



COMMONS REGISTRATION ACT 1965

Reference Nos 202/D/15
202/D/16
202/D/17

In the Matter of Odney Common, Cookham,
Windsor and Maidenhead District,
Berkshire

DECISION

These disputes relate to the registration at Entry No 3 in the Rights Section of Register Unit No CL 90 in the Register of Common Land maintained by the Berkshire County Council and are occasioned by Objection No 105 made by John Lewis Properties Limited and noted in the Register on 10 December 1970 by Objection No 47 made by Cookham Parish Council and noted in the Register on 1 January 1971, and by Objection No 61 and made by Mr George Tarrant Copas and Mr Thomas Henry Copas and noted in the register on 10 December 1970.

I held a hearing for the purpose of inquiring into the disputes at Windsor on 9 July 1978. At the hearing Mr T A Copas represented Messrs G T and T H Copas (the Objectors, being his uncle and father).

The land ("the Unit Land") in this Register Unit is low lying grassland near where Lulle Brook joins the River Thames, being about 450 yds long from east to west and for the most part about 100 yds wide. It is crossed by a well used footpath from the Village of Cookham to Cookham Lock. The disputed Rights Section registration was made on the application of Mr R N Caught (part owner, part tenant) and is of a right attached to "land at Hillgrove, Highwood and Grange Farms" as shown on a plan, to graze 150 cattle and 150 sheep. The grounds of Objection No 105 (Lewis) are: "Rights restricted 75 cattle 75 sheep"; of Objection No 47 (P/C) are: "Rights registered exceed the number of animals which the land will maintain. Approximate area is 7 acres and the total number of animals in view of the Parish Council should not exceed circa 40"; and of Objection No 61 (Copas): "The land known as Highwood outside parish of Cookham and the rights do not therefore apply to this property".

There are 2 other Entries in the Rights Section: (No 1) on the application of Messrs G T and T H Copas of a right to graze 10 cattle or 40 sheep or 10 horses; and (No 2) on the application of Mr L J Ricketts to pasture 10 cattle. In the Ownership Section, John Lewis Properties Limited are registered as owners of all the Unit Land.

Mr T H Copas, who is now 70 years of age and has been all his life at Kings Coppice Farm (it is part of a number of farms) in the course of his evidence referred to my copy of the application of Mr Caught and of the map therein mentioned. Such map shows that the land to which the right is attached is in 2 parts:- (Part A) very approximately square about 400 yds long and wide and west of Cookham Dean, and (Part B) irregularly shaped about one mile long from north to south and having a width (the north part) of a little under a mile and (the south part) about $\frac{1}{2}$ mile.



He said (in effect):- Mr Caught left the district in about 1972; he was of Part A C the tenant of J Lewis; of this about 50 acres were taken over by Mr R W Newman (of Grange Farm) and the rest about 200 acres) is now a golf course. Part A was purchased by Mr Caught's father who rented it to his son until he left the District; this Part was nothing to do with J Lewis; it is at Highwood in Bisham Parish and is not therefore entitled to rights of common over the Unit Land. He spoke to Mr Caught and asked him to withdraw Highwood as not being in the Parish, and he said he would see to it; however he did not, having bought a farm in Devon.

I have a letter dated 28 April 1975 from Mr Newman in which he agrees the figures of 10 cattle or 40 sheep, and a similar letter dated 3 May 1975 from the Parish Council. Also a letter dated 19 May 1975 from Mr Newman in which he says in effect, that the land at Highwood is not in his possession. I also have a letter dated 18 July 1978 from John Lewis Properties Limited with which is enclosed a statement by G R Wilmot their Property Manager; he in effect asks me to confirm rights of Messrs Copas Brothers, L C Ricketts, and R Newman who graze the common the population of cattle thereon not to exceed 80 sheep or 20 steers or 20 horses.

Mr T A Copas suggested that Entry No 3 should be limited to 10 cattle or 40 sheep and indicated that notwithstanding that most of the attached land had become a golf course, he had no objection to its being registered as now provided that Highwood in the parish of Bisham was excluded.

While I cannot give effect exactly to all the suggestions which have, as outlined above, been made to me, I think I shall be near enough if I act on what was said at the hearing. Accordingly I confirm the registration with the modification that in column 4 for the words: "150 cattle and 150 sheep" there be substituted "10 cattle or 40 sheep" and that in column 5 such alterations be made as will exclude from the attached land all land in the parish of Bisham and in particular exclude the land shown on the plan annexed to the application dated 8 January 1979 by Mr R W Caught as being to the west of Cookham Dean.

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 30th day of October — 1978

A. A. R. R. R.
Commons Commissioner