



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/415

In the Matter of Ugborough Moor,  
Ugborough, South Hams District,  
Devon

SECOND DECISION

This second decision is supplemental to my decision dated 15 November 1985 and made in this Matter relating to the registrations in the Rights Section of Register Unit No. CL156 in the Register of Common Land maintained by Devon County Council after a hearing at Plymouth on 17 and 18 July 1984.

This second decision relates to and only to the three registrations in the Rights Section: at Entry No. 96 made on the application of Grahame Stewart Mills of rights attached to Strode Farm, Ermington (as amended 5/1/73) to graze 500 sheep 20 cattle 20 ponies "over that part of the land comprised in this register unit number and ... as are hatched in red lines and lettered C on the register map; at Entry No. 109 made on the application of Stewart Thomas Parnell of rights attached to land at 1 Lanteglos Close, Bittaford of Estovers, Piscary Pannage Turbary over the whole of the land in this register unit; and at Entry No. 110 made on the application of William Henry Davies and Muriel Maud Davies of rights attached to land at 5 Lanteglos Close, Bittaford of Estovers, Turbary Piscary Pannage over the whole of the land comprised in this register unit.

This second decision is occasioned by a letter 1 January 1986 from Mr W J Edmunds to the Clerk of the Commons Commissioners/which as to Entry No. 96 he suggests (in effect):- Instead of confirmation of it being refused (as appears at paragraph 2(b) of the Third Schedule to my said 1985 decision), it should be confirmed in accordance with his paper WJE/1. I understand him to mean that the registration would have been included in paragraph 3 of the Third Schedule and confirmed with the modification mentioned therein. This merely excepts the land hatched red and lettered B on the register map, being "the Forest Part" specified at page 7 of my 1985 decision.

The point raised by Mr Edmunds appears to me to be valid. My 1985 decision as regards registrations of rights attached to land in Ugborough listed in Part III of the First Schedule thereto is largely based on the paper WJE/1. No. 96 is in such paper included among the registrations which I have in my 1985 decision listed in Part III as in Ugborough registrations. But in my decision, No. 96 is not included in the said Part III; it is included in Part II among the outside Ugborough registrations. Land in Ermington (such as Strode Farm) is in relation to the Unit Land (and also Harford Moor, CL195 land) different, in that the Unit Land (and also Harford Moor) can from its (their) situation relative to Ugborough (and Harford) and Ermington to the south, be sensibly regarded as the common (or one of the commons) properly grazable from land in Ermington; it (or they) cannot be so regarded as properly grazable from lands in Okehampton, South Tawton and the other parishes mentioned in the said Part II. Further in my Harford Moor (CL195) decision dated 15 November 1985 (reference No. 209/D/416-417) No. 78 (being a registration of rights attached to Strode Farm) was treated in the same way as Mr Edmunds suggests I should treat the CL156 unit land Entry No. 96.



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So subject to the liberty to apply hereinafter granted, my decision now is: my said 1985 decision is corrected as follows:- At line 8 of the last paragraph on page 10 after the words "lands in Ugborough" insert "or to land in Ivybridge (including Ermington) to the south". At lines 15 and 16 on page 13 delete from "(E) Ermington (Ivybridge) ..." to "... the Register Map)." At line 25 of page 14 before "99," insert "96 (Grahame Stewart Mills, Strode Farm)". At line 8 of the last paragraph of page 18 delete "96,". At line 6 of page 19 after "... 67, 68" insert "96". And at line 12 of page 19 after the words "register map" insert the words "or in the case of Entry No. 96, after the words "lettered C" on the register map".

So in the result subject to the said liberty I CONFIRM the registration at Entry No. 96 with the modification that column 4 will end: "over that part of the land comprised in this register unit number and that part of register unit No. C1195 as are hatched in red line and lettered C on the register map (overlap) except the part of such land hatched red and lettered B on the register map."

Because there may be persons possibly interested for or against Entry No. 96 who may be prejudiced by this second decision which I am now making without them having an opportunity of disputing it, I give to any such person liberty to apply to set aside this second decision. Any such application should be made within THREE MONTHS or such extended time as a Commons Commissioner may allow of the date when this second decision is sent out, and should in the first instance be made by letter to the Clerk of the Commons Commissioners.

Additional, Mr Edmunds in his said 1986 letter suggested that the registrations at Entry Nos. 109 and 110 (as amended 15/4/71) should not include "pannage". He referred to Entry Nos. 40 and 41 both of which included "pannage" and which I confirmed for the reasons stated at page 10 of my decision with modifications which included the deletion of "pannage".

Such deletion was based on the evidence I have had at other hearings that such a right does not exist in Dartmoor there being there no oaks or beeches in such quantity as for it to be worthwhile putting pigs there to eat the acorns or beech nuts. The registrations at Entry Nos. 109 and 110 also include "piscary", about which evidence has been given ~~but~~ in Dartmoor no such right of commons existed because where there ~~was~~ fishable water, the fishing is protected.

Unlike the registrations at Entry Nos. 40 and 41 (both within Duchy Objection No. 463, particularly against "pannage"), the registrations at Entry Nos. 109 and 110 are not within any Objection. And "piscary" is not within any CL161 Objection. In these circumstances I consider I ought not to give a decision against the registrations at Entry Nos. 109 and 110 without giving Mr S T Parnell and Messrs W H and M M Davies or their successors in title an opportunity of discussing "pannage" and "piscary" with Mr Edmunds making representations to me about what I should do about these rights. Accordingly I suspend all action on these two registrations until the expiration of THREE MONTHS of the date on which this decision is sent out; ~~that~~ the expiration of such period I will having regard to any representations I may have received give such a decision about these two registrations as then to me ~~seems~~ seems just.

not particularly against Saker Pannage or Piscary



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 17<sup>th</sup> — day of March — 1986

A. A. Baden Fuller

Commons Commissioner

Corrected the last paragraph of page 2 pursuant to my  
third decision dated ~~27~~ 29 October 1986

A. A. Baden Fuller  
29 October 1986