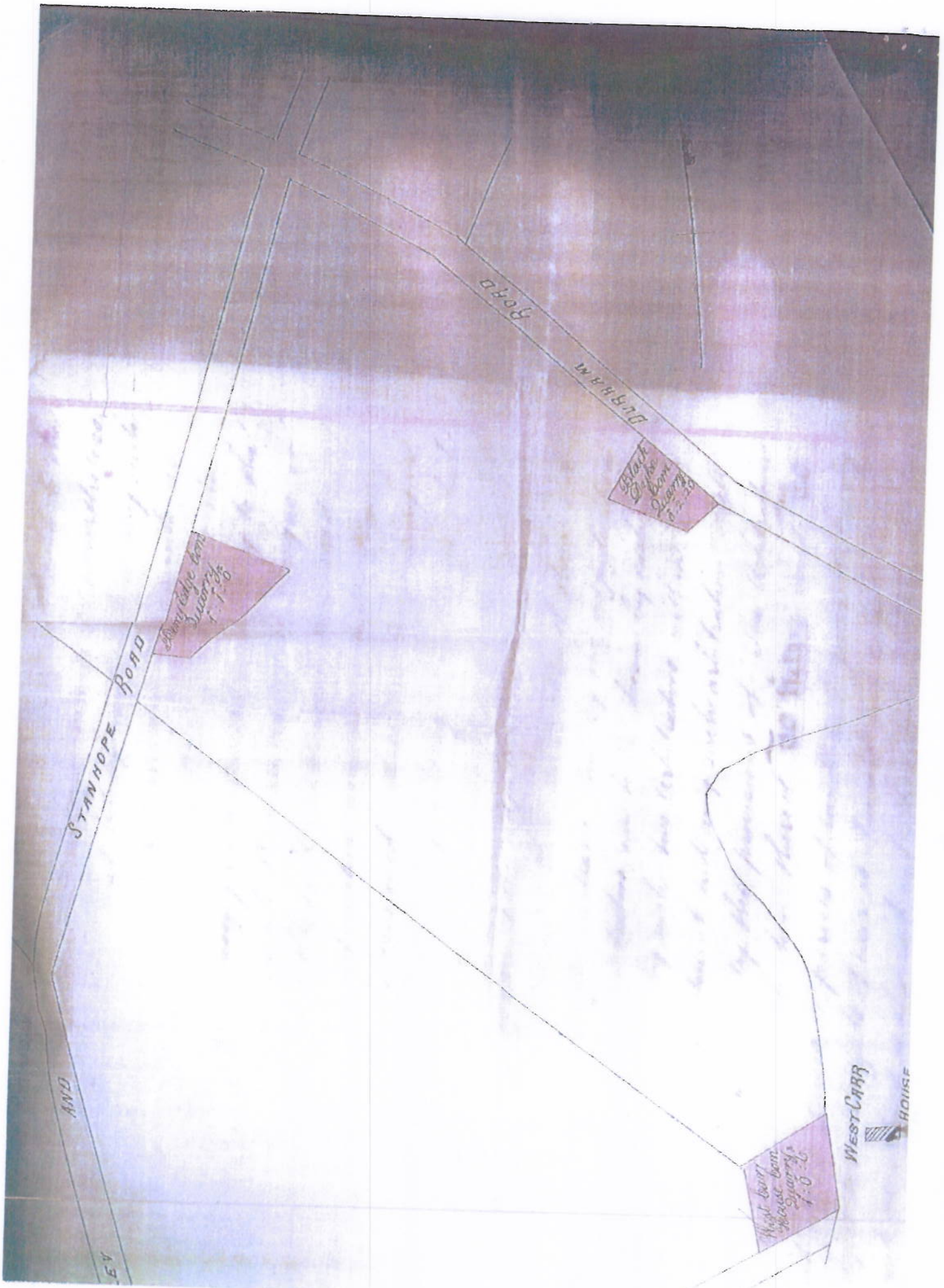
Secretary

[Signature]

THE COMMON SEAL of DERWENTSIDE DISTRICT COUNCIL was hereunto affixed in the presence of:-

