



COMMONS REGISTRATION ACT 1965

Reference Nos 270/D/122
to ~~437~~ inclusive133 M.R.

In the Matter of (1) Heptonstall Town Moor, (2) Hoar Side Moor and Park, and (3) Black Moor and Flask Waste, (1) and (3) in Heptonstall, and (2) in Heptonstall and Blackshaw, all in Calderdale Metropolitan Borough, West Yorkshire

DECISION

These 10 disputes relate to (1) the registrations at Entry No. 1 in the Land Section and at Entry Nos 1 to 13 inclusive, 17, 20, and 24 in the Rights Section of Register Unit No. CL 139 in the Register of Common Land maintained by West Yorkshire (formerly West Riding) County Council, (2) the registrations at Entry No. 1 in the Land Section and at Entry Nos 1 to 4 inclusive, 8, 11, and 15, in the Rights Section of Register Unit No. CL 397 in the said Register, and (3) the registration at Entry No. 1 in the Land Section and at Entry Nos 1, 2 and 3 in the Rights Section of Register Unit No. CL 497 in the said Register, and are occasioned (A) by Objection Nos 37 and 38 (relating to the CL 139 registrations) and No. 1548 (relating to the CL 497 registrations) made by Rt Hon George Halifax Baron Savile and noted in the CL 139 Register on 28 October 1969 and in the CL 497 Register on 27 January 1972, and (B) by Objection Nos 52 and 53 (relating to the CL 139 registrations), No. 54 (relating to the CL 347 registrations) and No. 55 (relating to the CL 497 registrations) made by Calderdale Water Board and noted in the CL 139, the CL 347 and the CL 497 Registers on 4 February 1970. The said Rights Section registrations are summarised in the Schedule hereto.

I held a hearing for the purpose of inquiring into the disputes at Huddersfield on 9 December 1981. At the hearing (1) Rt Hon George Halifax Baron Savile was represented by Mr P R Fitzgerald solicitor of Walters Fladgate, Solicitors of London; (2) The Yorkshire Water Authority as successor of Calderdale Water Board were represented by Mr R J Simpson their Senior Assistant Solicitor, and (3) the persons who applied for the registrations in the Rights Section or their successors in title were represented either by (a) Mr W D Thomas solicitor of Finn Gledhill & Co, Solicitors of Halifax, or (b) Mr Michael Rooze, solicitors of Eastwoods, Solicitors of Hebden Bridge, or (c) otherwise as set out in column 6 of the Schedule hereto.

Of the lands in these three Register Units the CL 139 land is the largest being a tract of a little over 3 miles long from Black Hameldon on the west to a line not far from the road running northwestwards from Hebden Bridge towards Nelson on the east, and having an average width from north to south of about 1 mile. The CL 397 land is a little over $1\frac{1}{2}$ miles long from east to west, is bounded on the north by the west part of the south boundary of the CL 139 land (so they adjoin for over 1 mile) and is about $\frac{1}{2}$ a mile wide from north to south. The CL 497 land is approximately triangular having sides of about $3\frac{1}{2}$ miles, 3 miles and $1\frac{1}{2}$ miles, its south boundary being nearly all the same as the north boundary of the CL 139 Land.

This Decision contained a clerical error. The correction appearing above initialed by me has been made on the original Decision for record purposes only.

