



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/317

In the Matter of Plaster Down
Camp, Whitchurch, West Devon
District, Devon

DECISION

These disputes relate to the registrations at Entry No. 39, No. 79 and No. 80 in the Rights Section of Register Unit No. CL 210 in the Register of Common Land maintained by the Devon County Council and are occasioned as regards Entry No. 79 by Objection No. 962 made by Whitchurch Commoners Association and noted in the Register on 3 February 1972, and as regards Entry Nos 39 and 80 by the registration being in conflict.

I held a hearing for the purpose of inquiring into the dispute at Plymouth on 22 June 1982. At the hearing Whitchurch Commoners Association were represented by Mr D M Crocker solicitor of Bellingham & Crocker, Solicitors of Plympton, they being instructed by Captain E T G Madgwick as chairman of the Association.

The land in this Register Unit ("the Unit Land") is a tract of about 69 acres, being about 3/4 of a mile southeast of Tavistock. The Land Section registration and the Rights Section registrations at Entry Nos. 1 (replaced by the registrations at Entry Nos. 92 and 93), 2 to 38 inclusive, 40 to 78 inclusive and 81 to 84 inclusive, and the Ownership Section registration (the Secretary of State for Defence as owner of all the Unit Land), being undisputed, have all become final.

The registration at Entry No. 79 was made on the application of Dr John Harold Capon and is of a right attached to part Foxhams, in Horrabridge, of Turbary, to take stone, to cut bracken and rushes, to graze 4 ponies or 20 sheep. The ground of Objection No. 962 are that the right does "not exist at all". I have a letter (yellow form) dated 2.8.72. addressed to Clerk of the Council, County Hall signed J H Capon agreeing to this registration Entry No. 79 being cancelled. Accordingly I refuse to confirm Rights Section Entry No. 79.

The registration at Entry No. 39 was made on the application of Messrs Tom Albert Coram Cox, Michael John Doidge, William John Doidge, and Francis Mudge as Trustees of Whitchurch Commoners' Association and is of a right attached to Shillaparks comprising OS Nos. in the Register mentioned, of turbary, to take stones, to cut bracken and rushes, to graze 25 cattle and 125 sheep. The registration at Entry No. 80 was made on the application of Mr George Thomas James Medland and is of a right attached to Shillaparks, Merrivale comprising the same OS Nos. as aforesaid, of turbary, to take stones, to cut bracken and rushes, to graze 25 cattle or ponies 125 sheep. These two registrations are identical except that on the Register the rights at Entry No. 39 are said to be also over a certain part of Register Unit No. CL 84 and the rights at Entry No. 80 are said to be additionally over Register Unit Nos. CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W). In my view references to other register units are not part of the CL 210 registrations in the sense that as regards such other registrations the CL 210 registrations are irrelevant; see



- 2 -

my decision dated 30 June 1983 about the Forest (CL164) under the heading "References to one Register Unit to another Register Unit". There being very little difference between the effective part of the registrations at Entry Nos. 39 and 80, I shall as suggested by Mr Crocker refuse to confirm the registration at Entry No. 80 and confirm registration at Entry No. 39 without any modification.

Nothing in this decision taken by Devon County Council as preventing them from anything they think fit as registration authority adding a note somewhere in Entry No. 39 that an application for almost identical registration was received from Mr George Thomas James Medland as relating to the land in this register unit and in the other register unit mentioned in his application.

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 11th — day of July — 1983

a. a. Bada Fuller

Commons Commissioner