



COMMONS REGISTRATION ACT 1965

Reference Nos. 25/D/156-162

In the Matter of Saltings and
Foresore, Brancaster, Norfolk

DECISION

These disputes relate to the registration at Entries in the Rights Section of Register Unit No. CL 124 in the Register of Common Land maintained by the Norfolk County Council and are occasioned by the following Objections: Objection No. 389B to the registration at Entries No. 7-56 (excluding 27) made by the Secretary of the Royal West Norfolk Golf Club and noted in the Register on 4 September 1972, Objection No. 187B to the registration at Entries No. 1-56 (excluding 27) made by Walters and Hart (for the National Trust) and noted in the Register on 30 October 1970, Objection No. 32B by Mrs E M Reddaway noted in the Register on 23 March 1970, Objection No. 33B by A H Dowson noted in the Register on 23 March 1970, Objection No. 39B by Peter Pettit noted in the Register on 5 May 1970, Objection No. 55B made by Mrs K A Harrild and noted in the Register on 8 June 1970, Objection No. 306B by B T Borthwick and noted in the Register on 8 December 1970. The last five Objections were to the registrations at Entries No. 1-56.

I held a hearing for the purpose of inquiring into the disputes at Kings Lynn on 6 December 1979.

- (1) Objection No. 389B. As appears from a letter dated 3 December 1979 from the Objector's solicitors, this Objection was withdrawn.
- (2) Objection Nos. 32B, 33B, 39B, 55B. Each of these Objections relate to a small area of privately owned residential property, which I have decided shall be excluded from the Common Land. The Objections, as objections to rights, are accordingly no longer maintained.
- (3) Objection No. 187B. At the hearing Mr P R Fitzgerald, solicitor of the firm of Walters and Fladgate appeared on behalf of the National Trust. This Objection was withdrawn except as to the rights Entries specified in Part I of the Schedule below.

The Objection is that the rights in so far as they relate to the taking of soil, sand, shingle, game, wild fowl, fish and shell fish did not exist at the time of registration. The applicants for registration of the Entries to which the Objection was maintained did not appear at the hearing, and in the absence of evidence as to the origin or existence of the rights. I think I should give effect to the Objection: those Entries will accordingly be modified as indicated in column 2 of the Schedule below, so that the rights will not extend to taking any of those products or animals.

- (4) Objection No. 306B. At the hearing Mr P Harper, Solicitor, appeared on behalf of Mr Borthwick. This Objection was to the registration as Common Land



of part ("the blue part") of the land comprised in the Register Unit, the part being enclosed for sea defence purposes and hatched blue on the plan accompanying the Objection. This constitutes an objection to the rights registered over the blue part. The Objection was withdrawn except as to the Rights Entries specified in Parts I and II of the Schedule, and again I think the Objection should succeed, there being no evidence adduced before me as to the origin or existence of the rights. Those Entries will accordingly be modified as indicated in column 3 of the Schedule, so that the rights will not extend to the blue part.

The Schedule

Part I

<u>Entry Nos.</u>	<u>Modification to give effect to Objection 187B</u>	<u>Modification to give effect to Objection 306B</u>
4, 16 , 16, 21, 25, 29, 35, 46 and 48	In Column 4 of the Rights Section delete each of the following words wherever they occur, viz, sand, shingle, game, wild fowl, fish, shell fish.	In Column 4 of the Rights Section immediately after the words "this register unit" insert the bracketed words "other than the (blue part)."

Part II

<u>Entry Nos.</u>	(as above)
1, 8, 9, 10, 12, 13, 17, 19, 23, 32, 37, 41, 43, 45, 47, 48, 49, 50, 52	

In the result I confirm (a) the Entries specified in Part I of the Schedule with the modifications in column 2 and 3 (b) the Entries specified in Part II of the Schedule with the modification in column 3 (c) all other Entries in the Rights Section without modification.

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

14 February

1980

L. J. M. B. B. B.

Commons Commissioner