Dated 22nd November 1989

M. Rott
Commons Commissioner



The CL 139 Land Section registration was made in consequence of an application for registration of rights; and an application by Ramblers Association is noted. The CL 397 Land Section registration was made on the application of Hepton Rural District Council and an application by Ramblers Association is noted. The CL 497 Land Section registration was made in consequence of an application for registration of rights; an application by Ramblers Association was noted but was in 1973 withdrawn. The grounds of Objection No. 38 (CL 139, Lord Savile) are that the land edged blue on the plan annexed was not common land at the date of registration; the land so edged is a part ("the Cobby") of the CL 139 land at its northeast corner being about $\frac{1}{2}$ a mile long and about $\frac{1}{3}$ rd of a mile wide. The grounds of Objection No. 53 (CL 139 of CWB) are that two separate areas edged blue on the plan annexed were not common land at the date of registration; the plan shows so edged an area ("the west of Reaps Area") being nearly all of that part of the CL 139 Land which is west of Reaps Bottom, (about $\frac{3}{4}$ of the whole) and an area ("the Ox Holes Area") having an average length from north to south of about $\frac{1}{4}$ of a mile and an average width of about 200 yards. The grounds of Objection No. 37 (CL 139, Lord Savile) and Objection No. 52 (CL 139, CWB) put in question the registration at Rights Section Entry No. 1 (applicant Mr R Stansfield). The grounds of Objection No. 54 (CL 397, CWB) are to the effect that very nearly the whole of the CL 397 Land (except some comparatively very small pieces at Broad Holme, and near Hoar Side) were not common land at the date of registration. The grounds of Objections No. 55 (CL 497, CWB) and No. 1548 (CL 497, Lord Savile) are to the effect that the whole of the CL 497 land was not common land at the date of registration. As a consequence of section 5(7) of the 1965 Act, Objection Nos 38, 53, 54, 55, and 1548 put in question all the registrations in the Rights Section as regards all the CL 139, CL 359, CL 459 lands notwithstanding that the grounds of the Objections relate to part only of these lands. In the CL 139 Ownership Section, Lord Savile is registered as owner of the Cobby, and CWB are registered as owners of nearly all of the rest of the eastern part of the CL 139 land (being CL 139 land except the west of Reaps Area, except the Ox Holes Area and except the Cobby). The CL 397 Ownership Section contains no registrations. In the CL 497 Ownership Section CWB are registered as owner of part of the land, being a strip not more than 200 yards long from north to south and not more than 30 yards wide from east to west projecting from the rest of the CL 497 land towards Reaps Level.

At the beginning of the hearing Mr Simpson and Mr Fitzgerald indicated that it might be possible to dispose of all these disputes by agreement on the basis that in return for the CL 497 registrations being wholly avoided, for the Ox Holes Area being excluded from the CL 139 registrations (so that the rights registered in the Rights Section would not apply to this Area) and for all the CL 139 Rights Section registrations, except those at Entry Nos 4 and 7 (applicants Mr B M Barnes and Mr F Burton) being avoided as regards the Cobby, neither Lord Savile nor the Yorkshire Water Authority ("YWA") as successors of CWB would insist on their Objections so far as they related to the Rights Section registrations over the remainder of the CL 139 land and to the whole of the CL 397 land continuing as they are now provided that, the number of animals specified in each such registration was reasonable in relation to the others and to the farms to which the rights are attached; by "reasonable" meaning that if these numbers were not agreed on behalf of Lord Savile and YWA, those claiming such rights would have to establish them by calling evidence such as would enable me in the absence of agreement to adjudge that the numbers claimed could properly be included in the registration.



- 3 -

Nobody at the hearing suggested that the Cobby and the Ox Holes Area should not be dealt with otherwise than on the basis outlined above.

As an explanation of the proposed terms Mr Fitzgerald referred to a plan of the Township of Heptonstall made in 1833 by Thos News which was produced by Dr Alan Betteridge, the Calderdale Borough Archivist. This plan was apparently prepared for rating purposes to indicate the parts of the Townships which were rateable. Mr Fitzgerald contended that this plan was some evidence that the CL 497 land is not now common land because on it it was coloured and must therefore in 1833 have been regarded as rateable; he accepted that the plan provided some evidence that the CL 139 Land (except as regards the Cobby and the Ox Holes Area) and the CL 397 Land are now common land because on the 1833 plan they are shown uncoloured and therefore treated as then not rateable.

In support of the exclusion of the CL 497 land from the registration oral evidence was given by Mr J R Westhall, who said (in effect):- He was born in 1913 (at Colden Water Farm, southeast of the CL 397 Land). He had lived in Heptonstall (meaning I suppose the parish) since 1935 and except for 15 months been engaged in farming in the area all his (working I suppose) life. He was concerned with the lands now in question because he farmed adjoining lands under a tenancy agreement dated 9 April 1954 granted to him by the Mayor Aldermen & Burgesses of the Borough of Halifax (the predecessors of CWB) and another tenancy agreement dated 1 January 1954 granted to him by Lord Savile; from these agreements (and what he had done under them) he understood that the common land at Heptonstall extended no further north than the green area shown on a plan attached to one of these agreements, that is that it did not extend north of the line of the river known as Reaps Water as it was before Gorples Lower Reservoir and Gorples Upper Reservoir were built across it. Before the Reservoirs were built there was a clearly marked boundary corresponding to nearly the whole of the line on the Register map shown as the boundary between the CL 497 Land and the CL 139 Land, being partly stone wall, partly post and wire fence (or the remains of such a wall or such a fence) which ran up the River to a point near where Gorples Upper Reservoir now is and then turned northwards towards Gorples, and then followed the line of the track marked on the map as Gorples Gate leading to a point near Widdop Reservoir and then eastwards. This fence was put up by Sir John Thursby to control the grazing lower down (so the area lower down so fenced off did not include Blackmoor and Flask Waste). Under the terms of his tenancy agreement he had grazed Blackmoor and Flask Waste but nobody else (except trespassers from Lancashire!) had done so. About these lands there had been proceedings in Todmorden County Court by which Joe Collinge and Jim Blaze had claimed damages for trespass against Daniel Crowther; the proceedings were reported in the Hebden Bridge Times and Gazette of 24 March 1950; he had been present and had given evidence; during these proceedings it was said that the fence he had described to me was in about 1912 patched up by Joe Collinge.

