



COMMONS REGISTRATION ACT 1965

Reference Nos. 210/D/456  
210/D/457  
210/D/458

In the Matter of Wastelands, in  
Cranborne and Alderholt, Wimborne  
District, Dorset

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. CL127 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 1225 made by Robert Edward Peter, Marquess of Salisbury and by Objection No. 1242 made by the said council and both noted in the Register on 15 August 1980.

I held a hearing for the purpose of inquiring into the disputes at Poole on 18 June 1980. At the hearing (1) the Most Hon Robert Edward Peter Marquess of Salisbury was represented by Miss S Cameron of counsel instructed by Frere Cholmeley & Company., Solicitors of London; and (2) Dorset County Council were represented by Mr J W Fribence of the County Secretary's Department.

The land in this Register Unit comprises about 18 strips of land all or nearly all by the side of or near to public highways, and containing 33.7 acres. The Land Section registration was made on the application of the Most Hon. Robert Arthur James (5th) Marquess of Salisbury (he died 23 February 1972). The registration in the Rights Section was made on the application of Mr Alexander Clifford Butler and is of a right attached to Gold Oak Farm to graze 25 cows and followers, to take sand and gravel, to grass and ferns, and to estovers over two of the said strips, one north of the Cranborne-Alderholt road, and the other east of the road leading from it to Gotham.

In the course of other hearings held on the day before this one, Mr Butler was represented by Mr Mark Shillingford of counsel instructed by Wilsons, Solicitors of Salisbury; and Lord Salisbury was represented by Miss Cameron (as at this hearing); they then said that agreement had been reached between Mr Butler and Lord Salisbury under which Mr Shillingford on behalf of Mr Butler unconditionally ~~withdraws~~ withdraws his application for rights of common over the land (among other lands) ~~over~~ this (CL127) Register Unit.

In a letter dated 3 June 1980 to the Clerk of the Commons Commissioners, the County Solicitor said that Objection No. 1242 would be withdrawn at the hearing on the grounds that if the registration is confirmed, by virtue of section 22(1) of the Act, the highway rights which the County Council consider to exist over the land would not be prejudiced. At the hearing Mr Fribence on behalf of the Council withdrew the Objection accordingly.

In these circumstances I now have no support for the Rights Section registration and no effective objection to the Land Section registration; accordingly I refuse to confirm the Rights Section registration and I confirm the Land Section registration without any 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 this 13<sup>th</sup> — day of November — 1980.

*A. C. Baden Fuller*

Commons Commissioner