



COMMONS REGISTRATION ACT 1965

Reference No. 273/D/110-111

In the Matter of Coity and Mynydd James Mountain
Aberstruth, Abertillery, Blaenavon and Abersychan

These disputes relate to the registration in the land and rights sections of Register Unit No. CL.15 in the Register of Common Land maintained by the Gwent County Council set out in the following table and are occasioned by the objections referred to in that table.

Land Section

Reference No.	Entry No.	Objection No.	Objector	Noted in Register
273/D/110				
(1)	1	84	The former Blaenavon U.D.C	2 November 1970
(2)	1	86	National Coal Board	3 November 1970
(3)	1	87	"	"
(4)	1	124	Pontypool Park Estate	13 November 1970

Rights Section

273/D/111

(1)	3-26	84		As above
(2)	28-44	84		"
(3)	46-53	84		"
(4)	3-26	86 & 87		"
(5)	28-44	86 & 87		"
(6)	46-53	86 & 87		"
(7)	3-26	124		"
(8)	28-44	124		"
(9)	46-53	124		"



(10)	5	95	National Coal Board	6 November 1970
(11)	9-12	95	"	"
(12)	16-17	95	"	"
(13)	20-21	95	"	"
(14)	31-32	95	"	"
(15)	34	95	"	"
(16)	38	95	"	"
(17)	40	95	"	"
(18)	43	95	"	"
(19)	46	95	"	"
(20)	48	95	"	"
(21)	1 (now 50 & 51)	95	"	"
(22)	3-4	96	"	"
(23)	6-8)	96	"	"
(24)	13-15	96	"	"
(25)	22-23	96	"	"
(26)	25-26	96	"	"
(27)	29-30	96	"	"
(28)	35-37	96	"	"
(29)	39	96	"	"
(30)	44	96	"	"
(31)	49	96	"	"

I held hearings to inquire into these disputes at Cwmbran on 17 March 1987 and 30 June 1987.



At the hearings Mr E Harris, solicitor of Edward Harris and Son of Swansea appeared for the Blaenavon Commoners Association, Mr G Davies (chairman) represented the Nantyglo, Blaina and District Commoners Association, Mr G Watkins, solicitor, appeared for the National Coal Board (objectors), Mr D Jones (planning officer) appeared for the Torfaen Borough Council (successors to the Blaenavon U.D.C. (objectors)) and Mr Norman represented the Registration Authority.

Land Section

The unit land consists of 3236 acres of mountain between Blaina and Blaenavon. There are four objections -

Objection 84

This objection by the former Blaenavon Urban District Council was to the inclusion of approximately 130 acres of land on the south western part of the unit land on the grounds that it had ceased to be common land as a result of open-cast mining operations. Mr Jones on behalf of the Torfaen Borough Council, the successors to the objectors, abandoned this contention and I shall not allow the objection.

Objection 86

The National Coal Board objected to the inclusion of an area at the south of the unit land lying to the south of Blaen Cwm-ffrwd on the grounds that it was not common land at the date of registration. At the hearing Mr Watkins on behalf of the Board withdrew this objection, no one else supported it and I shall not allow it.

Objection 87

The National Coal Board objected to the inclusion of an area identified by a map, above the Big Pit at Blaenavon at the north-east edge of the common on the grounds that it was not common land at the date of registration. Part of this land now belongs to the Torfaen Borough Council. It was agreed between the Board, the Council and both Commoners Associations that that part of the land objected to which is hatched on the map attached to this decision and marked "Map No.1" was not part of the common. No one objected to this land being excluded and I shall do so.

Objection 124

Richard Hanbury Hanbury-Tenison objected to the inclusion of a small strip of land at the south-eastern corner of the unit land identified by a map on the grounds that it was not common land at the date of registration. Both commoners associations agreed that it was not part of the common land and I shall exclude it.

Conclusion

Accordingly I confirm the entry in the Land Section with the modification that the land hatched on the map attached to this decision and marked "Map No. 1" and the land on the plan attached to objection No. 124 shall be omitted from registration.



Rights Section

The unusually large number of references in this section and their unusual numbering requires some explanation. There are in all 53 entries but not all are the subject of disputes which have been referred to me. Some for example No. 1 have been replaced by other entries (in that case Nos. 50 and 51). Some for example No. 2 have been withdrawn as a result of an agreement.

In making the references, as can be seen from the table on page 1, the Registration Authority adopted the unusual practice of making a separate reference for each consecutive series of entry numbers. Finally the unusual practice was adopted of allotting a single reference number to all the references in each section instead of allotting a different number to each reference. In this decision I have given each reference a subsidiary number.

There is nothing confusing about all this once it is understood but the result is that the table of references makes the case look more complicated than it really is.