Much of the evidence of Mr Westhall above summarised was given in answer to questions from Mr R Bowker. He was also questioned by Mrs J E Martin about the part her father Mr Walter Reginald Sutcliffe had taken in the 1950 proceedings; about this Mr Westhall he said that he understood it to have been then held that although Mr Sutcliffe had a right to graze cattle he was wrong in letting the right; at the 1950 hearing Mr Sutcliffe said he had deeds but he never produced them to show he had rights. Mr D J Kilbey observed that the fence described by Mr Westhall left open the extreme



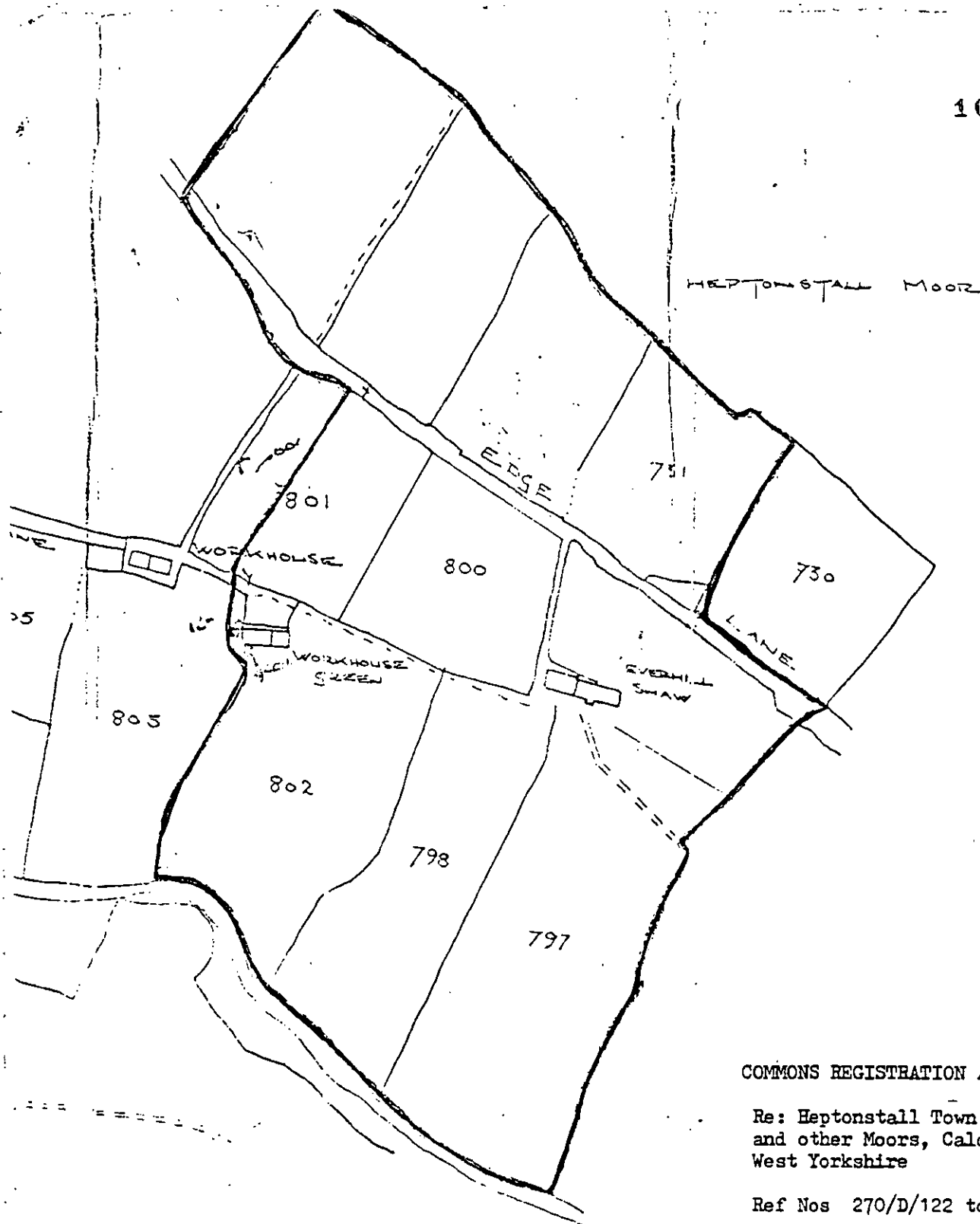
- 4 -

west part of the CL 497 Land; as to this Mr Westhall claimed that the tenancy plan on which he relied coloured pink all the land to the south of Reaps Water and explained that his evidence that no sheep other than his own grazed on the CL 497 Land was intended to refer to all the land north of Reaps Water.

Notwithstanding the questions asked of Mr Westhall by Mr Bowker, Mrs Martin and Mr Kilbey (mostly about the 1950 proceedings) nobody at the hearing suggested what he said was unreliable. So next I proceeded to consider each of the CL 139 Rights Section registrations so as to find out whether agreement to the basis put forward by Mr Fitzgerald and Mr Simpson would be forthcoming. By this time it was late in the day (about 1600 hours), many concerned were anxious to get away and some had gone leaving others to speak for them. Because in these circumstances I may have misunderstood or incorrectly recorded what I was told, I now set out the substance of the notes I then took so as to make it easier I hope to clear up any misunderstanding. The numbering of the next 16 paragraphs refers to the CL 139 Rights Section entries.

- (1) County say 24 acres. Mr Stansfield says 30 acres. 80 sheep or 10 cows agreed.
- (2) County say 20.2 acres. Mr Bowker agrees 60 sheep or 15 cattle.
- (3) County say 3.4 acres. Nobody at the hearing supported this registration; but see letter on file (mentioned in column 6 of the Schedule hereto).
