



In the Matter of Ellenborough Moor or Green,  
Ellenborough Moor Gardens, Recreation  
Allotments at Ellenborough, near Maryport,  
Allerdale D

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section of Register Unit No. CL 417 in the Register of Common Land maintained by the Cumbria County Council and at Entry No. 1 in the Land Sections of Register Unit Nos. VG 75 and VG 91 in the Register of Town or Village Greens maintained by that Council. The disputes are occasioned by the conflict between the CL registration and each of the VG registrations.

I held a hearing for the purpose of inquiring into the disputes at Keswick on 23 March 1982. The hearing was attended by Mr T Brown, representing Maryport Town Council, and by Mr A Ritson.

The CL registration comprises an area of land part of which is also the subject of the VG 75 registration and the other part is included in the VG 91 registration. The CL registration was made on the application of Mr James Thompson, who is believed to have died. In fact he was also an applicant for the two VG registrations: the VG 75 registration was made on the application of Mr A Ritson and the VG 91 registration on the application of the Commons, Open Spaces and Footpaths Preservation Society: the Society was also an applicant for the VG 75 registration and Mr Ritson similarly for the VG 91 registration.

At the hearing Mr Ritson supported the VG registrations and the Society had written a letter setting out the case for maintaining the VG registrations. In the circumstances I think the appropriate course is to refuse to confirm the CL registration, and to confirm both VG registrations, and this I do.

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

17 May

1982

*L. J. Morris Smith*

Commons Commissioner