The rights owners are members of two different commoners associations, the Blaenavon Commoners Association who were represented by Mr Harris and the Nantyglo Blaina and District Commoners Association who were represented by their chairman Mr Davies. In view of the agreement which in the end was reached it does not seem to me to be necessary to record precisely which rights owners were members of which association. All parties agreed that rights should be on a scale of 5 sheep or 1 head of cattle or 1 horse for each acre of the dominant tenement.

Mr Hawkins' Case

Mr J Hawkins of Blaenavon who has rights of grazing finally registered on the Bloreng (CL.18) as attached to Coed Farm wrote to the Clerk to the Commons Commissioners complaining that grazing rights attached to that farm should also have been registered on CL.15. I have, however, no power to deal with this complaint. A Commons Commissioner can only deal with disputes which have been referred to him and only disputes regarding matters which have been provisionally registered can be referred. I merely record Mr Hawkins' claim here in case it should arise again under future legislation.



The Disputes

273/D/111

- (1) - (3) (Objection 84)
- (4) - (6) (Objection 86 and 87)
- (7) - (9) (Objection 124)

These disputes arise because each objection in the land section is treated as an objection to all the entries in the rights section. They accordingly put in issue all the remaining registrations of rights of common.

273/D/111

- (10) - (21) (Objection 95)

By this objection the National Coal Board objected to some but not all of the entries (the numbers are set out in the table above) on the grounds that the rights do not exist at all.

273/D/111

- (22) - (31) (Objection 96)

The National Coal Board objected to certain other entries (set out in the table above) on the grounds that the right of common was to graze sheep only and at the rate of three sheep to every two acres of enclosed land.

The result of these disputes taken together is that every remaining entry in the rights section is in issue.

The National Coal Board's registrations

The National Coal Board or their tenants made 13 registrations of rights of grazing over the unit land as attached to farms belonging to the Board. Since, however, the Board are the owners of the unit land and finally registered as such they agree that these registrations cannot stand. This affects Entries Nos. 9, 22, 23, 28, 30, 34-40 and 44. They will not be confirmed.

In addition two registrations were made on the application of tenants as attached to land part of which is owned by the National Coal Board. These registrations (Entry Nos. 4 and 10) are dealt with below.

Entry No. 4

This entry is in respect of three farms two of which were owned by the National Coal Board. It was agreed that the references to Blaenffrwd and Little Blaenffrwd in column 5 should be omitted leaving Blaenmelyn Farm of 23.765 acres and that the number of stock in column 4 should accordingly be reduced to 119 sheep or 24 cattle or 24 horses. All words after "register unit" are to be omitted. I shall confirm the registration with those modifications.



Entry No. 10

It was agreed that this was an entry by a tenant in respect of land part of which was rented from the National Coal Board and so could not have rights attached. It was agreed that the entry in column 5 should be modified to exclude all O.S Nos. except 246 and that the acreage should be modified from "25" to "4.623" with the result that the entry in column 4 shall read "25 sheep or 5 cattle or 5 horses". I shall confirm the registration with that modification.

Other Entries not to be confirmed

It was agreed the following entries should not be confirmed -

11

13

15

27

49

Entries to be confirmed without modification

19, 42

Other Entries to be confirmed with modification

It was agreed that the remaining entries should be confirmed with the modifications in columns 4 and 5 of the register set out in the schedule hereto. It will be noted that no rights other than grazing rights have been confirmed..

Entry No. 41

This consists of a single registration by the Duke of Beaufort of rights as attached to 15 separate holdings.

It was agreed that for convenience this should be split into 15 separate entries numbered 41(a) - 41(o). A schedule showing these entries was produced by the Registration Authority in the course of the hearings. Since this is purely a matter of convenience and does not involve any alteration in the total rights registered it does not seem to me to be necessary to attach this schedule to this decision.

I would, however, draw the attention of the Registration Authority to two points. First, column 3 of Entry No. 41b should be the same as all the others i.e. "Henry Hugh Arthur Fitzroy, 10th Duke of Beaufort" and not Mr Walters. This column is not a register of owners but simply records the name of the applicant and the applicant was the Duke of Beaufort.



Secondly the entries in column 5 should not refer to the map "attached to the application", which is not part of the register but to the supplemental map bearing the number of this registration". The supplemental map may, of course, follow the map attached to the application.

Subject to this I confirm this registration with the modification shown in that schedule.

