



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/247-254

In the Matter of Long Downs, Cardinham,  
North Cornwall D

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section and Entry Nos. 2, 3, 4, 5, 6, 9, 10, 11, 12, 19, 21, 22, 26, 27, 28, 30, 32, 33, 36 and 37 in the Rights Section of Register Unit No. CL 136 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the Objections set out in the Schedule hereto and the conflicting Registrations at Entry Nos. 3 and 21 in the said Rights Section.

I held a hearing for the purpose of inquiring into the disputes at Truro on 31 October and 1, 2 and 3 November 1978 and an adjourned hearing at Truro on 20 and 21 March 1979.

The hearings were attended by Mr G Ryan counsel instructed by Messrs Coningsbys on behalf of the applicants for Rights under Entries Nos. 10, 11 and 19, by Mr J G R Romary of Messrs Pethybridges on behalf of the applicants for rights under Entry Nos. 2, 3, 21 and 22 by Mr Ardell the applicant for rights under Entry Nos. 4 and 5 in person, by Mr Lyme and Mr Tucker applicant for rights under Entry Nos. 26 and 33 and 27 respectively, by Mr J Evans of Messrs Harvey and Sproull on behalf of the Objector Mr W F Dyer and by Mr Gill on behalf of the Cornwall County Council.

At the conclusion of the evidence all those represented at or attending the adjourned hearing agreed that I should confirm the Entry in the Land Section modified by the exclusion of all the the land lying South West of the line D F on the Register Map and the land identified on the plan annexed to Objection No. K536 and I therefore confirm that Entry modified as aforesaid.

I turn now to Entries in the Rights Section. The conflict between Entry Nos. 3 and 21 was resolved by Mr Romary withdrawing Entry No. 3.

Mr Ardell produced his title deeds relating to Entry Nos. 4 and 5 claims for Hurstock Lodge and Milltown Farm respectively. Mr Ardell is a tenant of Hurstocks and his land lord has made no claim to rights and his documents relating to this property and his evidence as to grazing from this property failed to satisfy me that there were any rights appurtenant to Hurstocks and I refuse to confirm this Entry. Entry Nos. 10, 12, 22, 28, 30 and 31 were withdrawn and the applicant under Entry No. 36 did not appear and I therefore refuse to confirm these Entries.

There remain for consideration Entry Nos. 2, 5, 6, 11, 19, 21, 26, 27 and 33. It was accepted by all the applicants for rights under these Entries, other than Mrs Rason, who did not attend the adjourned hearing that the land comprised in the modified Entry in the Land Section, referred to at the hearing as Bunnys Hill and which is in its present state, very poor land, cannot sustain anything approaching the numbers of animals which the Unit, if it had not been modified, could have sustained and that their applications would have to be modified as regards numbers as set out below. viz.

<u>Entry No.</u>	<u>Grazing Rights in Units</u>
2	3
5	5
6	2
11	15



<u>Entry No.</u>	<u>Grazing Rights in Units</u>
19	20
21	15
26	8
27	11
33	6

Each unit confers the rights to graze one head of cattle or one horse or pony or 5 sheep.

Entry Nos. 2, 11 and 19 have rights on Tawna Downs CL 127, for the same animals and the rights conferred by these Entries are subject to the proviso that the total number of animals grazed at any one time over this Unit and Unit No. CL 127 shall not exceed the numbers of animals for which there are grazing rights on Unit No. CL 127.

I confirm Entries Nos. 2, 5, 6, 11, 19, 21, 26, 27 and 33 modified as aforesaid and refuse to confirm all the other Entries in the Rights Section.

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 this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 20<sup>th</sup> day of June 1973

*J. A. H. G.*

Commons Commissioner

<u>Objection No.</u>	<u>The Schedule above referred to:</u> <u>Objector</u>	<u>Date noted in the Register</u>
X1428	W F Dyer	19 November 1970
X536	Miss E Black	29 September 1971
X1404	W F Dyer	3 January 1973
X357	Miss E Black	29 September 1971
X539	Cardinham Commoners Committee	24 September 1971
X1328	Cardinham Commoners Committee	3 January 1973
X1329	Cardinham Commoners Committee	3 January 1973