



In the Matter of A Public Quarry at Millbrigg,
Stainton, Dacre, Cumbria (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 350 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 177 made by the Dacre Parish Council and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 14 October 1981. The hearing was attended by Mr H Noblett, the applicant for the registration. There was no appearance on behalf of the Parish Council, but Mr C Wilding, its Clerk, informed the Clerk of the Commons Commissioners by a letter dated 4 October 1981 that the Objection was "withdrawn".

By the inclosure award made on 10 September 1775 under the Great and Little Stainton, Newbiggin and Great Blencow Inclosure Act of 1772 (12 Geo. III c.141 (private)) the land in question was awarded as a quarry for the common use and benefit of all the owners and occupiers of houses and lands in any of the townships or hamlets the subject of the award. By the Act the Commissioners were only empowered to make such an appointment upon part of the common or waste land of the manor. The right not having been registered, it is no longer exercisable, but the registration is supportable on the ground that the land comprised in the Register Unit is waste land of a manor.

Mr Noblett pointed out that the land is incorrectly described in the Register as being in the parish of Stainton.

For these reasons I confirm the registration with the following modification: namely, the substitution of the words "near Newbiggin in the Parish of Dacre" for the words "in the Parish of Stainton".

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

4~~th~~

day of

November

1981

Chief Commons Commissioner