



COMMONS REGISTRATION ACT 1965

Reference Nos. 262/D/505-507

In the Matter of High Sellafield Bank,
Seascale

DECISION

These disputes relate to the registrations in all three sections of Register Unit No. CL 408 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by Objections No. 199 and No. 200 made by British Nuclear Fuels Ltd ("BNF") and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Whitenaven on 25 November 1980. The hearing was attended by Mr C Vane of Counsel appearing on behalf of the Earl of Lonsdale, the applicant for registration in the Land Section and in the Ownership Section; by Mr F G Lamble, Solicitor appearing on behalf of the applicants for registration at Entries No. 1 and No. 2 in the Rights Section; and by Mr N Wright of Counsel, appearing on behalf of BNF.

The Objections relate to a part only of the land in question, that part being the south-eastern section of the land, shown coloured red on a plan which was handed in by Mr Wright. It has been agreed by the parties that the Objections should succeed, and as regards Entry No. 2 in the Rights Section that the particulars in Column 5 (particulars of land to which right is attached) should be modified by deleting the references to O.S. Nos. 809 and 813. I should add that there is also an Entry No. 3 in the Rights Section made on the application of R M Jackson and others in respect of Brig Dyke Sellafield. They did not appear and Mr Wright informed me that BNF is their successor in title to Brig Dyke, having acquired it by purchase.

I propose to give effect to what has been agreed and in the result (1) I confirm the registration at Entry No. 1 in the Land Section modified by excluding from the land the south-eastern section referred to above, (2) I confirm the registrations at Entries Nos. 1, 2 and 3 in the Rights Section modified as regards Entry No. 2 by deleting in Column 5 the references to O.S. Nos 809 and 813, (3) I confirm the registration at Entry No. 1 in the Ownership Section. The confirmation of this registration and those in the Rights Section will have effect subject to the modification as regards the Entry in the Land Section (see (1) above).

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

15 December

1980

L. J. Morris Smith

Commons Commissioner