



COMMONS REGISTRATION ACT 1965

Reference No 206/D/267 & 268

In the Matter of Cardinham Downs,
Cardinham, North Cornwall D

DECISION

These disputes relate to the registration at Entry No 1 in the Land section of Register Unit No CL. 138 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No X394 made by R J Lobb and noted in the Register on 5 January 1971 and Objection No X427 made by W F Dyer and noted in the Register on 20 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 8, 9, 10 and 11 March 1977. The hearing was attended by Mr J P P Evans of Messrs Peter & Sons who appeared for the Objector Mr W F Dyer and Mr W A Daniel of A Goldberg & Co who appeared for the Objector Mr R J Lobb.

Mr Chisholm, Mr Culver of Messrs Wolferstan, Mr Romary of Messrs Pethybridge, Mr Payne of Messrs Stephens & Scown and Mr Hewlett of Messrs Parnall Godwin & Chegwin appeared for various applicants for rights and other applicants for rights appeared in person.

The Objector alleged:-

- 1 That no part of the land is common land
- 2 Alternatively that an enclosed part of the land is not common land
- 3 That even if all or part of the land is common land certain applicants for rights have no such rights and/or that their claims are excessive.

I took the view at an early stage in the hearing that to consider each individual claim for rights before it was established what if any land was common land would be wasteful and time consuming.

In the event evidence having been led on behalf of various claimants for rights Mr Evans on behalf of Mr Dyer and Mr Lobb conceded that the whole of the Unit Land is common land and I therefore confirm the registration in the Land Section.

I have not referred to the evidence led in detail for the reason that I have adjourned Reference Nos 206/D/269 to 279 inclusive which relate to the Entries in the Rights Section in the hope that all the interested parties may be able to reach agreement. In the course of the hearing I indicated some of the factors which in my view the parties will have to take into account in their negotiations but I am anxious not to prejudice these negotiations by saying anything more than is necessary for the purpose of finalising the Entry in the Land Section.



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 2nd day of *May*

1977

Y A Lettle

Commons Commissioner