- (4) County say 20.4 acres; now corrected to 25 acres. Mr Fitzgerald said that he and Mr Barnes have agreed that he should have a right to graze the Copsy with 35 sheep and 8 cattle.
- (5) County say 29 acres. $2\frac{1}{2}$ sheep to the acre is agreed.
- (6) County say 19.8 acres. Mr Rooze agrees $2\frac{1}{2}$ sheep to the acre understanding that 1 cattle = 4 sheep.
- (7) County say 41.51 acres. This is questioned 13 acres are disputed, the field numbers show only 28.57 acres. Mr Fitzgerald says that he had agreed with Mr Burton that his right over the Copsy should be to graze 35 sheep and 8 cattle.
- (8) and (9) County say contain (both holdings) 54 acres. Mrs Martin agreed 54 acres for Mould Grain and Dick Booth and agreed 3 sheep to the acre.
- (10) County say 34 acres. Mr G M Sutcliffe (who left early) agreed (before he left) 6 cattle or 40 sheep.
- (11) County say 27.6 acres. Mr D J Kilbey agreed 3 sheep per acre, 84 sheep or 21 cattle.
- (12) County say 64.79 acres. No person present to support this registration; but see letters on file (mentioned in column 6 of the Schedule hereto).
- (13) County say 276.80 acres. Mr Rooze agrees $2\frac{1}{2}$ sheep to the acre.
- (17) County say 20.548 acres. Mr Bowker agrees 3 sheep to the acre.
- (20) County say 12.115 acres. Mr Collinge agrees 3 sheep to the acre.

TURN OVER TO PAGE 5.



COMMONS REGISTRATION ACT 1965

Re: Heptonstall Town Moor
and other Moors, Calderdale,
West Yorkshire

Ref Nos 270/D/122 to 131

This is a plan of Workhouse
Farm referred to in and being
page 5 of the decision dated
11 May 1982 and made by
the Commons Commissioner in
this Matter

a a. Baden Fuller

Commons Commissioner



(24) Mr Thomas said that the right was attached to Workhouse Green Farm of which he produced a plan showing it outlined in red; an uncoloured copy of the relevant part of this plan showing the Farm edged with a thick black line is page 5 of this decision. Mr Thomas said from this plan he estimated the area of the farm to be approximately 20 acres and he was agreeable $2\frac{1}{2}$ sheep to the acre resulting in 50 sheep or 16 cows.