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 22nd day of January 1990
~~1989~~

Peta Langdon-Davis

Chief Commons Commissioner



SCHEDULE

<u>Entry No.</u>	<u>Column 4 to read</u>	<u>Column 5 to read</u>																																								
1	[Replaced by Entry Nos 50 and 51]																																									
2	[Replaced by Entry No. 46]																																									
3	To graze - 170 sheep or 34 cattle or 34 horses	[As in Register]																																								
4	To graze - 119 sheep or 24 cattle or 24 horses	Blaenmelyn Farm O.S. Nos. 26, 26A, 27, 28, 30, 31, 32, 33, 35, 36 pt. 1920 Edition. 23.765 acres.																																								
5	180 sheep or 36 cattle or 36 horses	Coed Avon Farm, Varteg Road Blaenavon, 36 acres as shown on the supplemental map bearing the number of this registration. [ie the plan attached to this decision]																																								
6	140 sheep or 28 cattle or 28 horses	Ty Rhodd, Cwmavon, Blaenavon 28.3 acres as shown on the supplemental map bearing the number of this registration. [i.e. the plan attached to this decision]																																								
7	To graze - 40 sheep or 8 cattle or 8 horses	Waun Mary Gunter Farm Garn-y-Erw, Blaenavon																																								
		<table border="1"> <thead> <tr> <th><u>O.S.No.</u></th> <th><u>Acreage</u></th> </tr> </thead> <tbody> <tr> <td>258</td> <td>290</td> </tr> <tr> <td>260</td> <td>1.530</td> </tr> <tr> <td>259</td> <td>2.497</td> </tr> <tr> <td>238</td> <td>3.637</td> </tr> <tr> <td>239</td> <td>178</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total: 8.132 acres</td> </tr> </tbody> </table>	<u>O.S.No.</u>	<u>Acreage</u>	258	290	260	1.530	259	2.497	238	3.637	239	178	Total: 8.132 acres																											
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239	178																																									
Total: 8.132 acres																																										
8	To graze - 250 sheep or 50 cattle or 50 horses	New Road Farm, Varteg Road Blaenavon																																								
		<table border="1"> <thead> <tr> <th><u>O.S. No.</u></th> <th></th> <th><u>O.S.No</u></th> <th></th> </tr> </thead> <tbody> <tr> <td>345</td> <td>2.195</td> <td>310</td> <td>.830</td> </tr> <tr> <td>346</td> <td>.508</td> <td>466</td> <td>8.912</td> </tr> <tr> <td>347</td> <td>2.339</td> <td>461</td> <td>.892</td> </tr> <tr> <td>444</td> <td>4.420</td> <td>462</td> <td>.932</td> </tr> <tr> <td>445</td> <td>2.214</td> <td>463</td> <td>1.157</td> </tr> <tr> <td>317</td> <td>6.963</td> <td>464</td> <td>12.202</td> </tr> <tr> <td>305</td> <td>.146</td> <td>555</td> <td>6.594</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">50.304</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">acres</td> </tr> </tbody> </table>	<u>O.S. No.</u>		<u>O.S.No</u>		345	2.195	310	.830	346	.508	466	8.912	347	2.339	461	.892	444	4.420	462	.932	445	2.214	463	1.157	317	6.963	464	12.202	305	.146	555	6.594				50.304				acres
<u>O.S. No.</u>		<u>O.S.No</u>																																								
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			50.304																																							
			acres																																							



9

[NOT CONFIRMED]

10

To graze -
25 sheep or 5 cattle or
5 horses

Ty Rhoser Gwyn, Varteg,
Pontypool
4.623 acres as shown on
supplemental map bearing the
number of this registration
[ie the plan attached to this
decision]

11

[NOT CONFIRMED]

12

To graze -
120 sheep or 24 cattle or
24 horses

Tyr Michael Farm, Blaenavon
24 acres as shown on the
supplemental map bearing the
number of this registration
[ie the plan attached to this
decision]

13

[NOT CONFIRMED]

14

To graze -
370 sheep or 74 cattle or
74 horses

[As in Register].

15

[NOT CONFIRMED]

16

To graze -
260 sheep or 52 cattle or
52 horses

Ffedwddu Farm, Llanelly Hill,
Abergavenny 52 acres as shown
on the supplemental map
bearing the number of this
registration [ie the plan
attached to the application
form]

17

[As in Register]

Penyfedw, Llanelly Hill, 4
acres as shown the the
supplemental map bearing the
number of this registration
[ie the plan attached to the
application form]

18

To graze -
100 sheep or 20 cattle or
20 horses

Penrhos Farm, Waenavon
20.15 acres

<u>O.S. Nos</u>	<u>Acreage</u>
151	9.93
1415	4.06
1142	2.30
2139	0.91
1435	<u>3.07</u>
	20.15



19 [Confirmed as in Register]

[As in register]

20 To graze -
294 sheep or 59 cattle or
59 horsesEast Pentwyn Farm, Blaina
58.7 acres being the
Ordnance Survey numbers
and acreages as set out
hereunder taken from
Monmouth Sheet 1920
Edition XL 16.