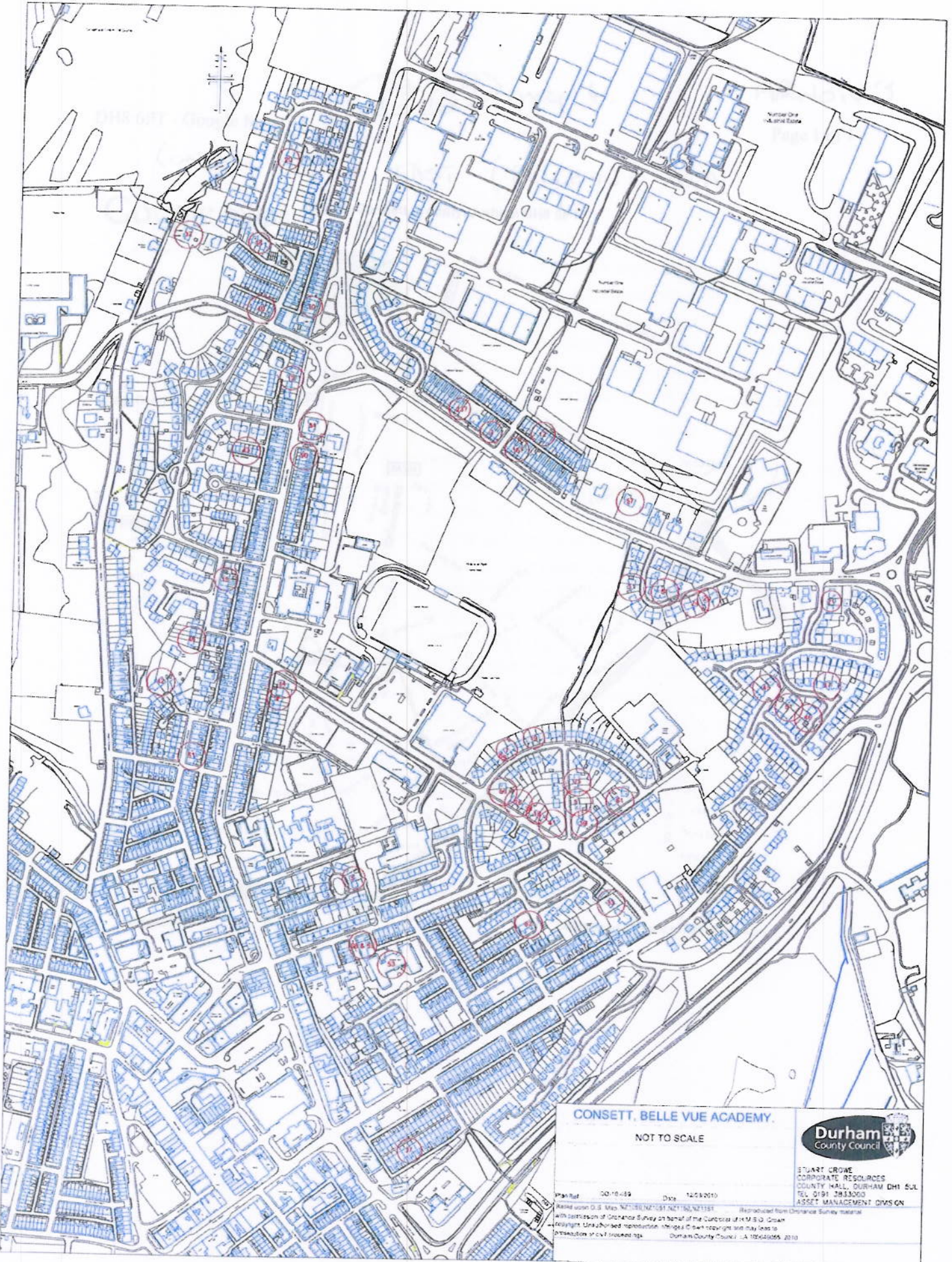
H.T. Robson
Chairman

