



In the Matter of Todmorden and Lower Moor,
Todmorden

DECISION

This dispute relates to the registrations at (1) Entry Nos. 1, 13, 18, 24, 25 and 26 in the Rights Section of Register Unit No. CL 72 in the Register of Common Land maintained by the former West Riding County Council and is occasioned by Objection Nos. 422, 427, 426, 425, 424 and 423 made by Mr A Wright and duly noted in the Register on 30 September 1970 and at Entry Nos. 13, 18, 27, 28, 32 and 24 in the said Rights Section occasioned by Objection No. 1523 made by Arthur Nicholas Fielden and entered on the Register on 25 November 1971.

I held a hearing for the purpose of inquiring into the dispute at Bradford on 11 February 1981. The hearing was attended by Mr R W Walls for the Registration Authority, West Yorkshire Metropolitan County Council, Mr R Taylor of Messrs Cooper, Smith and Williams, Solicitors of Burnley for Mr H H Whitole, the applicant at Entry No. 1 and Mr A Ryan of Messrs Harley, Thomas and Ryan, Solicitors of Rochdale for Mr A Wright an Objector and Mr D Ackland of Messrs J V Pilling and Co, Solicitors of Bacup for Mr C Edgerton-Jones and Mr and Mrs Pollard the applicants at Entry Nos. 13 and 25 respectively. As Mr Fielden-Jones has recently been admitted to hospital the hearing was adjourned and was resumed at Bradford on 20 October 1981. Before the hearing Mr Fielden-Jones applied by letter for a further adjournment without stating any reason and as he did not appear at the hearing to support his application I refused his application and proceeded to hear the references in his absence.

On terms that Flourscurr Farm was included in column 5 as part of the dominant tenement at Entry No. 1, Mr Wright withdrew his objection. Mr Wright also withdrew his objection to the application at Entry No. 25. He also accepted the application at Entry No. 13 (the present applicant being Mr C Edgerton-Jones) subject to a reduction to 90 sheep or 30 beasts. This application was supported by Statutory Declarations by Thomas Farrar, John Fawcett and Bernard Greenwood. No one appeared to support the applications at Entry Nos. 18, 24 or 28. Mr Wright also withdrew his objection to the application at Entry No. 26. The application at Entry No. 32 was withdrawn.

For these reasons I confirm the registrations at Entry Nos. 1, 13, 25 and 26 subject in the case of the first two to the modifications already mentioned and I refuse to confirm the registrations at Entry Nos. 18, 24, 27, 28 and 32.

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

30th

day of

November

1981

George Herbert

Commons Commissioner