<u>O.S. No.</u>	<u>Acreage</u>
534	1.085
458	1.124
459	2.806
533	0.170
455	4.590
458	1.124
453D	3.308
453C	2.443
546A	1.372
535	6.179
530	5.178
540	17.812
538	3.431
538A	0.108
456	6.501
537	<u>1.008</u>
Total	58.779 acres

21 To graze -
310 sheep or 62 cattle or
62 horsesTy-Bryn-Maen Farm, Cwmcelyn,
Blaina
62.31 acres being the
Ordnance Survey numbers and
acreages set out hereunder

<u>O.S. Nos</u>	<u>Acreage</u>
184	12.458
165	0.371
164	6.272
163	4.075
162	3.967
160	23.370
208	7.206
207	<u>4.591</u>
Total	62.31 acres

22 [NOT CONFIRMED]

23 [NOT CONFIRMED]



24

To graze -
200 sheep or 40 cattle or
40 horses

Ty-Gelli Farm, Cwmcelyn,
Blaina

O.S. numbers and acreages
from Monmouth Map 502008/2108
Levelled 1958 Boundaries 1970
as set out hereunder

<u>O.S.</u>	<u>Acreages</u>
5144	5.85
6212	2.43
7000	10.89
8611	2.44
8900	0.84
8500	2.19
8100	1.08
9000	0.86
0006	3.70
9814	2.14
0500	2.82
0617	0.49
1300	3.75

Total 39.48 acres

25

To graze -
410 sheep or 82 cattle or
82 horses

Ty Cecil and Ty Shon Farms,
Bournville, Abertillery
82 acres being the land shown
on the supplemental map
bearing the number of this
registration [i.e. the plan
attached to this decision]

26

To graze -
370 sheep or 74 cattle or
74 horses

Cwm and Glyn Milwr Farms
73.952 acres as set out
hereunder -



<u>O.S</u>	<u>Acreeges</u>
490 (A)	0.680
490 (B)	1.731
491	1.075
491 (a)	1.246
491 (b)	2.182
492	0.589
493	2.760
494	0.155
495	2.691
496	1.456
501	3.946
502	4.733
503	2.696
504	0.817
506	3.437
509	1.626
510	1.481
512	0.777
513	1.393
514	1.203
517	4.785
518	8.332
519	3.591
520	5.399
521	5.197
522	0.119
523	2.068
524	2.685
525	0.138
526	0.138
527	<u>4.202</u>
	73.952

27

[NOT CONFIRMED]

28

[NOT CONFIRMED]



29

To graze -
780 sheep or 156 cattle or
156 horses

Ordnance Survey Numbers from
O.S. 1920 Edition Sheet 11/16
and acreages set out hereunder

<u>O.S.</u>	<u>Acreage</u>
1	5.097
2	6.088
3	7.251
4	13.024
5	1.418
6	1.012
7	8.201
9	.306
10	10.985
11	6.798
12	.570
13	1.180
14	5.214
15	4.905
14A	.586
16A	1.804
16B	3.146
16	3.601
18	.491
22	2.359
19	8.337
24	21.703
34	1.362
33	.846
32	.647
31	4.498
25	1.732
27	1.760
28	.264
29	2.002
30	2.243
40	5.135
41A	1.727
37	1.309
38	1.420
50	4.251
51	0.875
52	0.822
53	2.493
54	1.293
55	0.247
56	0.821
71	1.496
72	0.511
73	1.316
78	1.712
	<u>1.271</u>
	156.129



- 30 [NOT CONFIRMED]
- 31 To graze - Land at Upper Gelli
10 sheep or 2 cattle or Field Nos. 6993, 7088, 7391
2 horses as shown on the supplemental
map bearing the number of
this registration [i.e. the
plan sent with this decision.]
- 32 To graze - Llanmarch House, Upper
12 sheep or 2 cattle or Gellifelen, Llanelly Hill,
2 horses Abergavenny
O.S. 8089, 8488, 8194, part
8692, enclosure unnumbered
- | <u>O.S.</u> | <u>Acreage</u> |
|-------------|--------------------------|
| 8089 | .74 |
| 8692 | approx .33 of an
acre |
| unnumbered | approx. 33 of an
acre |
| 8488 | .32 |
| 8194 | .53 |
| | <hr/> 2.25 acres |
- as shown on the supplemental
map bearing the number of
this registration [i.e. the
plan sent with this decision]
- 33 To graze - Blaen Gelli, Llanelly Hill,
17 sheep or 3 cattle or Abergavenny
3 horses Ordnance Survey Numbers
taken from Monmouth Sheet
XI-8 1920 Edition and acreage
set out hereunder
- | <u>O.S. No</u> | <u>Acreage</u> |
|----------------|-------------------|
| 1392 | 0.165 |
| 1393 | 1.676 |
| 1390 | 0.468 |
| 1391 | 0.222 |
| 1394 | 0.844 |
| Total | <hr/> 3.375 acres |
- 34-40 [NOT CONFIRMED]
- 41 [Replaced by Entries 41(a) - 41(o)]
- 42 [Confirmed as in Register] [Confirmed as in Register]
- 43 To graze - Monmouth Sheet XV111:
32 sheep or 6 cattle or 2 O.S. 66. 6.287 acres
6 horse
- 44 [NOT CONFIRMED]