Since the hearing I have had letters undated (? posted 11 December 1981) from Mrs J E Martin, dated 11 December 1981 from YWA, dated 24 December 1981 from Eastwoods (their Mr Rooze representing Mr Harry Logg and Mr Percy Logg) and 30 December 1981 from West Yorkshire County Council mentioning a query raised by County Councillor D J Kilbey. So far as these letters ask what was my understanding of what was said at the hearing, the next paragraph of this decision contains my answer. So far as these letters deal with question which according to my notes and recollection were not mentioned at the hearing, I refuse to answer them now. One such question raised by Mrs Martin whether the agreement about the avoiding of the CL 497 registrations could not be qualified by somehow preserving a right attached to Mould Grain over King Common; and another such question raised by Mr Kilbey whether the 276.8 acres to which the rights of Mr Harry Logg (Entry No. 13) are attached includes 117.4 acres in the parish of Blackshaw. It may be that these questions and possibly others too can be considered by me if those concerned take advantage of the liberty to apply granted in the penultimate paragraph of this decision; it would not I think be just for me to express any opinion about these questions unless and until all those possibly concerned have had an opportunity of making representations about them.

At the hearing I understood that except as regards the registration at the CL 139 Rights Section Entry Nos. 3 and 12, all concerned had reached agreement; and I then thought I had enough information about the agreement to give a decision on the following assumptions, all expressly or impliedly made by those present:- Except as particularly mentioned by Mr Fitzgerald in relation to the Coppy, any registration conferring a right to graze sheep would also confer in the alternative a right to graze cattle on the basis that one head of cattle = 4 sheep. Those who used the word "cow" did not intend to make any relevant distinction between cows and cattle, so that for the sake of uniformity the register should throughout be of "cattle". The discussions about the number of sheep per acre were for the purposes of justifying the number in each registration, and it was not contemplated that any registration for a less number could as a result be increased; although I have, I think, jurisdiction if the circumstances or evidence show it to be just, to modify the Rights Section registration by increasing the number of animals, if (as happened in this case) no mention is made at a hearing of the possibility of so-modifying any of the registrations, I consider I ought not to do so. As above appears the agreement as regards some of the registrations particularly mentioned the numbers as having been or intended to be calculated at a rate of sheep per acre, for some $2\frac{1}{2}$ and for others 3 sheep per acre; there is no reason why all the registrations should be at the same rate, because the nature of the land to which the right is attached may according to its quality justify a higher or lower rate; accordingly the circumstance that some of the Entry Nos. were agreed at 3 sheep per acre, does not I think require me to raise the rate for the Entry Nos. which were previously agreed at the rate of $2\frac{1}{2}$ sheep per acre. Anything agreed about registration in the CL 139 Rights Section was to be applicable to the corresponding registrations in the CL 397 Rights Section.



- 7 -

Apart from such information as was during the course of the hearing volunteered about the nature of the land and of the farms to which the rights claimed over it are attached, and apart from the 1954 tenancy agreements above mentioned and the Ownership Section registrations, I have no evidence as to how much of these lands and their surroundings are owned either by Lord Savile or YWA; nor have I any evidence as to the basis on which any of the Rights Section registrations could have been supported if they had been disputed. The 1965 Act does not contemplate that registrations must always be strictly proved, because under section 7 in the absence of any objection registrations may become final notwithstanding they are supported by no more than the statutory declaration made when they were applied for. Where there is agreement I can I think proceed similarly.

As regards Entry Nos 3 and 12 about which there was no agreement, I consider I can accept the County acreages above referred to; they were so I understood computed by the representatives of the County Council as registration authority from the plans of the attached land referred to in the Register, copies of which plans I have. As regards No. 3, neither CWB nor YWA are bound by the 1978 document mentioned in column 6 of the Schedule; for an acreage of 3.4, the figures put forward in the document are too much; in the absence of those concerned, my decision unavoidably must be arbitrary; I shall reduce the number to 11 sheep or 3 cattle. As regards No. 12, the acceptance made in the letter mentioned in column 6 of the Schedule does not wholly dispose of the Objections; for an acreage of 64.79 the figures in the registration are excessive particularly as the sheep and cattle are therein treated cumulatively; again my decision must be arbitrary; I shall reduce these numbers to 172 sheep or 43 cattle.

Although Mr F Fitzgerald was specific as to the number of animals which should appear at Entry Nos. 4 and 7 in relation to the Coppy, I have no note or recollection of either he or anyone else saying what the numbers should be as regards the rest of the CL 139 Land to which the Entry Nos. relate. I assume that these registrations as regards the remainder of the CL 137 land except the Ox Holes Area, were to continue on the same basis as was at that stage of the hearing generally contemplated: $2\frac{1}{2}$ sheep to the acre. So as regards No. 4 the number for this remainder will not be more than $2\frac{1}{2} \times 25$ sheep, so 150 ewes registered would be reduced to 63; and as regards No. 7 the number for this remainder will not be more than $2\frac{1}{2} \times 41.51$ so the "75 ewes" registered will need no reduction. Because Mr Fitzgerald expressly stated that the registration at No. 7 should extend to the Coppy, I shall avoid the exception of the Coppy which is now contained in this registration; although I realize that he may, as I think I did, at the hearing have overlooked the exception.

