



In the Matter of Harden Moor in the  
Borough of Rossendale

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DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL 177 in the Register of Common Land maintained by the Lancashire County Council. They are occasioned by Objections Nos. 323 and 367 made by Bolton County Borough Council and noted in the Register on 23 May 1972 and 3 July 1972 and Objection No. 151 made by Mr John Whittaker and noted in the Register on 29 January 1971.

I held a hearing for the purpose of inquiring into the disputes at Preston on 17 November 1982.

The Objection No. 151 by Mr Whittaker had been withdrawn. The Objections Nos. 323 and 367 by Bolton County Borough Council, to which the successor is now North West Water Authority, relate to a comparatively small area of the common at its north-west corner, which comprises a reservoir belonging to the Authority. The land was registered as common land in consequence of the application by a Mr Fewtrell to graze sheep, the right being attached to Longcroft House of which Mr A Dent is now the owner. Mr Dent was present at the hearing and did not resist the Authority's Objection and accordingly I shall confirm the registration in the Land Section modified by excluding the reservoir area, and shall also confirm the registration at Entry No. 1 in the Rights Section, which will be subject to the modification above-mentioned.

The hearing was also attended by Mr R Prest of the firm of E G Hothersall and Sons Ltd., appearing for the owner and tenant of the land, who wished to object to the entry at No. 1 in the Rights Section. I understood that it was hoped to resolve the matter by negotiation between the parties and accordingly adjourned the hearing to enable the negotiations to be pursued. No result having emerged from the negotiations, the adjourned hearing was held at Preston on 27 June 1984, when Mr Fisher of the firm of ~~Twin~~ Thimbleby and Co, Solicitors, appeared on behalf of the owner of the land, Edus Ltd., and the tenant, Mr H Worthington, who wished to raise objections to the entries in both the Land Section and the Rights Section.

No Objections had been lodged by either of Mr Fisher's clients and, as had been pointed out at the hearing in 1982, the question arose as to whether objections raised for the first time at the hearing could properly be entertained. Neither of Mr Fisher's clients was a person entitled to be heard (see the Commons Commissioners Regulations 1971, S.1. 1971 No. 1727 Regulation 19(1)(2)) and the only disputes which had been referred to me for decision were those occasioned by Objections Nos. 323, 367 and 151. Of those, No. 151 had been withdrawn, and Nos. 323 and 367 related to the small area of the common referred to above, and the objections Mr Fisher wished to raise related to the remaining area. I heard Mr Fisher's submission but in the circumstances and having regard to the decision in *Re West Anstey Common 1984 1 All ER 161*, I declined to accede to his application.



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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

25 July

1984

*L. J. Morris Smith*

Commons Commissioner