Reference No. 260/D/48



In the Matter of Five Areas of Land on the Outskirts of Breach Hill Common, Chew Stoke, Avon, (No. 1).

## DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 164 in the Register of Common Land maintained by the former Somerset County Council and is occasioned by Objection No. 0/794 made by the former County Council and noted in the Register on 21 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Bath on 13 July 1978. The hearing was attended by Mr A N Read, the applicant for a registration in the Rights section of the Register Unit, and by Mr A W James, an officer of the Avon County Council, the successor authority of the Objector. There was no appearance by or on behalf of Mr A L Pirrie, the applicant for the registration.

The Objection relates only to a strip of land which forms the site of a public Mr Read agreed that there is a public right of way along this strip of land, which therefore falls outside the definition of "common land" in section 22(1) of the Commons Registration Act 1965.

Mr James said that in addition to the land shown on the plan attached to the Objection, a further part of the land comprised in the Register Unit formed part of the footpath. I do not, however, consider that I have any jurisdiction to deal with this additional piece of land, since Mr Pirrie indicated by his absence only that he was content to have the land the subject of the Objection excluded from the Register Unit.

For these reasons I confirm the registration with the following modification:namely the exclusion of the land indicated in red on the plan attached to the Objection.

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 31st day of July

CHEEF COLLOHS COLERESSIONER