



COMMONS REGISTRATION ACT  
1965

Reference No. 220/D/319

In the Matter of Newton Fell.  
Newton

DECISION

This dispute relates to the registration at Entry No. 1 in the rights section of Register Unit No. CL.248 in the Register of Common Land maintained by the Lancashire County Council and is occasioned by Objection No. 641 made by Col. W R Peel and Col. W H Clifford, trustees of the Peel Settled Estates and noted in the Register on 27 February 1969.

I held a hearing for the purpose of inquiring into the dispute at Preston on 29 January 1986. The hearing was attended by Mr I B Dearing, Solicitor, of Clitheroe representing the executors of the registrant, the late Mr J W Cowking, by Mr J M Woosnam, Solicitor, of Messers Houghton, Craven and Dicksons of Preston representing the trustees of the Peel Settled Estates (the objectors) and by Mr Strong, Solicitor, representing the Registration Authority.

The objection was on the grounds that there was no right to graze cattle on Newton Fell. Mr Woosnam for the objector admitted that in 1931 when the Lords of the Manor of Slaidburn executed a memorandum agreeing compensation for manorial rights which described the dominant tenement as having an appurtenant right to graze sheep or cattle on Newton Fell, there was such a right attached to it but wished to argue that since then the rights had been abandoned or, alternatively, that the rights claimed exceeded what could be justified on the basis of levancy and couchancy. The hearing was on the application of the parties adjourned so that expert reports could be obtained. This was duly done and a further hearing was fixed for 16 and 17 December 1986 but the matter was further adjourned on the application of the parties in order that negotiations could be continued. Finally on 27 July 1987 the Clerk to the Commons Commissioners received an agreement signed by Mr Dearing and by Messrs. Houghton Craven and Dicksons that the entry should be confirmed with the modification that it should be confined to 20 sheep.

Mr Strong, for the Registration Authority asked that this registration should be "transferred" to the register relating to CL.176 which is another part of Newton Fell.

For the reasons given in my decision in reference No. 220/D/327, which deals with CL.176, I declined to do this.

Accordingly I confirm the registration with the agreed modification.

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

28<sup>th</sup>

day of

July

1987

*Peter Langman - Davies*

Chief Commons Commissioner