



In the Matter of Greens Moor Rossendale

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land section and Entries Nos 1 to 4 in the Rights section of Register Unit No.CL.237 in the Register of Common Land maintained by the Lancashire County Council. They are occasioned by Objection No. 283 made by Castleton Sand and Gravel Quarries Ltd ("Castleton") and noted in the Register on 28 April 1972.

I held a hearing (adjourned from 27 June 1984) for the purpose of inquiring into the disputes at Blackpool on 2 and 3 October 1984. At the hearing Mr E B Jones of Counsel appeared on behalf of Castleton; and the East Lancashire Commoners Association, which applied for registration of the land ("the unit land") as common land, was represented by its Secretary, Mr W F Lloyd. Mr Lloyd also appeared as applicant for registration at Entry No. 4, and represented Mr J B Askew, applicant for registration at Entry No. 3. As regards the remaining entries, Mr J Thorpe, successor to the applicant for registration at Entry No. 2, appeared in person; the applicant for registration at Entry No. 1, Mr B B Matthews, was not present or represented.

I heard the evidence submitted by the parties concerned but deferred my decision pending the outcome of negotiations for a settlement of the disputes. These negotiations have been protracted, but the terms of a settlement have recently been agreed and are embodied in separate Deeds between Castleton and each of the rights holders (or their successors in title). High Moor Quarries Ltd ("High Moor"), an associated company of Castleton, is also a party to the Deed: Castleton and High Moor are each part owners of the unit land. The Deeds, save for the details of the grazing right, are in identical form; the broad effect of each Deed is that the grazing right is to continue, with modifications, but their exercise is to be subject to the exceptions and reservations in favour of the owners in relation to quarrying and otherwise provided for in the Deed.

The result, as far as my decision is concerned, is that I shall confirm the registrations at Entry No. 1 in the Land section and at the four Entries in the Rights section, but modified as regards the four Entries as indicated in the Appendix below.

There will be liberty to any concerned party to apply (by letter to the Commons Commissioners office) in regard to any query that may arise on the matters dealt with by this decision, any such application to be made within 4 weeks from the date on which notice of the decision is sent to him.



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APPENDIXParticulars of modifications to Rights
Entries

- Entry No. 1 For "20 sheep" substitute "100 sheep"
- Entry No. 2 In column 5 substitute "Stacksteads" for "Newline"
- Entry No. 3 For "30 head of cattle, 60 sheep and 4 horses"
substitute "15 cattle, 30 sheep and 2 horses"
- Entry No. 4 In column 5 for "New Barn Farm, Shawforth"
substitute "land at Brandwood Moor forming part
of New Barn farm, Facit, Whitworth".

Note: Each of these Entries is subject to the provisions as to ~~the~~ quarrying and otherwise contained in a Deed dated 1986 made between (1) High Moor and Castleton (2) the applicant for registration (or his successor in title).

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 22nd day of July 1986

L. J. Morris Smith
Commons Commissioner