



COMMONS REGISTRATION ACT 1965

Reference Nos 51/D/14 and 15

In the Matter of Barrog Mountain
(Foel Unben), Llanfair TH, Colwyn BC

AMENDED DECISION

These disputes relate to the registrations at Entries Nos 1 to 7 inclusive in the Rights Section of Register Unit No. CL. 30 in the Register of Common Land maintained by the former Denbighshire County Council and are occasioned by Objection Nos 61 and 84 both made by Freda Kerr Crossley and noted in the Register on 28 September and 1 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Colwyn Bay on 4 February 1976. The hearing was attended by Robin Leslie Crossley on behalf of his mother the Objector, the applicants for Rights under Entry Nos 1 to 6 inclusive in person and by Mr W H Burrill of Messrs Peckover Burrill and Owen on behalf of the applicant under Entry No 7.

It was not disputed that each of the applicants was entitled to grazing rights but Mr Crossley contended that the quantification of the rights claimed was excessive and this again was not disputed.

The land in question comprised 118 acres and it was accepted that of this land only 90 acres were suitable for grazing and that the appropriate scale was 2½ sheep per acre. It follows therefore that the land will support 225 sheep approximately and no more. In the course of the hearing I came to the conclusion that the only practical solution was to apportion the grazing rights for 225 sheep in proportion, as near as may be, to the areas of the farms of the respective applicants. This solution was after some discussion, in the course of which it emerged that it would not accord with the current practice and might prejudice some, accepted. The respective acreages and the modified quantifications which I shall confirm are therefore as follows:

<u>1</u> Entry	<u>2</u> Acreage	<u>3</u> Rights (No. of sheep)
1	160	65
2	57	12
3	167	25
4	44	14
5	90	37
6	91	37
7	37	37
		<u>225</u>



For these reasons I confirm the registrations modified in each case so as to limit the quantification to the respective numbers of sheep stated in column 3 in the above table.

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 9th day of March 1976

C. A. Jettie

Commons Commissioner

Addendum

Since giving the above decision it has been pointed out to me that the right to graze 25 sheep in respect of Entry No 3 - 167 acres is a manifest error. The Rights in Column 3 were calculated on the footing that the acreage of Entry No 3 was 67 and NOT 167. I am now informed that the correct acreages for Entry Nos 3 and 4 are No 3 67 acres and No 4 144 acres.

What was agreed at the hearing was that the land would sustain approximately 225 sheep and that the rights should be apportioned according to the respective acreages of the respective claimants. Since there was a misunderstanding at the hearing as to the acreages of Entry Nos 3 and 4 the table in my decision required revision in order to give effect to that agreement and I therefore delete that table and substitute the following table in lieu thereof.

<u>1</u> Entry	<u>2</u> Acreage	<u>3</u> Rights (No of sheep - 1 to 3 acres approximately)
1	160	53
2	34	11
3	67	32
4	144	48
5	90	30
6	91	30
7	97	32
	<u>683</u>	<u>236</u>



If any claimant for Rights does not agree with the revised table, I am willing if so requested within 6 weeks from the date on which notice of this amended decision is sent to him, to set aside my decision and re-open the hearing.

Dated this 4th day of May 1976

C. A. Little