



COMMONS REGISTRATION ACT 1965

Reference Nos 233/U/44
233/U/45
233/U/46
233/U/47
233/U/48

In the Matter of the Quarries
(1) at Thorny Edge Road, (2) at
Springs Bank, (3) at Harthill,
(4) being Liberty Quarry, and
(5) at Salters Well, all in Bagnall,
Staffordshire Moorlands District,
Staffordshire

DECISION

These references relate to the question of the ownership of lands known as the Quarries (1) at Thorny Edge Road, (2) at Springs Bank, (3) at Harthill, (4) being Liberty Quarry, and (5) at Salters Well, all in Bagnall, Staffordshire Moorlands District being the lands comprised in the Land Section of Register Unit (1) No CL 100, (2) No CL 101, (3) No CL 102, (4) No CL 103, and (5) No CL 104 in the Register of Common Land maintained by the Staffordshire 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 these references no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Hanley, Stoke-on-Trent on 5 July 1978. At the hearing Bagnall Parish Council were represented by Mr R Key, their clerk.

Mr Key in the course of his evidence described these lands and on the day after the hearing I inspected all of them.

Mr Key said (in effect):- All these lands have been quarries, but no stone has been removed from them for many years. The Parish Council are concerned to protect them and have provided protective fencing. On behalf of the Parish Council, he claimed ownership, but explained that they were concerned not so much with being owners themselves, but with the land not falling into the ownership of anyone else.

On my inspection, it struck me that all these lands may under some inclosure award have been allotted to the churchwardens and overseers: however no such award was produced or relied on by Mr Key, and I need only consider whether the Parish Council have proved a possessory title. The lands are some distance from each other, and I cannot ascribe acts done by the Parish Council in relation to one of them as having any relevance to their claim to any of the others.

As regards the CL 101 land (Springs Bank):- The southeast side is about the same level as the road which leads across the Green eastwards out of the Village; against



this road there is a substantial fence of about 19 or 20 concrete posts supporting a substantial iron pipe. The west side (and the north side too) are steep, being the old face of the quarry. The whole is fenced in. Within is grass land well maintained, with some newly planted trees. Mr Key said that the concrete posts and iron pipe fence was put up by the Parish Council about 10 years ago, and that they have kept the grass cut and maintained the other fences.

This CL 101 land is in an important part of the Village, and appears to be in public ownership. I conclude that the Parish Council is in possession and that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that they are the owners of the land, and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Bagnall Parish Council as the owner of the land (CL 101) under section 8(2) of the Act of 1965.

As regards the CL 100 land (at Thorny Edge Road):- This land is below the level of the road, and is surrounded by a comparatively large field now pasture. Mr Key said that there is a wood post and wire fence separating the field from the road, and I understood that the Parish Council may have contributed to its cost. However this may be, the CL 100 land had (apart from the line of old workings) no distinct boundary from the field, and I am unable to conclude from anything Mr Key said that the Parish Council are in possession.

As regards the CL 102 land (Harthill):- This land is a strip about 5 yards wide along the side of a narrow lane; the made up part of the lane terminates near the end of the strip and is there joined by a bridle path. The land is a little below the level of the road, and some stone may have been taken from it. Mr Key said that there was a post and wire fence along it which was renewed about 8 years ago, when I inspected it there was nothing to show that the strip was apparently in the distinct ownership of anyone. I am unable to conclude from what Mr Key said that the Parish Council are in possession.

As regards the CL 103 land (Liberty Quarry):- This land is at Stanley by the base of the dam which holds back Stanley Pool. Mr Key said that the land could not be quarried now because it is crossed by a feeder of the Severn-Trent Water Authority. To prevent people dumping rubbish, a mound of earth was by arrangement with the Parish Council left along the boundary by the County Council so as to prevent vehicular access; along another part of the boundary is a fence maintained by the Parish Council. Having looked at the land, I am unable to conclude from what Mr Key said that the Parish Council are in possession.

As regards the CL 104 land (Salters Well):- This land is a small square piece on the north side of and adjoining the road from Bagnall to Cellarhead; much of the land is below the level of the road. Mr Key produced some correspondence between April and August 1969 relating to a drain which a neighbouring farmer had led into the quarry and which as a result of the protest by the Parish Council he had removed. I am unable to conclude from what Mr Key said that the Parish Council are in the possession of this land.



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Generally as regards all the four last mentioned lands, it seems to me that the things described by Mr Key can be referred to them being common land (their registration as such has become final) without necessarily importing as a distinct conclusion that the Parish Council must be the owners.

It ^{having} ~~suddenly~~ occurred to me that these lands may have been allotted under an award, I give the Parish Council liberty within 8 weeks of this decision being sent to them to send to the office of the Commons Commissioners a copy certified by the County Archivist or other person having custody of the Award of any relevant allotment relating to these lands and ~~of~~ the relevant part of any Award plan: I will if any such documents be so sent reconsider this decision. But as matters now stand, it not having been suggested that the Parish Council could have any title other than a possessory title or that any other person could be the owner, my decision is that I am not satisfied that any person is the owner of these lands (CL 100, CL 102, CL 103, and CL 104) and they 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 21st — day of July — 1978
a a. Baden Fuller,
Commons Commissioner