



In the Matter of Whitworth and Trough Common,
Rochdale and Rossendale

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1-24 in the Rights Section of Register Unit No. CL 165 in the Register of Common Land maintained by the Lancashire County Council. They are occasioned by Objection No. 259 made by West Pennine Water Board and noted in the Register on 7 March 1972 and also by the conflicting registrations at Entries Nos. 2 and 7 in the Rights Section.

I held a hearing for the purpose of inquiring into the disputes at Preston on 16 November 1982. The hearing was attended by Mr W F Lloyd the applicant for registration at Entry No. 7 and by Mr Stanley Thorpe.

Objection No. 259 was withdrawn by North West Water Authority, the successor Authority to the objector. Entries Nos. 2 and 7 are of different grazing rights attached in the case of No. 2 to Winterbutt Lee Farm and in the case of No. 7 to Higher Trough Farm. These two properties are shown on supplemental maps, and a rectangular shaped area ("the disputed area") is included in both maps, giving rise to a conflict. Mr Thorpe told me that he was a tenant of the disputed area on which he grazed sheep. Mr Lloyd told me that the applicant for registration at Entry No. 2, Mr N Haworth, was now deceased, but that in a case as to the ownership of the disputed area between him (Mr Lloyd) and Mr Haworth the court had decided in favour of Mr Lloyd. Mr Thorpe did not dispute this. In these circumstances I think the appropriate course to resolve the conflict is to exclude the disputed area from the property to which the grazing right in Entry No. 2 is attached.

With the withdrawal of Objection No. 259, the overall result is that I confirm the registrations in the Land Section and the Rights Section, modified as regards Entry No. 2 in the Rights Section by the exclusion of the disputed area from the land described in Column 5.

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

6th

day of

December

1982

L. J. Morris Smith

Commons Commissioner