- 45 To graze - Cwmffrwd Farm 116 acres
580 sheep or 116 cattle or as shown on the supplemental
116 horses map bearing the number of
this registration [i.e. the
map attached to the
application]
- 46 [Replaced by Entries 52 and 53]
- 47 To graze - Land at the Whistle Inn 1.913
10 sheep or 2 cattle or acres as shown on the
2 horses supplemental map bearing the
number of this registration
[i.e. the map sent with the
application]
- 48 To graze - Land at Varteg as shown on the
660 sheep or 132 cattle or supplemental map bearing the
132 horses number of this registration
132 acres [ie the plan
attached to this decision]
- 49 [NOT CONFIRMED]
- 50 To graze - 2 acres shown on the
10 sheep or 2 cattle or supplemental map bearing the
2 horses number of this registration
[the plan attached to this
decision]
Field Nos. 4909 part,
5215 part and 6517 part
- 51 To graze - 18 acres as shown on the
90 sheep or 18 cattle or supplemental map bearing
18 horses the number of this
registration [the plan
attached to this decision].
Field Nos. 4909 part, 5215
part, 6517 part and 6532
- 52 To graze - 15.39 acres at Tyn-y-Ffald
75 sheep or 15 cattle or Farm, Cwmcelyn, Blaina as
15 horses shown on the supplemental
map bearing the number of
this registration [the
plan attached to the Form
19 application]



53

To graze -
150 sheep or 30 cattle or
30 horses

29.68 acres at Tyn-y-Ffald
Farm, Cwmcelyn, Blaina
as shown on the supplemental
map bearing the number of
this registration [the plan
attached to the Form 19
application]

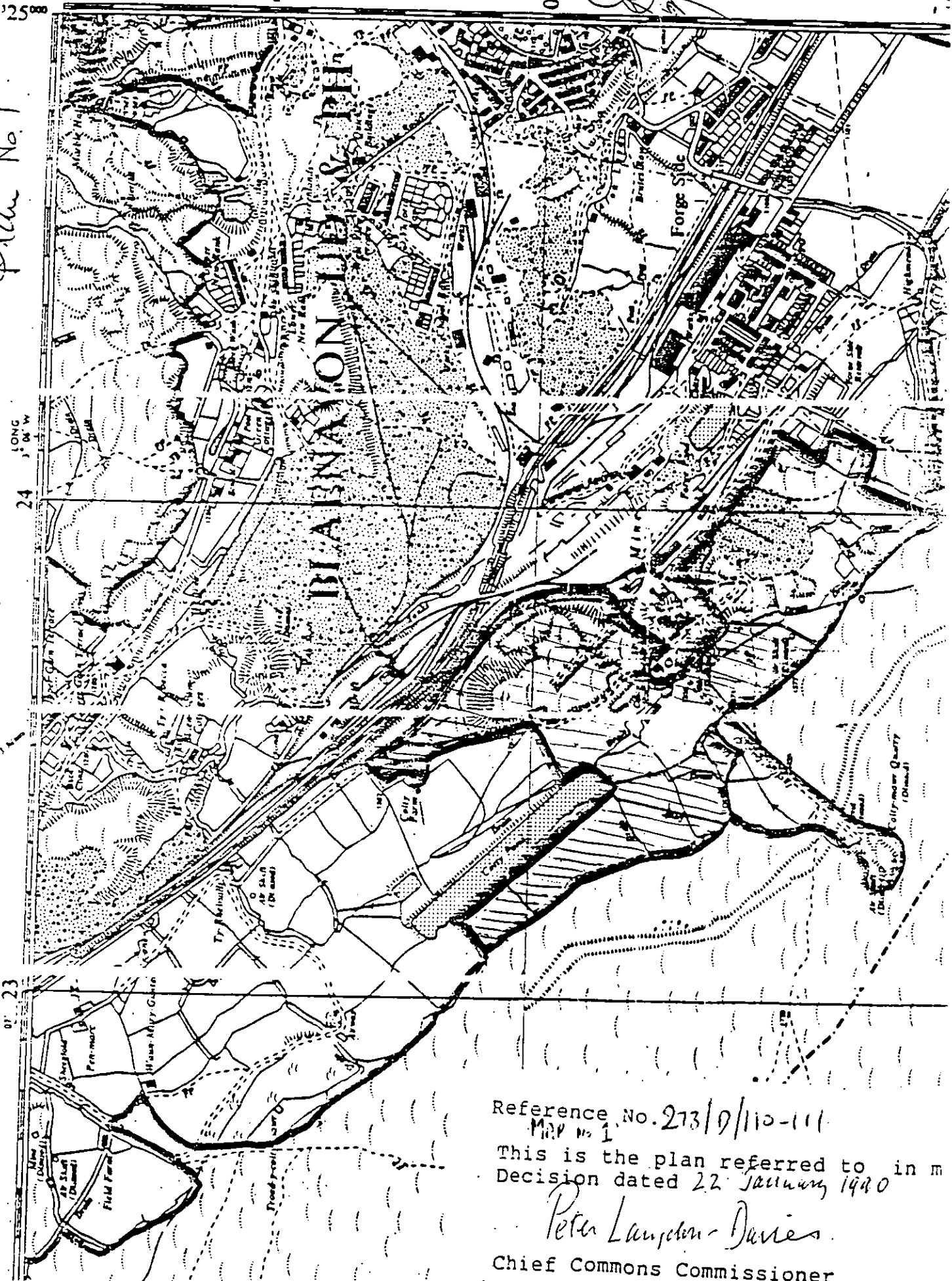
GENERAL NOTE:

