



In the Matter of Public Quarry called
Windbarrow, Dacre, Cumbria

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL.355 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 176 made by the Dacre Parish Council and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 31 October 1980. The hearing was attended by Mr H Noblett, the applicant for the registration, and by Mr R Tatham, the foreman of the Newbiggin Jury, the applicant for the registration in the Ownership Section of the Register Unit. There was no appearance on behalf of the Parish Council, but Mr C Wilding, its Clerk, informed the Clerk of the Commons Commissioners by a letter dated 6 October 1980 that the Objection was "withdrawn".

There is no entry in the Rights Section of the Register Unit. The land in question was awarded in the inclosure Award made on 10 September 1775 under the Great and Little Stainton, Newbiggin, and Great Blencow Inclosure Act of 1772 (12 Geo. III c 141 (private)) as a quarry, so Mr Noblett said that he could not argue that it was waste land of a manor. However, in view of the fact that the Objection has been "withdrawn", and bearing in mind that the registration would have become final had the Objection never been made, I have come to the conclusion that my proper course is to confirm the registration.

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

14th

day of

November 1980

Chief Commons Commissioner