



COMMONS REGISTRATION ACT 1965

Reference No 20/U/65

In the Matter of The Quarry, Lower
Allithwaite, South Lakeland District,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Quarry, Lower Allithwaite, South Lakeland District being the land comprised in the Land Section of Register Unit No VG. 67 in the Register of Town or Village Greens maintained by the Cumbria (formerly Lancashire) County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Kendal on 25 April 1978. At the hearing Lower Allithwaite Parish Council (on whose application the registration was made) were represented by Miss M A Stevens their clerk.

Miss Stevens said (in effect):- The Parish Council have no papers relating to the ownership of the land. It is a very rough quarry and she understood that the people of Allithwaite could quarry there if they wished, although none had done so for years. It had been used as a dump, but the Parish Council had had it cleared. There is a youth club playing field next to it and some climbing goes on in The Quarry.

In the absence of any evidence as to ownership I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Lower Allithwaite Parish Council as the owner of the land under section 8(3) of the Act of 1965.

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 5th day of May —

1978

a. a. Baden Fuller

Commons Commissioner