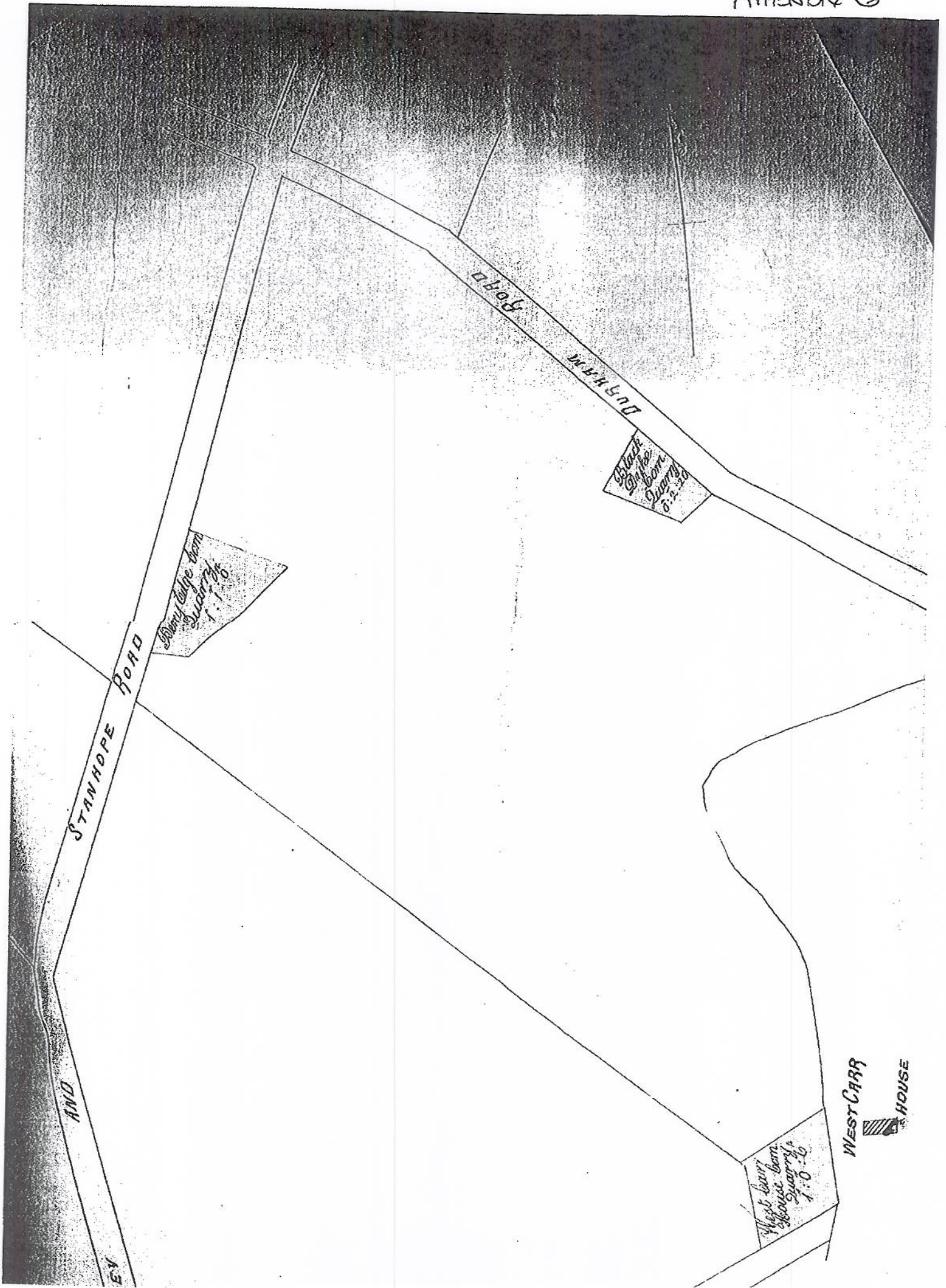
T. A. Haddy
Chief Executive Officer and Clerk



