



COMMONS REGISTRATION ACT 1965

Reference No. 220/D/150

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

DECISION

This dispute relates to the registration at Entry No 1 in the Rights Section of Register Unit No. CL.160 in the Register of Common Land maintained by the Lancashire County Council and is occasioned by Objection No. 303 made by Mr G C Harries and Mr R G Swainson and noted in the Register on 5 May 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 Ian Leeming, of Counsel, on behalf of Mr C L Mason, the successor in title of Mr and Mrs R V Dixon, the applicants for the registration and by Mr N P Le Poidevin, of Counsel, on behalf of the Royal Society for the Protection of Birds, the successors in title of the Objectors.

At the hearing I was informed that the parties had agreed upon the decisions to be given in this and some other matters, and I asked that in order to avoid misunderstanding agreed terms should be put into writing. I was subsequently provided with a copy of an agreement and compromise made 3 June 1981 between (1) James Wilkinson and Roger James Wilkinson (2) Charles Leonard Mason (3) John Glendower Rowe Harding, James Rosewell Reynolds, Richard James Gillow Reynolds, and Henry Claude Lucas (4) Lancashire County Council (5) Warton Parish Council. This document relates to several registrations in addition to the one which is the subject of the present reference and it is not drafted so as to state with precision what modification is sought in respect of each of the references to which it relates. Doing the best that I can to give effect to the wishes of the parties, I confirm the registration at Entry No 1. with the following modification, namely, the substitution for the words in column 4 of the words: "To graze 750 sheep and their followers over the whole of the land comprised in this Register Unit with the exception of the land lying south and west of the line C-D on the Register Map, the land lying north-west of the line A-B on the said Map and the land lying south of the main channel of the River Keer, notwithstanding that the position of the said channel may change from time to time due either to accretion or to erosion".

Should any person entitled to be heard so request within 28 days from the date on which notice of this decision is sent to him, I will set aside the decision and restore the case to the list for further hearing.

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 2nd day of February 1983


Chief Commons Commissioner