



COMMONS REGISTRATION ACT 1965

Reference No. 271/U/11

In the Matter of Four areas of land (1) track from Dyserth Castle to Gwaenysgor Road on each side of "Stoneycroft" and rejoining road south of "Rock Cottage". (2) Area of land east of Ffordd Bryniau immediately south of "Pant-yr-Eithyn". (3) Small area of land between outbuildings in North-eastern corner of dwelling "Pant-yr-Eithyn" all foregoing being in the Parish of Dyserth. (4) Tract of land 14 acres in extent at Nant-yr-Ogof, Meliden, Prestatyn

DECISION

This reference relates to the question of the ownership of land known as Four areas of land (1) track from Dyserth Castle to Gwaenysgor Road on each side of "Stoneycroft" and rejoining road south of "Rock Cottage". (2) Area of land east of Ffordd Bryniau immediately south of "Pant-yr-Eithyn". (3) Small area of land between outbuildings in North-eastern corner of dwelling "Pant-yr-Eithyn" all foregoing being in the Parish of Dyserth. (4) Tract of land 14 acres in extent at Nant-yr-Ogof, Meliden, Prestatyn being the part of the land comprised in the Land Section of Register Unit No. CL.97 in the Register of Common Land maintained by the former Flintshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr W G W Hollinson, Mr & Mrs Brookes, the Clwyd CC and the Crown Estates Commissioners all claimed to be the freehold owners of parts of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Colwyn Bay on 4 February 1976.

Mr Hollinson appeared in person, Mr & Mrs Brookes appeared by Mr D S Gordon of Messrs Edward Hughes & Co, the Clwyd CC appeared by Mr Fisher. The Crown Estate Commissioners provided me with a statutory declaration by Jean Phillips dated 7 August 1975. The University of Wales appeared by Mr Cox of Messrs Peckover Burrill and Owen but on examining the Register map were satisfied that it did not own any of the land in question.

Mr Hollinson and Mr Gordon produced conveyances which satisfied me that the land to the South of Red Roofs is owned by either Mr Hollinson or Mr & Mrs Brookes or as to part by each of them. Only a survey can resolve the question as to the boundaries of this land and they are content that I shall direct the Registration Authority to register them jointly as the owners of that land and leave them to resolve the outstanding questions between themselves.



Mr Gordon produced a conveyance of the triangular piece of land on the south west of Pant-yr-Eithin dated 24 October 1969 made between J R H Williams and Mr & Mrs Brookes which referred to a conveyance dated 21 June 1909 with plan attached which identified the land thereby conveyed to Mr & Mrs Brookes.

The land claimed by the Clwyd County Council was enclosure No. 68 allotted to the Surveyor of Highways by the Meliden Inclosure Award of 1869, the Clwyd County Council as the Highway Authority is the successor to the said Surveyor of Highways, and is the owner of the land claimed by it which is a quarry which has been worked until a relatively short time ago. The said land is hatched yellow on the plan A annexed to this decision.

The above-mentioned statutory declaration made on behalf of the Crown Estate Commissioners establishes their title to the land coloured blue on the plan. Exhibit JP to that statutory declaration, a copy of part of their plan, is annexed to this decision.

I shall accordingly direct the Clwyd County Council as registration authority to register:

- (1) Mr & Mrs Brookes and Mr Hollinson as the joint owners of the small parcel of land south of Red Roofs
- (2) Mr & Mrs Brookes as the owners of the triangular piece of land south west of Pant-yr-Eithyn
- (3) Clwyd County Council as the owner of the quarry hatched yellow on the plan A annexed to this decision, and
- (4) The Crown Estate Commission as the owner of the land coloured blue on the plan B annexed to this decision

under section 8(2) of the Act of 1965.