APPENDIX 1

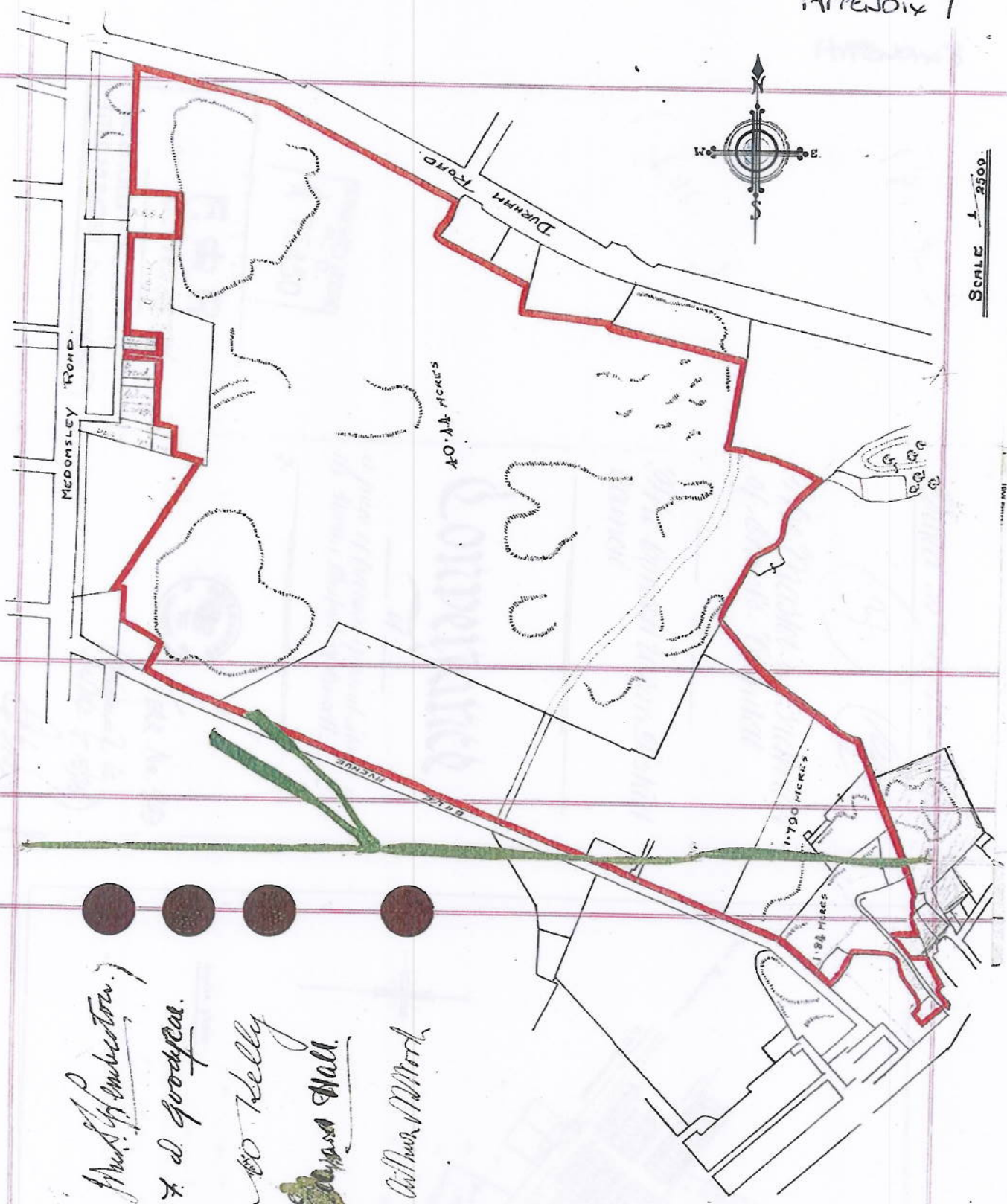








SCALE 1" = 2500'



IGNED SEALED AND DELIVERED
y the said John Steaylton Grey
emberton, Frank William Good-
ear, William Kelly, Edward Hall
nd Arthur Nicholas Lindsay Wood
n the presence of

John Steaylton Grey

Wm. S. Emberton

F. W. Goodear

Wm. Kelly

Edward Hall

Arthur Wood



Bris 1

①

CONSETTCONSENT TO THE SALE OF LAND.