1. All followers until weaned are in addition to the numbers in column 4.
2. All rights extend to the whole of the unit land.

[N.B. words in square brackets are for information of the Registration Authority and are not to be included in the Register].

PLAN

Plan No 1

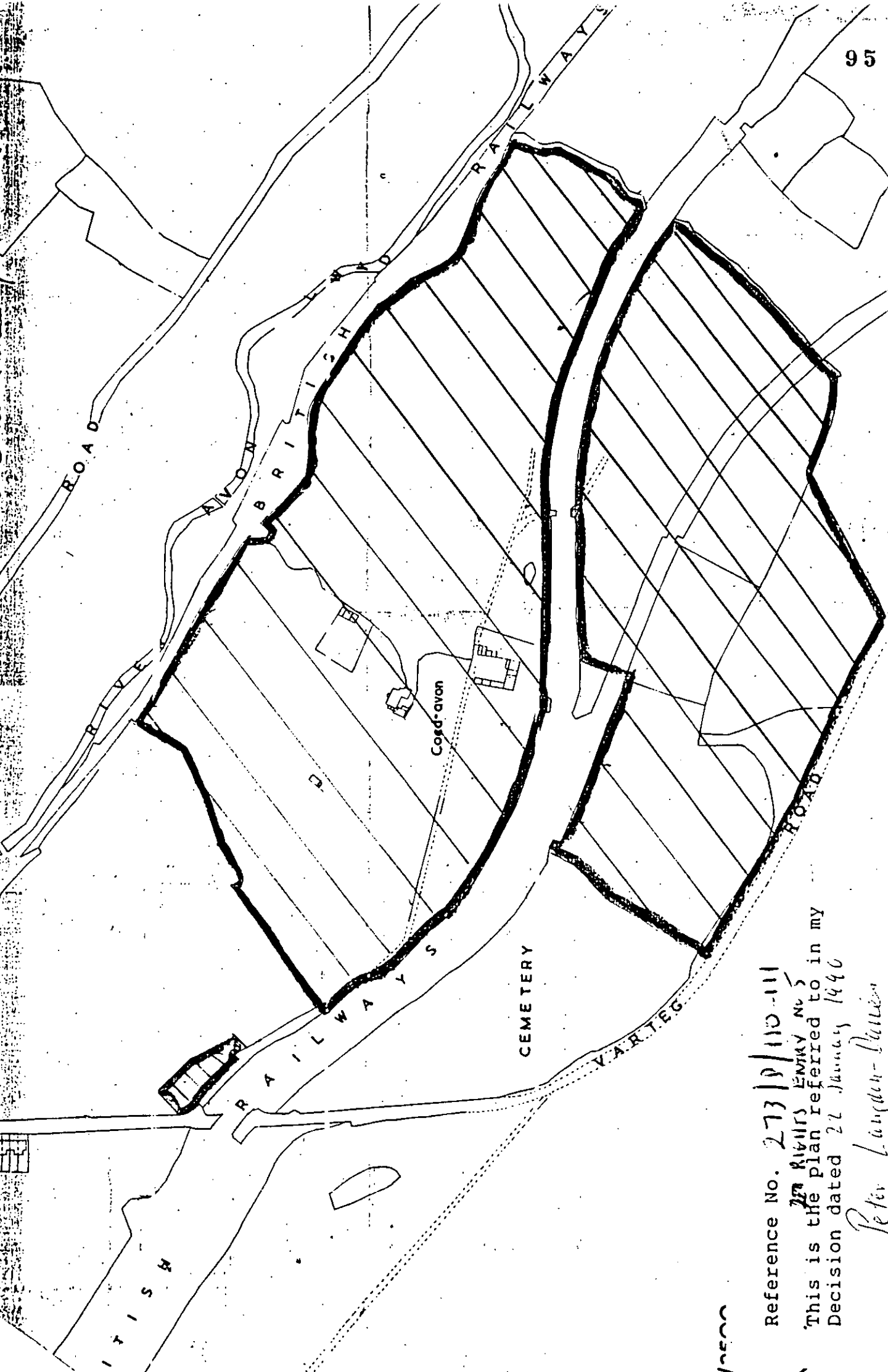


Reference No. 273/D/110-111
MAP NO 1

