



In the Matter of Gunwalloe Church Cove Beach,
Gunwalloe, Cornwall (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No CL 177 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X 142 made by H R H Charles, Prince of Wales, Duke of Cornwall and noted in the Register on 19 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro on 15 December 1977. The hearing was attended by Mr D Lockyer, the Chairman of the Gunwalloe Parish Meeting, the applicant for the registration, by Mr B C Peters, solicitor, on behalf of Mr James Hocking, one of the applicants for the registration at Entry No 1 in the Rights section of the Register Unit, and Mr W H K Ferris, the applicant for the registration at Entry No 2 in the Rights section, and by Mr N Butterfield, of counsel, on behalf of the Objector.

The land comprised in the Register Unit consists of foreshore, that is to say land between high water mark and low water mark of ordinary tides. The registration at Entry No 1 in the Rights section is of a right to take sand and that at Entry No 2 is of a right to take stone and sand. At the conclusion of the evidence Mr Butterfield informed me that he was instructed to admit the existence of the right to take stone, but not the rights to take sand. It will be necessary for me to consider whether the existence of the rights to take sand has been proved in the dispute relating to the Rights section, but the admitted existence of the right to take stone is sufficient for the purposes of this dispute.

For these reasons I confirm the registration.

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 26th day of January 1978

Chief Commons Commissioner