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 4th day of March 1976

C. A. Le H. G.

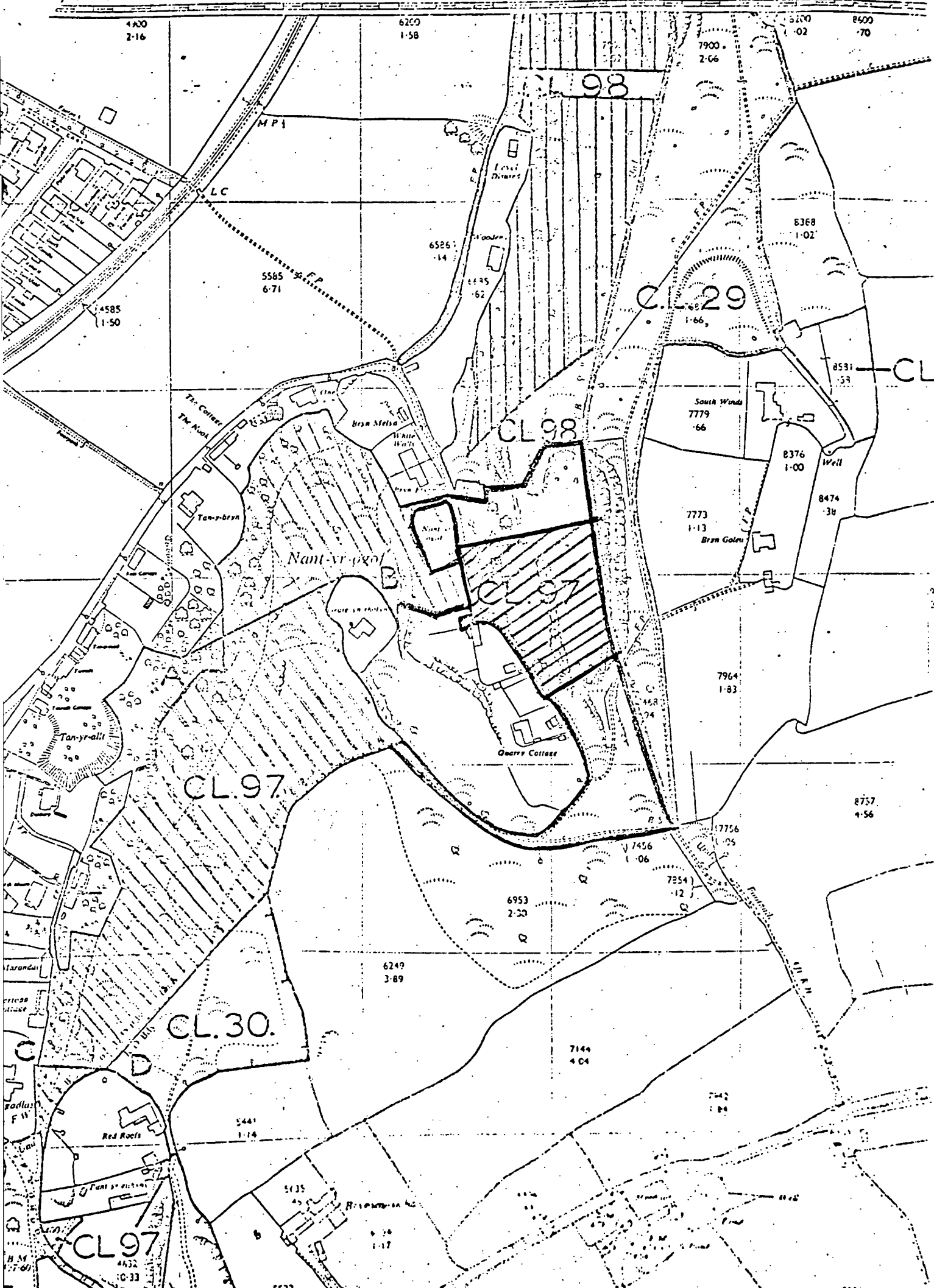
Commons Commissioner

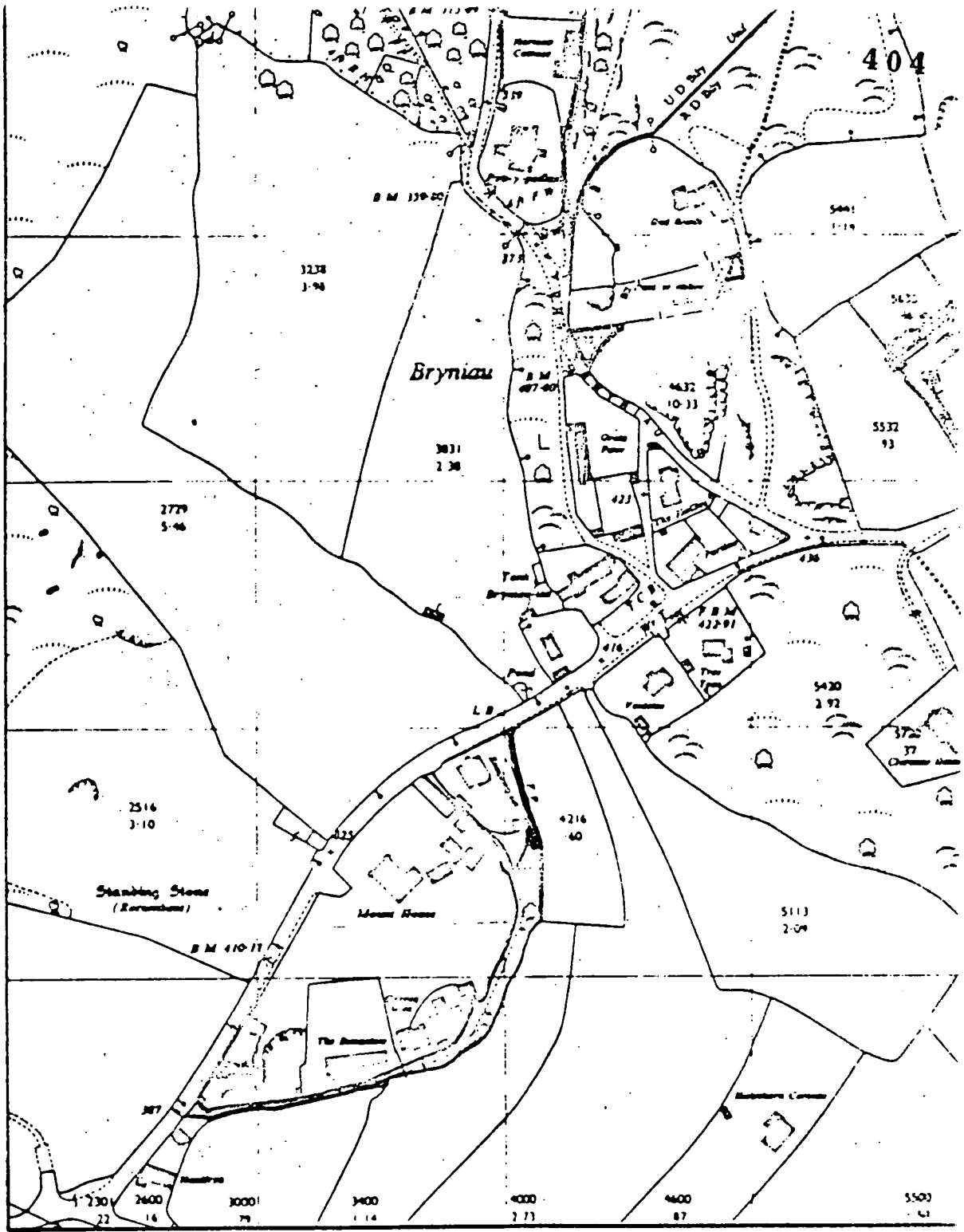
ADDENDUM

When giving the above decision I omitted to deal with that part of the land in question, being the land other than those parcels referred to above, which in the absence of any evidence I am not satisfied is owned by any person and that land will therefore remain subject to protection under Section 9 of the Act of 1965.

Dated this 7th day of June 1976

C. A. Le H. G.





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PLAN B

SCALE 1