In the circumstances and upon the considerations above set out my decision is as follows:- I confirm the registration at CL 139 Land Section Entry No. 1 with the modification that there be removed from the register the smaller of the two areas edged pink on the plan attached to Objection No. 53 made by Calderdale Water Board such area being the land in this decision called the Ox Holes Area. I confirm the registration at CL 139 Rights Section Entry No. 1 (R Stansfield) with the modification in column 4 for "200 sheep and 10 cattle" there be substituted "80 sheep or 10 cattle" and that there be added at the end "except the Coppy as in this Section defined". And I direct that somewhere in the Rights Section there shall appear an Entry saying that in this Section "the Coppy" means the land edged blue on the plan annexed to Objection No. 38 made by the Rt Hon George Halifax Baron Savile. I confirm the registration at CL 139 Rights Section Entry No. 2 (H Greenwood) with the modification in column 4 for "(a) to graze 20 head of cattle or (b) 80 sheep" there be substituted



"to graze 60 sheep or 15 cattle" and that after the words "in this register unit" there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 3 (Messrs Hitchen) with the modification that in column 4 for "(a) 10 cattle and (b) 230 sheep" there be substituted "11 sheep or 3 cattle" and there be added at the end "except the Cobby as in this Section defined". I confirm that registration of Rights Section Entry No. 4 (Mr Barnes) with the modification that for all the words in column 4 there be substituted "To graze 35 sheep and 8 cattle over the Cobby as in this Section defined and to graze 63 ewes and their lambs over the remainder of that part of the land comprised in this Register Unit as shown edged red on the Register Map. I confirm registrations at CL 139 Rights Section Entry No. 5 (D E Featherstone) with the modification in column 4 for "100 sheep" there be substituted 73 sheep" and that at the end there be added "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 6 (P Logg) with the modification in column 4 for "cows" there be substituted "cattle" and at the end there be added "except the Cobby as in this Section defined" (that is no alteration of the number of animals). I confirm the registration at CL 139 Rights Section Entry No. 7 (F Burton) with the modification that for all the words in column 4 there be substituted "To graze 35 sheep and 8 cattle over the Cobby as in this Section defined and to graze 75 ewes and their lambs over the whole of the remainder of the land comprised in this Register Unit". I confirm the registration at CL 139 Rights Section Entry No. 8 (Messrs Martin) with the modification in column 4 for "(a) 15 cattle and (b) 120 sheep" there be substituted "88 sheep or 15 cattle" and after the words "red on the register map" there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 9 (E M Sutcliffe) with the modification that in column 4 for "(a) 10 cattle and (b) 100 sheep" there be substituted "74 sheep or 10 cattle" and after the words "red on the Register Map" there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 10 (E M Sutcliffe) with the modification that in column 4 for "(a) 16 cattle and (b) 130 sheep" there be substituted "40 sheep or 6 cattle" that after the words "red on the Register Map" there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 11 (Messrs Kilbey) with the modification that in column 4 for "(a) 50 head of cattle and (b) 20 sheep" there be substituted "84 sheep or 21 cattle" and that at the end there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 12 (F Smith) with the modification that in column 4 for "60 sheep and 200 sheep with their lambs" there be substituted "172 sheep or 43 cattle" and there be added at the end "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 13 (H Logg) with the modification that at the end of column 4 there be inserted "except the Cobby as in this Section defined" (that is no alteration to 65 cattle or 200 sheep). I confirm the registration at CL 139 Rights Section Entry No. 17 (H Greenwood) with the modification that in column 4 for "(a) 100 sheep or (b) 10 cattle" there be substituted "61 sheep or 10 cattle" and that after "this register unit" there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 20 (D & E Collinge) with the modification that in column 4 for "(a) 50 sheep or (b) 20 cattle" there be substituted "36 sheep or 9 cattle" and that after the words "in this Register Unit" there be inserted "except the Cobby as in this Section defined". I confirm the registration at CL 139 Rights Section Entry No. 24 (G Whitaker) with the modification that in column 4 for "(a) 50 sheep or (b) 20 cattle" there be substituted "50 sheep or 16 cattle" and that after "in this Register Unit" there be inserted "except the Cobby as in this Section defined" and that in column 5 for "The rights are held in gross" there be substituted "Workhouse Green Farm as shown edged red on the supplemental map bearing the number of this registration" so that such map shall show as being the said farm the land edged round with a