THE Minister of Health, on the application of the Council of the Urban District of Consett and in pursuance of his powers under the Local Government Act, 1933, hereby consents to the sale in consideration of the sum of Forty pounds of certain land vesting in the said Council for purposes of public walks and pleasure grounds, having an area of 192 square yards or thereabouts which land is more particularly shewn on the plan annexed hereto and is thereon coloured red.

GIVEN under the Official Seal of the Minister of Health this Twenty-fourth day of June, 1936.

(Signed) E. H. Rhodes.

Assistant Secretary,

Ministry of Health.

DP 53

RWS 1

HOUSING ACT, 1936

CONSENT TO THE APPROPRIATION OF LAND

THE MINISTER OF HEALTH, in pursuance of the provisions of section 76 of the Housing Act, 1936, hereby consents to the appropriation by the Council of the Urban District of Consett of certain land fronting Dale Avenue and comprising an area of 6.149 acres or thereabouts -----

 which land is vested in the said Council and is more particularly shown on the plan annexed hereto and thereon edged red.

GIVEN under the Official Seal of the
 Minister of Health this *thirteenth* first
 day of November, 1936.

R. S. ...

Assistant Secretary,

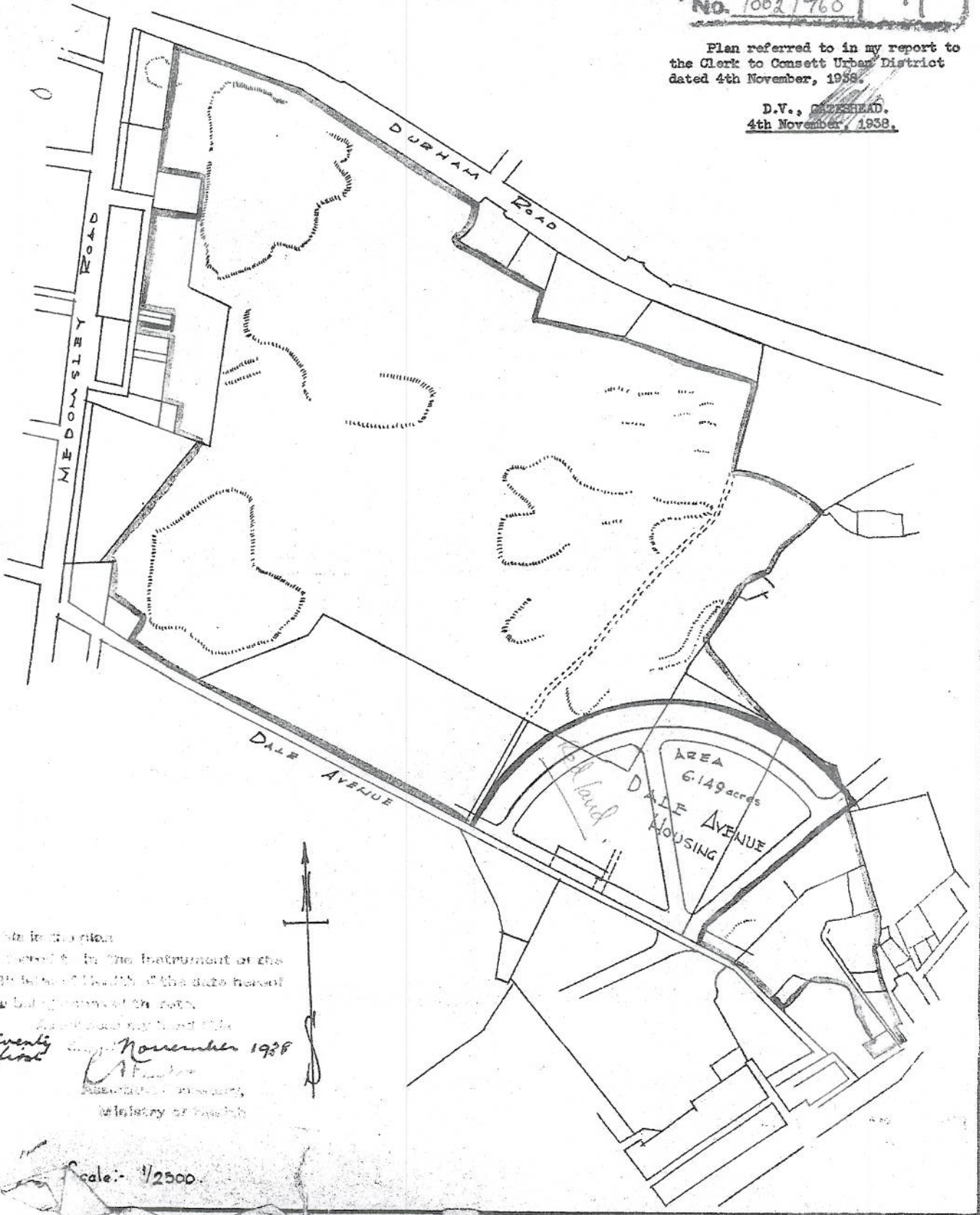
Ministry of Health.

