



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/98

In the matter of part of the non-tidal
section of the River Plym, Plymouth,
Devon

SECOND DECISION

This decision is supplemental to a decision dated 30 April 1985 made by the then Chief Commons Commissioner after a hearing at Plymouth on 13 December 1984 held for the purpose of inquiring into the question of the ownership of the part of the land comprised in the Land Section of Register Unit No. CL3(P), now No. CL278 in the Register of Common Land maintained by the Devon County Council (formerly Plymouth City Council) of which no person is registered under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts 1925 to 1966 as the owner.

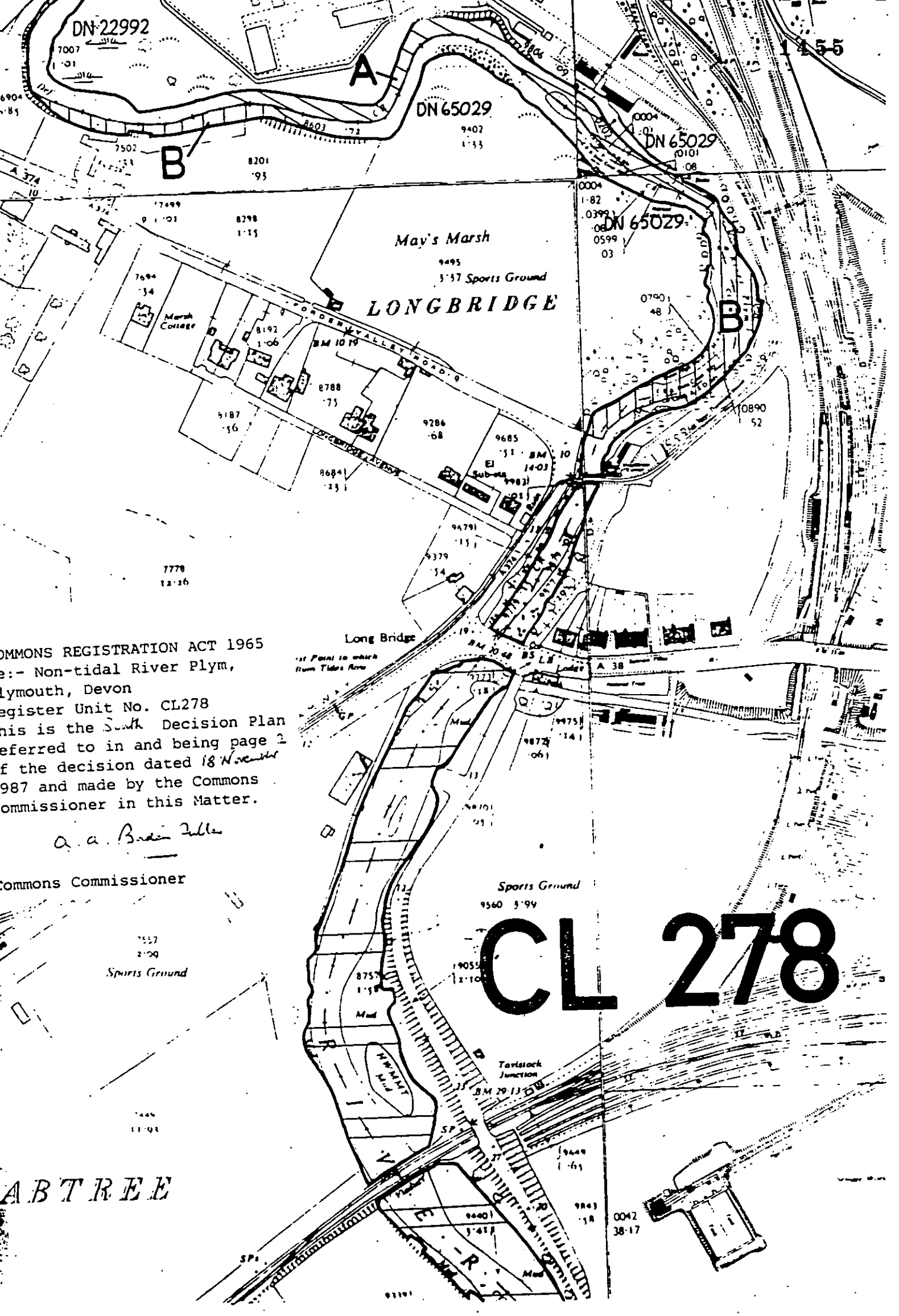
The said decision was to the effect that he the Commissioner was satisfied that HM Secretary of State for Defence is the owner of the part of the land the subject of this reference ("the Referred Land") coloured pink on "the agreed plan", Siebe Services Ltd are the owners of the land coloured yellow on "the agreed plan" and "the Plymouth City Council" are the owners of the "remainder of the Referred Land being that "shown coloured blue on the agreed plan".

