



COMMONS REGISTRATION ACT 1965

Reference No 27/U/70

In the Matter of Onsteads Quarry,
Longframlington, Alnwick District,
Northumberland

DECISION

This reference relates to the question of the ownership of land known as Onsteads Quarry or Freehold Quarry, Longframlington, Alnwick District being the land comprised in the Land Section of Register Unit No CL. 4 in the Register of Common Land maintained by the Northumberland 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 Alnwick on 8 March 1977. At the hearing Longframlington Parish Council were represented by Mr N W Garside solicitor of Wade & Percy Solicitors of Alnwick.

Mr W T Dinsmore who has lived in the parish for the last 20 years, been a member of the Council for the last 4 years and is now the chairman in the course of his evidence said (in effect):- The land has not been used as a quarry for many years; he understood that all the stone buildings in the Village were built from it, the last having been built about 1897. It has been used by the Villagers for picnicing, bird-watching and picking brambles. There is only one entrance: from a track leading off the nearby main road (A697) by Moncaster Steads (3 cottages);-there was a gap of about 10 feet; to stop people tipping onto the land, about 4 years ago the Parish Council erected a loose fence which did not prevent pedestrians from entering (a sort of kissing gate). About the same time they put up a notice "No Tipping" but somebody pulled it down. He had been to the Newcastle Record Office and was shown a manuscript dated 1817 which contained these words: "All the Freeholders have exercised an unlimited right of stinting upon the common as far back as living memory can reach. (See the Award page 10) There was a limestone Quarry upon the part of the common which remains unenclosed, and the Freeholders worked it for many years for their own purposes, and also sold the Lime, but the Quarry ceased to be worked about 30 years ago, in consequence of a fresh Quarry being opened in a more convenient situation upon one of the Allotments belonging to Mr Fenwick. The Freestone Quarry mentioned in page 10 of the Award has been worked by the Freeholders as far as living memory can reach." The adjoining land on the south is part of the Fenwick Estate (that on the west and north belongs to Mr Sutherland); the Record Office could not identify the Award referred to (there is an Award for Longframlington which Mr Dinsmore produced, but this is dated 1858); but he suggested that although there are many quarries in the area the "Freehold Quarry" with which I am concerned is or may be that referred to in the 1817 manuscript as having used by the freeholders before 1787.



The land is between $2\frac{1}{2}$ and 3 acres, and after the hearing I walked over it. There is a pond near the entrance. Clearly it has not been used as a quarry for many years; nearly all of it is much overgrown with scrub and brambles, and much is not easily penetrable. It is fenced on the east side from the land held with Moncaster Steads and on the north west and south from pasture lands.

Under the 1965 Act I must be "satisfied" as to ownership; so it is not enough that it would be expedient if this land were now to be owned by the Parish Council. The 1817 document and the name "Freehold Quarry", and the recreational use made by the Village do not I think indicate ownership of the Parish, as that expression is commonly understood; the fencing by the Parish Council 4 years ago, is I think not enough to show that they were then and have ever since been in possession. The 1965 Act contemplates that there may be common land as to the ownership of which a Commons Commissioner cannot be satisfied, and in my opinion this land is such.

For the above reasons I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 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 16th day of March — 1977

a. a. Bade Fulle

Commons Commissioner