



In the Matter of Salt Marshes, Warton and
Silverdale, Lancashire (NO.2)

DECISION

These disputes relate to the registration at Entry Nos 1, 2, 4 and 5 in the Rights section of Register Unit No. CL.45 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection No. 1 made by the former Lancaster Rural District Council, Objection No. 70 made by Mr J Wilkinson, Objection No. 75 made by Mr W T Ward, Objection No. 50 made by Mr G C Harries and Mr R G Swainson, Objection No. 120 made by Mr T W Ward, and all noted in the Register on 4 December 1970, Objection No. 187 made by Mr C L Mason and noted in the Register on 24 June 1971, Objection No. 295 made by Mr Harries and Mr Swainson and noted in the Register on 5 May 1972, and Objection No. 392 made by Mrs H M C Reynolds, and noted in the Register on 18 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Lancaster on 1 and 2 March 1978. The hearing was attended by Mr J Leeming, of Counsel, on behalf of the Trustees of H M R Reynolds, deceased, the applicants for the registration at Entry No 1, and Mr C L Mason, the applicant for the registration at Entry No 4, and by Mr L Howarth, Solicitor, on behalf of Mr Wilkinson (also the applicant for the registration at Entry No.5).

I continued the hearing at Lancaster on 17 July 1984, when the Reynolds Trustees were represented by Mr C L Billington, Solicitor, Mr Wilkinson was represented by Mr M A H Bates, Solicitor, and Mr N Le Poidevin, of Counsel, appeared for the Royal Society for the Protection of Birds, the successors in title of Mr Harries and Mr Swainson.

It was agreed that I should confirm the registration at Entry No.1 with the following modification, namely, the substitution for the figures and words in column 4 of the figures and words:-

"To graze 150 sheep and their followers over the whole of the land comprised in this Register Unit and over the whole of the land comprised in Register Unit CL.160 save and except any part of the land therein lying south of the main channel carrying the River Keer (notwithstanding that the position of the said channel may change from time to time due to accretion or erosion) and except the part of the land therein lying south and west of the line C-D on the Register Map"

It has since been agreed that I should confirm the registration at Entry No. 2 with the following modification, namely, the substitution for the figures and words in column 4 of the figures and words:-

"To graze 750 sheep and their followers or such larger number as may be permitted pursuant to the terms of an Agreement and Compromise dated 3 June 1981 and made between James Wilkinson and Roger James Wilkinson of the first part Charles Leonard Mason of the second part John Glendower Rowe Harding, James Roskell Reynolds, Richard James Gillow Reynolds and Henry Claude Lucas of the third part Lancashire County Council of the fourth part and Warton Parish Council of the fifth part as varied by a



-2-

Deed of Variation dated 9 November 1984 and made between the said James Wilkinson and Roger James Wilkinson of the first part The Royal Society for the Protection of Birds of the second part the said Richard James Gillow Reynolds of the third part Lancashire County Council of the fourth part and Warton Parish Council of the fifth part over the whole of the land comprised in this Register Unit and over the whole of the land comprised in Register Unit No.CL.160 save and except any part of the land therein lying south of the main channel carrying the River Keer (notwithstanding the position of the said channel may change from time to time due to accretion or erosion) and except the part of the land therein lying south and south west of the line C-D on the Register Map".

It was agreed that I should refuse to confirm the registration at Entry No.4.

It has since been agreed that I should confirm the registration at Entry No 5 with the following modification, namely, the substitution for the figures and words in column 4 of the figures and words:-

"To graze 750 sheep and their followers or such larger number as shall be permitted pursuant to the terms of the said Agreement and Compromise dated 3 June 1981 as varied by the said Deed dated 9 November 1984 over the part of the land comprised in this Register Unit lying south of the line O-N and west of the line N-F on the Register Map, the parts of the land comprised in Register Unit CL 160 lying north west of the line A-B, south west of the line E-F on the Register Map and north and west of the main channel carrying the River Keer (notwithstanding the position of the said channel may change from time to time due to accretion or erosion) and over the whole of the land comprised in Register Unit CL.264"

I accordingly confirm the registrations at Entry Nos 1,2, and 5 with the above modifications, and I refuse to confirm the registration at Entry No.4.

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

29th

day of

November

1984

Chief Commons Commissioner