



In the Matter of Coed Parciau Common,  
Abersychan

DECISION

The first two disputes relate to the registrations at Entry No. 1 in the land section and Entries Nos 1 and 2 in the rights section of Register Unit No. CL.78 in the Register of Common Land maintained by the Gwent County Council occasioned by Objection No. 48 made by the Forestry Commission and noted in the Register on 22 October 1970.

The last two disputes were occasioned by conflicting registrations in the ownership section but since Entry No. 1 in that section was withdrawn on 1 May 1972 there is no need to refer to them.

I held a hearing for the purpose of inquiring into these disputes at Monmouth on 19 November 1985.

Neither of the applicants for registration were represented at the hearing. Mrs C Pearson of the Treasury Solicitor's office appeared for the objectors, the Forestry Commission.

The objection of the Forestry Commission does not apply to the whole of the land. There is a smaller portion to the east of the Commission's land in respect of which no objection has been made. I am told by Mrs Pearson that this land is and has since 1963 been fenced, let, and used for agriculture. The matter having been referred to me the burden of proof is on the registrants to prove that this unit or any part of it is common land. The only rights provisionally registered are a right of turbary in gross registered by the applicants.

Neither of the applicants has appeared to support the application. Mrs Roberts has, by letter, withdrawn her application while Mrs Doherty has written a pleasant and interesting letter saying she is unable to attend due to ill health and asking me to uphold her registration. I have no reason to doubt what she says in that letter notably that Coed Parciau was a much more pleasant place to walk in before it was replanted with conifers but there is nothing in it which establishes either that she has a right of estovers and turbary in gross over the land or that the land or any part of it is waste land still less waste land of a manor.

Accordingly I refuse to confirm the registration of the rights claimed or of this land as common land.



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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

December

1985

*Peter Langdon-Davis*

COMMONS COMMISSIONER