



In the Matter of High Meadow Woods,
Staunton, Gloucestershire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 325 in the Register of Common Land maintained by the former Gloucestershire County Council and is occasioned by Objection No. Ob 143 made by the Forestry Commission and noted in the Register on 11 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Gloucester on 9 February 1977. The hearing was attended by Mr C Nicholls, solicitor, on behalf of Mr V S Haines, in consequence of whose application for a registration in the Rights section of the Register Unit this registration was made, and on behalf of the Staunton Parish Council, and by Mr F Ungood-Thomas, of counsel, on behalf of the Objector.

Mr Nicholls sought to support the registration on the ground that the land comprised in the Register Unit falls within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 by being subject to the rights of common provisionally registered in the Rights section of the Register Unit. These rights are (1) at Entry No. 1 the right to take fallen wood, brush and tree lopping, registered on the application of Mr Haines, and (2) at Entry No. 2 the right of estovers, registered on the application of the Parish Council for parishioners of Staunton.

Mr Haines gave evidence that during the last 25 years he had taken from the land comprised in the Register Unit wood smaller than a man's wrist for kindling and baking bread in his house. He said that he had also taken pea-sticks and bean-sticks which had been cut by the foresters and not bundled by them. Before Mr Haines owned the house it was in the ownership of his great-aunt for over 20 years, and she and her husband also had wood from the land in question. Mr Haines said that the foresters had seen him carrying wood; that other inhabitants of Staunton had done the same; and that he had been offered a permit by the Forestry Commission, but had refused it.

Evidence in support of the registration at Entry No. 2 was given by Mr W L Hone, who is aged 57, and lived at the Old Post Office, Staunton, until August 1975. He said that he had taken kindling wood and pea-sticks and bean-sticks and that his father also took sticks for kindling and bread baking. Mr Hone said that he considered that he was exercising the rights of the villagers.

Mr Haines also invited me to consider a statutory declaration made by Mr C E Liddington of Blas Farm, Staunton. Mr Liddington stated that he was 52 years of age when he made the declaration in March 1975 and that throughout his working lifetime as a farmer he had taken firewood from the land comprised in the Register Unit.

The land in question was purchased by the Crown in 1817 and was subsequently transferred first to the Commissioners of Woods and Forests and subsequently to the Forestry Commission. Certainly since 1954 and possibly earlier the officers of the Forestry Commission have issued permits free of charge for the collection of