2

MINISTRY OF HEALTH
GATESHEAD 9.11.38
No. 1002/760

Plan referred to in my report to
the Clerk to Consett Urban District
dated 4th November, 1938.

D.V., GATESHEAD.
4th November, 1938.



Site in the position
shown in the instrument of the
20th October 1938 of the date hereof
and the boundaries of the same.
Signed and sealed this
fourth day of November 1938
[Signature]
Assistant Secretary,
Ministry of Health

Scale: 1/2500.

5

BWS 1

O. 70.

Telegrams—Localise, Paris, London

Telephone—VICTORIA 8540,
Ext. 376

Please address any further
communication on this
subject to The Secretary

MINISTRY OF HEALTH,

WHITEHALL,

LONDON, S.W.1

Our Ref. IE/1002/8671/2

Your Ref. 1/6



31st March, 1949.

Sir,

Land at Belle Vue Park, Consett

I am directed by the Minister of Health to refer to previous correspondence and to forward herewith formal approval of appropriation of the above mentioned land.

I am also to refer to sections 163(3) of the Local Government Act, 1933 and to state that the respective accounts should be adjusted in accordance with the District Valuer's valuation.

I am, Sir,
Your obedient Servant,

The Clerk of the
Urban District Council,
Palm Lodge,
Consett,
Co. Durham.

J. Somerville
V101851
EX 17
Prel ha

DS.

BWS 1

6

CONSETT URBAN DISTRICT

APPROPRIATION OF LAND

THE MINISTER OF HEALTH, in pursuance of section 163 of the Local Government Act, 1933, hereby approves the purpose , namely
 Public Offices - - - - -
 for which the Council of the Urban District of Consett - - - - -
 propose to appropriate certain land containing an area of 4882 sq. yards
 or thereabouts situate at Belle Vue Park, Consett, and vesting in the
 said Council for purposes of public walks and pleasure grounds which land
 is more particularly shown coloured brown, red and blue on the plan
 annexed hereto.

GIVEN under the Official Seal of the Minister of Health this
Thirty-first day of *March*, 1949.

H. Summers
 Assistant Secretary,
 Ministry of Health.
aw

K 250,
 DS.

J. A. BROWNE,
BUILDING MANAGER,
COUNCIL OFFICES
BLACKHULL.

BLOCK PLAN LAND AT NO. 1. CONSETT. PROPOSED COUNCIL OFFICES & CHAMBERS.

DRAWN A. E.
DECEMBER 1948.

This is the plan referred to in the instrument of the Minister of Health of the date hereof as being annexed thereto.

As witness my hand this

31st day of October, 1949.

H. Summers
Assistant Secretary,
Ministry of Health.

AREA of SITE
21,000 Acres
(4882 Sq Yds)
or thereabouts.

