



In the Matter of Trawden Moor, Pendle, Lancashire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 261 in the Register of Common Land maintained by the Lancashire County Council and is occasioned by Objection No. 427 made by the Executors of H Bannister, deceased, and noted in the Register on 27 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Preston on 29 January 1981. The hearing was attended by Mr R W Airey, the successor in title to Mr E Firth, the applicant for the registration at Entry No. 2 in the Rights section of the Register Unit, and by Mr B C Maddocks, of counsel, on behalf of the Objectors. There was no appearance by or on behalf of Mr J Parker, the applicant for the registration at Entry No. 1 in the Rights section of the Register Unit.

Mr Maddocks informed me that he was instructed not to support the Objection in so far as it related to Rights Entry No. 2, which is concerned only with the part of the land comprised in the Register Unit lying west of the line A - B and north of the line B - C on the Register Map, and he asked me to adjourn the hearing in so far as it related to the registration at Entry No. 1, pending the granting to Mr Parker of a lease of grazing rights.

By a deed made 29 February 1981 between (1) James Metcalfe Beswick and Robert Walker (2) Joseph Parker there was granted to Mr Parker the right to graze 30 ewes over an area consisting of most of the land comprised in the Register Unit together with other land for a term of 999 years at a peppercorn rent. This was followed by a letter dated 19 March 1981, addressed to the Clerk of the Commons Commissioners, in which Mr Parker's solicitors stated that he wished to rely solely and exclusively on this lease.

In these circumstances I confirm the registration with the following modification, namely, the exclusion of all the land other than that lying west of the line A - B and north of the line B - C on the Register Map.

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

31st

day of

March

1981

Chief Commons Commissioner