



In the Matter of Cubert Common, Cubert

Carrick D

DECISION

These disputes relate to the registrations at Entry Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 24, 28 and 31 in the Rights Section of Register Unit No. CL 117 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objections No. X 1469, X 1470, X 1481 and X 1483 all made by Cubert Commoners Association and all noted in the Register on 11 December 1972.

I held a hearing for the purpose of inquiring into these disputes at Truro on 15 March 1979.

JA Mr Bradley of Messrs Peter Peter and Sons appeared for Mr J Coad, the Chairman of the Commoners Association who is also an applicant for rights and for Messrs Wybrow, Eastlake, Longworth and Bishop. (Mr Bishop is the successor to the applicant under Entry No. 4). *scale*

Mr P B Cocks appeared for Messrs Gould, Norfolk, Hartley Hutton and Killingback. (Mr Killingback is now the owner of part of the land for which rights are claimed under Entry No. 31).

This Unit of 135 acres is by far the largest of several Units of Common Land at Cubert. The other Units CL 120 (0.707 acres), CL 31 (5.661 acres), CL 179 (7 acres) (prior to modification) and CL 351 are relatively small and cannot sustain many animals. Several applicants for rights on this Unit have also applied for rights on one or more of the other Units.

It was agreed at the hearing, that the Register should record rights which are viable and that the rights recorded in the Rights Section of this Unit should be the grazing rights which the Commoners shall be entitled to exercise at any one time over this Unit and anyone or more of the other above mentioned Units.

I was told that Entry No. 20 had been withdrawn and I refuse to confirm that Entry. Entry Nos. 1, 2, 23, 29 and 30 are final and I have no power to modify these Entries, even if I had been requested so to do.

As regards the remaining Entries, there was no dispute of the entitlements of the applicants to some rights and with the very helpful assistance of Mr Cocks and Mr Bradley, they arrived at an agreement as to the quantification of these rights.

In accordance with that agreement, I confirm the undermentioned Entries modified so as to confer the number of "units of grazing" set opposite each of them respectively. viz.

<u>Entry No.</u>	<u>Units of grazing</u>
3	3
4	4
5	30
6	6
7	6
8	1



<u>Entry No.</u>	<u>Units of grazing</u>
9	2
10	4
11	6
12	3
13	3
19	12
21	6
24	27
28	5
31	6

Each Unit of grazing confers the right to graze 1 head of cattle, or one pony or 1/2 a horse or 5 sheep or 1 donkey or 6 geese or 5 goats. A Unit of grazing does not confer the right to graze calves, lambs or kids with their parents.

Each of the above mentioned Entries is subject to the Proviso that not more than the Units of grazing set opposite them respectively shall be exercised at any one time over this Unit (CL 117) and any one or more of the following Units. viz. CL 120, CL 317, CL 351 and CL 178.

Entry No. 5 is further modified by deleting all the words in column 5 and substituting therefore, the following words:- "Trewargans Farm, Cubert, Newquay, Cornwall, comprising OS Plot Nos 14, 15, 15a, 19, 35, 35a, 36, 36, 39, 71, 72, 147, 147 part 148, 150, 151, 152, 155, 156, 157, 215, 216, 217, 218, 252 and 251 on the 1907 (second edition) map for the Parish of Cubert in the County of Cornwall.

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 25 September day of 1979

C. F. Little

Commons Commissioner