



COMMONS REGISTRATION ACT 1965

Reference Nos 276/D/204-227 inclusive

In the Matter of Tract of land
known as:- Llanbedr Llandeilo
Yr Allt etc, Llandeilo Graban,
Llanbedr, Painscastle, Bryn Gwyn,
Glasgwm, Aberedw, Rhulen, Colva,
Llanbadarn-y-Garreg, Radnor D

DECISION

These disputes relate to numerous Entries in the Rights Section of the Register Unit No CL. 11 in the Register of Common Land maintained by the former Radnorshire County Council and are occasioned by the Objections set out in the Schedule to this decision. For reasons which will appear hereafter no useful purpose will be served by setting out in detail the numerous Entries in the Rights Section which are the subject of Objections.

I held a hearing for the purpose of inquiring into these disputes at Llandrindod Wells on 11 November 1977.

I regret that the record of those who attended the hearing has been mislaid but I am much indebted for the assistance rendered to me by Mr P Morris of Messrs Careless & Co and Mr Gareth Morris of Messrs Dilwyn Jones & Sons and by those who appeared in person.

Objection Nos 446, 188, 159, 157, 154, 600, 598 and 597 were all made by Mr Marshall on behalf of the Glanusk Estate. The Glanusk Estate was not represented at the hearing. Objections 446 and 88 were composite Objections to numerous Entries in the Rights Section. Prior to the hearing Mr Hutchings wrote to the Clerk to the Commons Commissioners a letter dated 25 October 1977 the effect of which was that all the Estate's Objections to Entries in the Rights Section were withdrawn other than those to Entry Nos 77, 48, 79, 88 and 92. I will deal with these Entries and other Entries the subject of Objections seriatim and for the reason given above I confirm all the Entries in the Rights Section not specifically mentioned below in this decision. The outstanding Objections by the Estate are as follows:-

Entry No 48 to the claim to "the right to remove shale from the quarry". No evidence was led in support of this claim and I confirm Entry No 48 modified so as to exclude the claim to remove shale.

Entry No 77 to the claims to fish and to remove gravel and hardstone. No evidence was led in support of these claims 3 and 4 in column 4 of the Entry and I confirm Entry No 77 modified by the exclusion of Nos 3 and 4 in the 4th column of the Entry in the Register.

Entry No 79 to the claim for grazing rights on the ground that the situation of the holding in the Parishes of Painscastle and Bryngwyn did not entitle it to such rights. The applicant accepted that the claim to graze on land within the parishes of Llanbedr, Painscastle and Bryngwyn was not well founded and I confirm the Entry modified so as to delete the words Llanbedr Painscastle and Bryngwyn from column 4 in the Rights Sec.



- Entry No 88 has been modified by Entry No 134. The Objection has been met by the modified Entry 134 and I confirm Entry No 88 as modified by 134.
- Entry No 92 It was agreed that I should refuse to confirm this Entry which as regards the flock for which the claim is made is covered by Entry No 76. I turn now to the Objections made by the Llandeilo Graban Graziers Association to the following Entries:
- Entry No 88 This Objection has been met by the amended Entry No 134 and I have confirmed this amended Entry.
- Entry No 109 the Objection was the the rights claimed were excessive and as agreed I confirm Entry 109 modified so as to limit the grazing rights to 150 sheep, 10 horses and 5 cattle.
- Entry No 110 the Objection was the the rights claimed were excessive and as agreed I confirm Entry 110 modified so as to limit the grazing rights to 90 sheep, 6 horses and 3 cattle.
- Entry No 76 the Objection was that "Part of the land did not carry a right namely that part within Clyro Parish." This Objection was based on a presentment made to a Court Leet of the Manor of Ishmonydd otherwise Lower Elvel held on 12 October 1894 "that it is the custom of the Manor that no tenants of the Manor shall turn upon the Waste Lands of the Manor outside the Boundary of the respective Parishes in which they reside. This and other Objections were made in the belief that land outside the Parish did not qualify for grazing rights and the applicant was prepared to accept this view and reduce his claim. Later in the hearing the point was taken, and in my view rightly taken, that residence was the qualification for grazing rights. I was then told that this applicant does reside in the appropriate Parish and I therefore confirm this Entry.
- Entry No 79 I have confirmed this Entry in a modified form.
- Entry No 99 this Objection was similar to that relating to Entry No 76 and was in my view misconceived for the reason stated above and I confirm this Entry.
- Entry No 108 the Objection was that "whole land carrying the right has been registered and should be part only as the other part carries a right on another common."
agreed
It was ~~confirmed~~ that I should confirm this Entry No 108 modified, so as to avoid duplication, by the addition of the following words in column 4 viz "Provided that the total number of animals grazed at any one time on this Unit and Unit No CL. 26 shall not exceed 246 sheep."
- Entry No 103 this is another Objection based on a misconstruction of the Presentment to the Court Leet and I confirm this Entry.
- Entry No 115 this application was withdrawn and I refuse to confirm this Entry.



The remaining Objections to the following Entries were as follows:-

- Entry No 92 the subject of an Objection by Mrs Probert on the ground that it is duplicated with Entry No 26.⁵ It was agreed that I must refuse to confirm this Entry No 92.
- Entry No 115 the subject of an Objection by Major De Winton was withdrawn and I refuse to confirm this Entry.
- Entry No 118 the subject of an Objection by M/s Herdman & Son. It was agreed that I should confirm this Entry modified so as to exclude the right to graze 6 horses.
- Entry No 59 the subject of Objections by Mr C Lewis and Mr J R Davies "that the land carries no right of common. Mr S T Jones the applicant did not appear and in these circumstances I had no alternative but to refuse to confirm this Entry. Subsequent to the hearing I received a letter dated 15 November written by Messrs H Vaughan Vaughan & Co Solicitors on behalf of Mr S T Jones stating that he wishes to bring evidence in support of his application at the proper time.
- The proper time was 8 November 1977 and no valid reason has been put forward for Mr Jones' failure to attend or be represented on that date. I will if so requested by him reopen the Reference Nos 276/D/224 and 226 on the understanding that he will pay the Objector's costs of the adjourned hearing in any event.
- Entry No 61 was the subject of Objections by Mr C Lewis and Mr J R Davies and was withdrawn and I refuse to confirm this Entry.

The Schedule above referred to

- Objection Nos 446, 188, 159, 157, 154, 600, 598 and 597 all made by L H Marshall on behalf of the Glanusk Estate and respectively noted in the Register on 26 September 1970, 24 September 1970, 24 September 1970, 25 September 1970, 25 September 1970, 29 September 1970, 29 September 1970 and 29 September 1970.
- Objection Nos 812, 813, 814, 818, 817, 819, 821, 839 and 838 all made by the Llandeilo Griban Graziers Association and all noted in the Register on 30 September 1970.
- Objection No 19 made by Mrs E A Probert noted in the Register on 8 October 1970.
- Objection No 369 made by Major C W F De Winton noted in the Register on 29 September 1970.
- Objection No 810 made by M/s Herdman & Son noted in the Register on 30 September 1970.
- Objection Nos 309 & 310 both made by C Lewis and both noted in the Register on 28 September 1970.



Objection Nos 136 & 138

both made by J R Davies and both noted in the Register
on 24 September 1970.

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 December 1

1977

Y A Lettle

Commons Commissioner

*Corrected under
Regulation 33
C A Lettle
31. 3. 78*