No plan was annexed to the said decision. The Commissioner retired on 1 May 1985. Among the papers on the file in this office relating to this Register Unit there was a map showing most of the Referred Land coloured either pink; yellow or blue. By notice dated 5 July 1985 made pursuant to Section 8(2) of the 1965 Act, the County Council as registration authority was directed by a Commons Commissioner to register the Secretary of State for Defence, the Council of the City of Plymouth and Siebe Limited as the owners of the parts of the said land coloured pink, blue and yellow on the said map so found (he assumed that such plan was "the agreed plan"); which map was annexed to the said notice.

In a letter dated 19 June 1986 reference EJT/CL3(P) (now CL278), the County Council notified the Commons Commissioners that the said notice contained no direction to enter details of ownership in respect of two areas coloured in pink and blue on the plans attached to their letter and that the said decision made no indication that the provisions of section 9 of the Commons Registration Act 1965 should continue to apply to such areas.

I held a further hearing at Plymouth on 3 November 1987 for the purpose of inquiring into the ownership of so much of the said land of which no person was registered as aforesaid and which was not included in the said direction. At the hearing (1) Siebe Services Ltd were represented by Mr C Norton, solicitor with Bond Pearce & Co, Solicitors of Plymouth, and (2) Plymouth City Council were represented by Mr Steuart Jones, solicitor in their Legal Department.

Uncoloured copies of the two plans attached to the said June 1986 letter ("the South Decision Plan" and "the North Decision Plan") are pages 2 and 3 of this decision; the areas coloured in blue on the original being on the South Decision Plan the two areas numbered "9377" and "9779" being the whole width of the Referred Land north of the A38 road as marked on such plan (it now runs differently), and the



COMMONS REGISTRATION ACT 1965
 e:- Non-tidal River Plym,
 Plymouth, Devon
 register Unit No. CL278
 This is the *South* Decision Plan
 referred to in and being page 2
 of the decision dated 18 November
 1987 and made by the Commons
 Commissioner in this Matter.

A. A. Braden Jelle

Commons Commissioner

CL 278

ABTREE

1456

9079
18-70

7531
8-51

8031
1-52

7127
-38

6016
4-13

6518
1-31

7813
-16

7211
8-76

DN 22991

9114
1-39

9806
-33

9502
1-09

6201
-41

6700
-32

7899

DN 22992

8699
-02

5495
-92

5992
1-24

5691
-21

DN 22993

7093
4-48

8795
-71

278

Pond

Drain

B

A

DN 22992

7984
-94

7780
-30

7379
5-42

Cann Cottages

8178
-18

9284
9-83

7471
1-31

DN 22993

A

8668
3-24

Shearwood
Plantation

9465
1-03

COMMONS REGISTRATION ACT 1965
- Non-tidal River Plym,
mouth, Devon
Register Unit No. CL278
This is the North Decision Plan
referred to in and being page 3
of the decision dated 13 November
1977 and made by the Commons
Commissioner in this Matter.

A. A. Baden Fuller

Commons Commissioner



unhatched area to the north of and nearly adjoining the said two areas; the area coloured in pink on the original being on the North Decision Plan, the east of the two unhatched areas extending from a point northeast of the "1" of "DN22991" to a point east of "DN22992", being the east part (up to the middle line) of the Referred Land. Having looked at the OS 1/50,000 map (sheet 201) dated 1980 and recently motored along the A38 road, it seems that the coloured in blue may be difficult to identify because its surroundings as marked on the South Decision Plan have much changed since the OS map on which it is based was made, and it may be that the coloured in pink is also difficult to identify.

However this may be at the hearing Mr C Norton for Siebe Services Ltd and Mr S Jones for Plymouth City Council said that those they represented made no claim to the areas coloured in blue and in pink on the plan attached to the said June 1986 letter, and were agreeable to my assuming that the part of the Referred Land coloured yellow and blue on the map annexed to the July 1985 notice comprised all of the Referred Land owned by them respectively.

In the absence of any evidence, I am not satisfied that any person is the owner of the parts of the Referred Land coloured in blue and pink on the plan attached to the said June 1986 letter, and accordingly said parts will remain subject to protection under section 9 of the 1965 Act.

Dated this 18th — day of November — 1987

A. A. Baden Fuller

COMMONS COMMISSIONER