



In the Matter of Berrier Quarry, Mungrisdale,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Berrier Quarry, Mungrisdale, being the land comprised in the Land Section of Register Unit No. CL 286 in the Register of Common Land maintained by the Cumbria 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 the Mungrisdale Parish Council claimed to be the freehold owner of the land in question and no other 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 Penrith on 15 October 1981.

At the hearing the Parish Council was represented by Mr A R Nobbs, solicitor.

By the award made in 1796 under the Barony of Greystoke Inclosure Act of 1795 (35 Geo. III, c.98 (private)) the land in question was to be set apart and used as a common limestone, freestone, and road quarry for the common use and benefit of the Duke of Norfolk and others.

This would leave the freehold vested in the former owner (presumably the lord of the manor), and Mr Mellor said that he had no evidence that the Parish Council had subsequently acquired the land.

In the absence of any further evidence 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

30th

day of

October

1981

Chief Commons Commissioner