



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/265  
262/D/266

In the Matter of parts of Ullswater and  
its foreshore in Barton, Martindale and  
Patterdale, Eden District, Cumbria

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 157 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) County Council and are occasioned by Objection No. 2/207 made by The National Trust and noted in the Register on 26 July 1972 and by Objection No. 2/221 made by Exors of Miss Jessie Lockett and noted in the Register on 8 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 1 July 1980. At the hearing Mrs Sylvia Mary McCosh on whose application the registration was made, was represented by Mr M C Dutchman-Smith, solicitor of Little & Shepherd, Solicitors of Penrith.

The land in this Register Unit for the most part is the water to the east and southeast of about 7 miles of the middle line of Ullswater. The grounds of Objection (No. 2/207) are:- "The National Trust claims that where its land bounds Lake Ullswater it owns that part of the foreshore down to 'normal lake level'". The grounds of Objection No. 2/221 are to the same effect.

Mr Dutchman-Smith produced a letter dated 27 June 1980 from The National Trust for Places of Historic Interest or Natural Beauty by which they agreed to the definition on the register land being amended so as to read:- "Parts of Lake Ullswater and its foreshore being the land between the highest and lowest normal level of the lake within the Parishes of Barton, Martindale and Patterdale."

Mr Dutchman-Smith also produced a letter dated 20 June 1980 from Milne Moser & Sons, Solicitors of Kendal saying on behalf of Mr & Mrs G D Lockett that they agreed (among other things) to terms proposed by the National Trust: "As the foreshore is subject to change year by year because of weather conditions it was considered undesirable to plot any agreed line on the map but that this should be midway between the normal highest and lowest levels of the lake". This wording is not exactly the same as that above quoted from the National Trust letter, but Mr Dutchman-Smith said that he had since spoken to Mr G D Lockett and understood from him that he agreed their wording. He also understood that Mr and Mrs G D Lockett were ~~the~~ the successors of the Exors of Miss Jessie Lockett.

Mr Dutchman-Smith explained that it was not intended that the Register map (which is on the scale of 6" = 1 mile; not large enough to indicate precisely the foreshore line) could be altered, this being unnecessary. I conclude that I should give effect to the agreement; <sup>accordingly</sup> ~~therefore~~ I confirm the registration with the modification that between the words: "parts of Lake Ullswater and its foreshore" and the words: "within the parishes of Barton, Martindale and Patterdale", there be inserted the words: "being the land between the highest and lowest normal level of the lake".



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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 21st — day of July — 1980

*a. a. Baden Fuller*

Commons Commissioner