thick black line on page 5 of this decision. I confirm the registration at CL 397 Land Section Entry No. 1 without any modification. I confirm the registration at CL 397 Rights Section Entry No. 1 (H Greenwood) with the modification that in column 4 for "(a) to graze 20 head of cattle or (b) 30 sheep" there be substituted "to graze 60 sheep or 15 cattle". I confirm the registration at CL 139 Rights Section Entry No. 2 (T & J E Martin) with the modification that in column 4 for "(a) 15 cattle and (b) 120 sheep" there be substituted "88 sheep or 15 cattle". I confirm the registration at CL 397 Rights Section Entry No. 3 (E M Sutcliffe) with the modification that in column 4 for "(a) 10 cattle and (b) 100 sheep" there be substituted "74 sheep or 10 cattle". I confirm the registration at CL 397 Rights Section Entry No. 4 (E M Sutcliffe) with the modification that in column 4 for "(a) 16 sheep or (b) 130 sheep" there be substituted "40 sheep or 6 cattle". I confirm the registration at CL 397 Rights Section Entry No. 8 (H Greenwood) with the modification that in column 4 for "(a) 100 sheep or (b) 10 cattle" there be substituted "61 sheep or 10 cattle". I confirm the registration at CL 397 Rights Section Entry No. 8 (H Greenwood) with the modification that in column 4 for "(a) 100 sheep or (b) 10 cattle" there be substituted "61 sheep or 10 cattle". I confirm the registration at CL 397 Rights Section Entry No. 11 (D & E Collinge) with the modification that in column four "(a) 50 sheep or (b) 20 cattle" there be substituted "36 sheep or 9 cattle". I confirm the registration at CL 397 Rights Section Entry No. 15 (G Whitaker) with the modification that in column four "(a) 50 sheep or (b) 20 cattle" there be substituted "50 sheep or 16 cattle" and that in column 4 for the words "The rights are held in gross" there shall be substituted "Workhouse Green Farm as shown edged red on the supplemental map bearing the number of this registration" so that such map will show the land surrounded by a thick black line on the plan being page 5 of this decision. I refuse to confirm the registrations at CL 497 Land Section Entry No. 1 and at CL 497 Rights Section Entry No. 1, 2 and 3.

Because so much of this decision is complicated and I may have made a mistake in giving effect to what was said and agreed at the hearing or giving effect to my intentions, I give to any person who attended or who had a right to be heard at it and to Mrs Esther Irene Smith or other the successor in title of Mr Frank Smith, liberty within 2 months of the day on which this decision is sent to him or to his solicitors, liberty to apply to me to correct any error I have made. Such application should be made in the first instance by letter to the Clerk of the Commons Commissioners; and a copy of it sent to the County Council as registration authority and to any person who might be adversely affected by the application being granted, being I suppose if the application is for enlarging a right of common to Lord Savile and WIA as Objectors or if the application be by either of the Objectors to the persons who might wish to support the Rights Section registration possibly affected.

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.



- 10 -
SCHEDULE
(Rights Section registrations)

CL Entry No.	CL Entry No.	CL Entry No.	Applicants and land to which attached	Rights registrations	Representation at hearing
1	-	-	Reuben Stansfield. Long High Top and Whinney Nook Fields	Graze 200 sheep and 10 cattle	Mr R Stansfield attended in person
2	1	-	Harry Greenwood. Higher Edge Hey Green Farm and Middle Fold or Everil Shaw Farm	Turbary. Graze 20 cattle or 80 sheep (also CL 13 land)	Mr Richard Bowker attended in person as executor and devisee under the will of Mr H Greenwood who died 2 August 1978. As regards Middle Fold or Everil Shaw Farm, Mr H Greenwood was successor of Mrs E B Briggs (see the now cancelled Entry No. 22 and also No. 24 below)
3	-	-	David Hitchen, Elizabeth Hitchen, and Stanley Hitchen. Hollins Farm	Graze 10 cattle and 230 sheep	By a document dated 27 November 1978 signed by E & S Hitchen (D Hitchen then deceased) and on behalf of Lord Savi. Commons Commission: invited to exclude the Cobby and reduce headage to 8 cattle or 32 sheep
4 part	-	-	Bernard Morris Barnes Hoar Royd and Bent Knowle Farms	Graze 150 ewes and their lambs over part of CL 139 land, being all except the Ox Holes Area and the Cobby	Mr B M Barnes attended in person
5	-	-	Dorothy Edith Featherstone Clough House Farm	Graze 100 sheep	Mrs D E Featherston attended in person



