



In the Matter of Tresean Common, Tresean,
Cubert, Carrick D



DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and the registrations at Entry Nos. 1, 2, 3, 4 and 5 in the Rights Section of Register Unit No. CL 316 in the Registers of Common Land maintained by the Cornwall County Council and is occasioned by Objection Nos. Z 1232 and X 1233 both made by Truro Rural District Council and both noted in the Register on 20 October 1972. Objection Nos. X 1488 and X 1490 both made by M A Johnson and both noted in the Register on 20 October 1972. Objection No. X 19a made by Cornwall County Council and noted in the Register on 5 January 1973 and Objection No. X 1489 made by Cubert Commoners Association noted in the Register on 20 October 1972.

I held a hearing for the purpose of inquiring in to this dispute at Truro on 15 March 1979.

There appeared, Mr K A Dodson, who registered the land as Common Land, Mr D M Gill on behalf of the Cornwall County Council, Mr J Coach on behalf of Cubert Commoners Association, Mr P B Cocks of Messrs Ralph & Co on behalf of M/S J R Gould and Messrs P J G Wright, T E Kempthorne and M A Johnson in person.

This dispute was heard together with those relating to other Units in the Parish of Cubert, namely Units Nos. CL 117, CL 120, CL 351 and CL 178.

As regards the Entry in the Land Section, it was accepted by all those present that I must exclude the land currently in use as a sewage ejector station. This land is a very small area difficult to define on a plan with accuracy, but Mr Gill is content that the Registration Authority, can on the Register Map, exclude this land defined as the Sewage ejector station. Mr M A Johnson had no evidence which supported his Objection No. X 1488 and I reject that Objection, Unit No. CL 351 is a part of Tresean Common adjoining this Unit and since all the Entries in that Unit were provisional I have refused to confirm all these Entries and I will modify the Entry in the Land Section of this Unit by adding to it the Land identified in the Land Section of Unit No. CL 351.

I therefore confirm the Entry in the Land Section modified by the exclusion thereupon of the sewage ejector station and by the addition thereto of the land identified in the Land Section of Unit No. CL 351.

As regards the Entries in the Rights Section, I confirm the Entries modified so as to entitle the respective applicants to the Units of grazing set opposite them below. viz.

<u>Entry No.</u>	<u>Units of grazing. (As defined on CL 117)</u>
1	4
2	3
3	1
4	3
5	4



Subject to the proviso that the numbers of animals grazed at any one time on this Unit and Unit Nos. CL 117, CL 120 and CL 178 shall not exceed the Commoners entitlement on CL 117.

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, with in 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

25

day of

September

1979

G. A. Leith

Commons Commissioner