



In the Matter of Cowpe Moss, Rossendale,
Rossendale B

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Rights 1 to 10 in the Rights Section of Register Unit No. CL 99 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by (a) two Objections made by Bolton County Borough Council Nos. 327 and 371 noted in the Register on 23 May 1972 and 3 July 1972 respectively and (b) Objection No. 166 made by B and J Ovenden noted in the Register on 7 July 1971.

I held a hearing for the purpose of inquiring into the disputes at Preston on 8 December 1981. Of the applicants for registration in the Rights Section, or their successors, there attended in person Mr B Ovenden (Entries Nos. 1 to 7), Mr J Thorpe (Entry No. 8) Mr R Holt (Entry No. 9), and on behalf of Mr G Morton (Entry No. 10) Mr Howarth, of Counsel, appeared. Objections Nos. 327 and 371 were made in respect of a small part of the land then owned by the Corporation Waterworks Department, of which North West Water Authority is now the successor, and Mr J Prytherch, Solicitor, appeared on behalf of the Authority.

The registration in the Land Section was made on the application of Mr R J Assheton, whose Solicitors had written to say that the Objection was accepted. It was not resisted by any of the applicants for rights and accordingly I shall confirm the registration in the Land Section modified by excluding from the land the part to which Objections Nos. 327 and 371 relate.

Objection No. 166 relates to the Entry at No. 8 and is as to the number of sheep (1500) for which a grazing right is registered. Mr Ovenden and Mr Thorpe agreed that this should be reduced to 1250 and I confirm the registration modified accordingly. The remaining Entries in the Rights Section I confirm without modification - they will of course be affected by the exclusion from the land of the part mentioned 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

22 December

1981

L. J. Morris Smith

Commons Commissioner