



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/885
206/D/886

In the Matter of a strip of
land part of Goonhilly Downs,
Grade Ruan, Kerrier District,
Cornwall

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Rights Section of Register Unit No CL 425 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objections No X 1066 and X 1067 made by Rt Hon George Hugh Viscount Falmouth and noted in the Register on 30 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Camborne on 8 October 1980. At the hearing Cornwall County Council as registration authority was represented by Mr D M Gill.

The land ("the Unit Land") in this Register Unit according to the Register map is a strip about $1\frac{1}{2}$ miles long and having a variable width of about 100 yards and is situated on the south or southwest side of Goonhilly Downs. The Land Section registration was made in consequence of an application made by Mr Richard Edward Gilbert for the registration of a right attached to Erisey Barton and Trewithno to take stone. The Unit Land throughout its length adjoins the north and northeast boundaries of Erisey Barton and Trewithno. In the Land Section are noted applications by Grade-Ruan Parish Council and The Cornwall Naturalists' Trust Ltd. The grounds of the Objections are that the land was not common land at the date of registration and that the rights do not exist.

I have a copy of a letter dated 25 November 1976 from the Cornwall Naturalists' Trust Ltd in which they say that they consider the said Objections valid, and "we are not convinced that this old roadway would necessarily be regarded as roadside and claimed as such by any highway authority but give the benefit of the doubt to the objector". I have a letter dated 1 September 1980 from Hancock & Lawrence Solicitors of Truro in which they say that both the Land applicants namely Grade-Ruan Parish Council and the Cornwall Naturalists' Trust Ltd have withdrawn their applications. Mr Gill handed me copies of letters dated 11 June 1979 from the Cornwall Naturalists' Trust Ltd, dated 9 August 1980 from Grade-Ruan Parish Council, and dated 29 September 1980 from Randle Thomas & Thomas Solicitors of Helston written on behalf of Mr R E Gilbert from which it appears that the Trust, the Council and Mr Gilbert either withdraw or do not wish to proceed with their application.

In these circumstances I refuse to confirm the registrations.

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



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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 28th — day of October — 1980.

A. A. Baden Fuller

Commons Commissioner