



COMMONS REGISTRATION ACT 1965

Reference Nos 51/D/14 and 15

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

This decision replaces my decision dated 9 March 1976 as amended by me on 4 May 1976.

I have since giving the said amended decision been reminded by one of the applicants for rights that in the course of the hearing it was agreed that the apportionment of the 225 sheep between the applicants should be on the basis of 11 sheep for each 30 acres of land farmed by the respective applicants.

My note made in the course of the hearing recorded the approximate effect of the said agreement but I failed to record either the agreement or its precise terms. I regret that this oversight on my part has put the parties to trouble, but I have no alternative but to give effect to the agreement arrived at in the course of the hearing. My decision is accordingly as follows.

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 $2\frac{1}{2}$ 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.

It was further agreed that the apportionment should as near as may be, be 11 sheep for each 30 acres of farmland farmed by the respective applicants.



The respective acreages and modified quantifications which I shall confirm are therefore as follows:-

<u>Entry</u>	<u>Acreage</u>	<u>Rights</u>	No of Sheep
1	160	55	
2	34	11	
3	67	22	
4	144	44	
5	90	33	
6	91	33	
7	97	33	

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 5th day of July 1976

C. A. Little

Commons Commissioner