- ii -

6	-	-	Percy Logg Lower Fold Farm	Graze 10 cows	Mr P Logg was represented by Mr M Rooze (solicitor)
7	-	-	Fred Burton Higher Greenwood Farm	Graze 75 breeding ewes and their lambs	
8 part	2 part	2	Thomas Martin and Jean Elizabeth Martin. Mould Grain Farm	Estovers Turbarry Take wood for building and repair Graze 15 cattle and 120 sheep (also part of CL 13 land). Right over part of CL 139 land only, being all such land except the Coppo. Right is over part of the CL 379 land only (being nearly the whole except a comparatively very small part near the south boundary).	Mrs J E Martin attended in person on her own behalf and as representing Mr T Martin
9 part	3 part	1	Edith Mary Sutcliffe Dick Booth Farm	Estovers Turbarry Take wood for building and repair Graze 10 cattle and 100 sheep (also part of CL 13 land) Rights are over part only of CL 139 and part only of CL 379 as in previous entry in this schedule	Mrs Jean Elizabeth Martin attended in person as daughter of Mrs M E Sutcliffe who died September 1979 having by a deed dated 13 March 1975 conveyed Dick Booth Farm to her, Mrs J E Martin



- 12 -

10 part	4 part	3	Enid Mary Sutcliffe, Bent Head Farm	Estovers Turbarry Graze 16 cattle and 130 sheep (also part of CL 13) Part of CL 139 mentioned in preceding entry Part of CL 379 mentioned in preceding entry	Mr George Nigel Sutcliffe of Bent Head Farm attended in person as son of Mrs E M Sutcliffe who died (as above stated) having by a conveyance also dated 13 March 1971 conveyed Bent Head Farm to him
11 part	-	-	David John Kilbey and Pauline Ann Kilbey. Old Edge Farm, Colden	Graze 50 cattle and 200 sheep Right is over part only being all except the Ox Holes Area, the Corpy and a comparatively small part at the east end of Gorple Upper Reservoir	Mr D J Kilbey attended in person on his own behalf and as representing Mrs P A Kilbey
12	-	-	Frank Smith. Great House Farm, Higher Colden Farm, Lower Colden Farm, Lower Smithy Farm and School Land	Graze 60 cattle and 200 sheep with their lambs	Died 28 April 1976, see letters of 5 and 24 November 1968 from Cooper Smith & Williams, Solicitors of Burnley; Mrs Esther Irene Smith now entitled accepts the Objections of Lord Savile and CWB and for this reason would appreciate "attendance could be excused"
13	-	-	Harry Logg. Laneside Farm, Colden	Turbarry Mines, delves and quarries Graze 65 cattle or 200 sheep	Mr H Logg was represented by Mr M Rooze (solicitor)



- 13 -

17
formerly
part of
14,
M G Stocks

8
formerly
5,
M G Stocks

- Harry Greenwood.
Part of Everhill
Shaw Farm

Turbary
Get stone for
the repair of
walls cut ling
and heath for
bedding
Graze 100
sheep or
10 cattle

Mr Richard Bowker
attended in person
as entitled to
Everhill Shaw Farm
as successor in
title of Mrs Briggs
who succeeded
Mr H Greenwood

20
formerly
part of
16,
(M G Stocks)
formerly
part of 14

formerly
5,
(M G Stocks)

- David Collinge
and Elizabeth
Collinge.
Workhouse Farm

Turbary
Take stones
for repair of
walls
Cut ling and
heath for
bedding
Graze 50
sheep or
20 cattle

Mr D Collinge
attended in
person on his
own behalf and
as representing
Mrs E Collinge

24
formerly
22,
E B Briggs
formerly
19,
M G Stocks
formerly
part of
16,
formerly
part of
14

15
formerly
13,
E B Briggs
formerly
10,
M G Stocks

- Glyn Whitaker
(gross)

Turbary
Take stones
for repair of
walls
Cut and take
ling and
heath for
bedding
Graze 50 sheep
or 20 cattle

Mr G Whitaker was
represented by
Mr W D Thomas
(solicitor).
As regards
Workhouse Green
Farm successor of
Mrs E B Briggs,
see her now can-
celled Entry No. 22,
and also No. 2
above.

Dated the 11th - day of May 1982

a. a. Bean Fuller

Commons Commissioner