This is the plan referred to in m
Decision dated 22 January 1980

Peter Langston-Davies

Chief Commons Commissioner

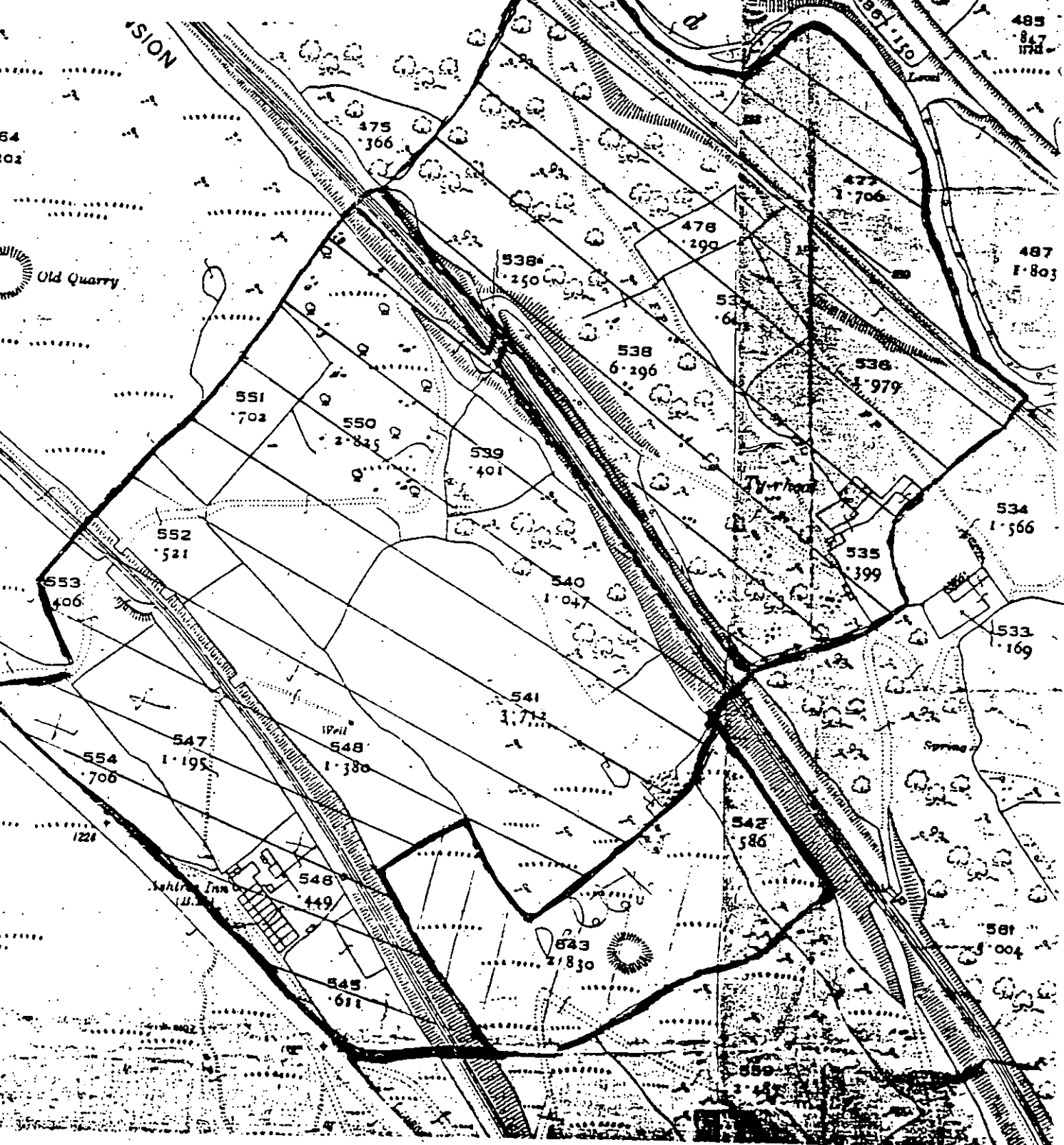


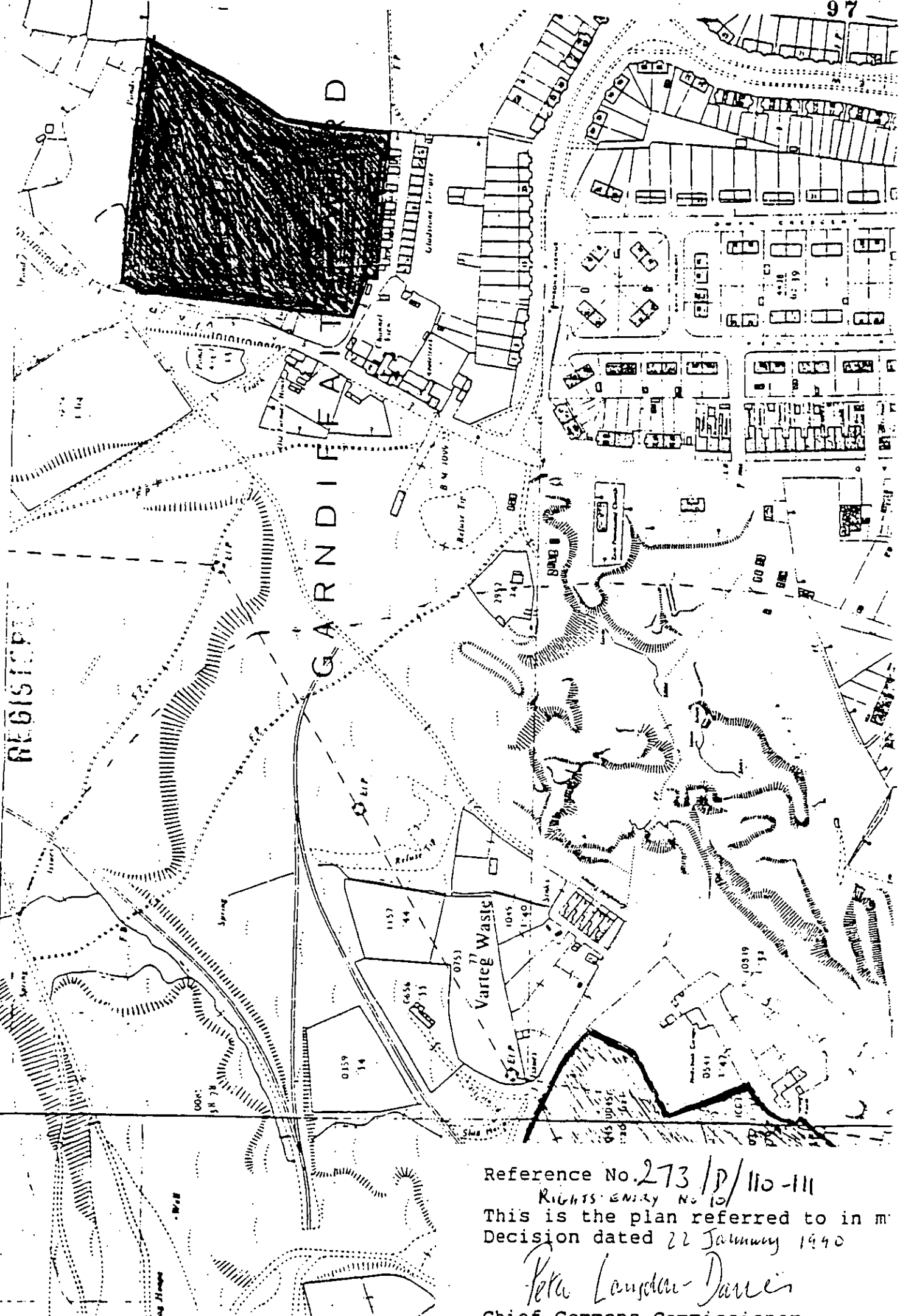
Reference No. 273/B/110-111
 273 RIGHTS EMRY No 5
 This is the plan referred to in my
 Decision dated 22 January 1946
Peter Langdon-Dutton

Commissioner

Reference no. 273/9/110-III
KIVIII Entry No 6
This is the plan referred to in my
Decision dated 22 January 1940

Peter Langdon-Davies
Chief Commons Commissioner





REGISTERS

GARDINER

Reference No. 273 / P / 110-111
RIGHTS ENTRY No 10

This is the plan referred to in m
Decision dated 22 January 1940

Peta Louisa-Davis

Chief Commons Commissioner

PLAN REFERRED TO.

282

8404/6

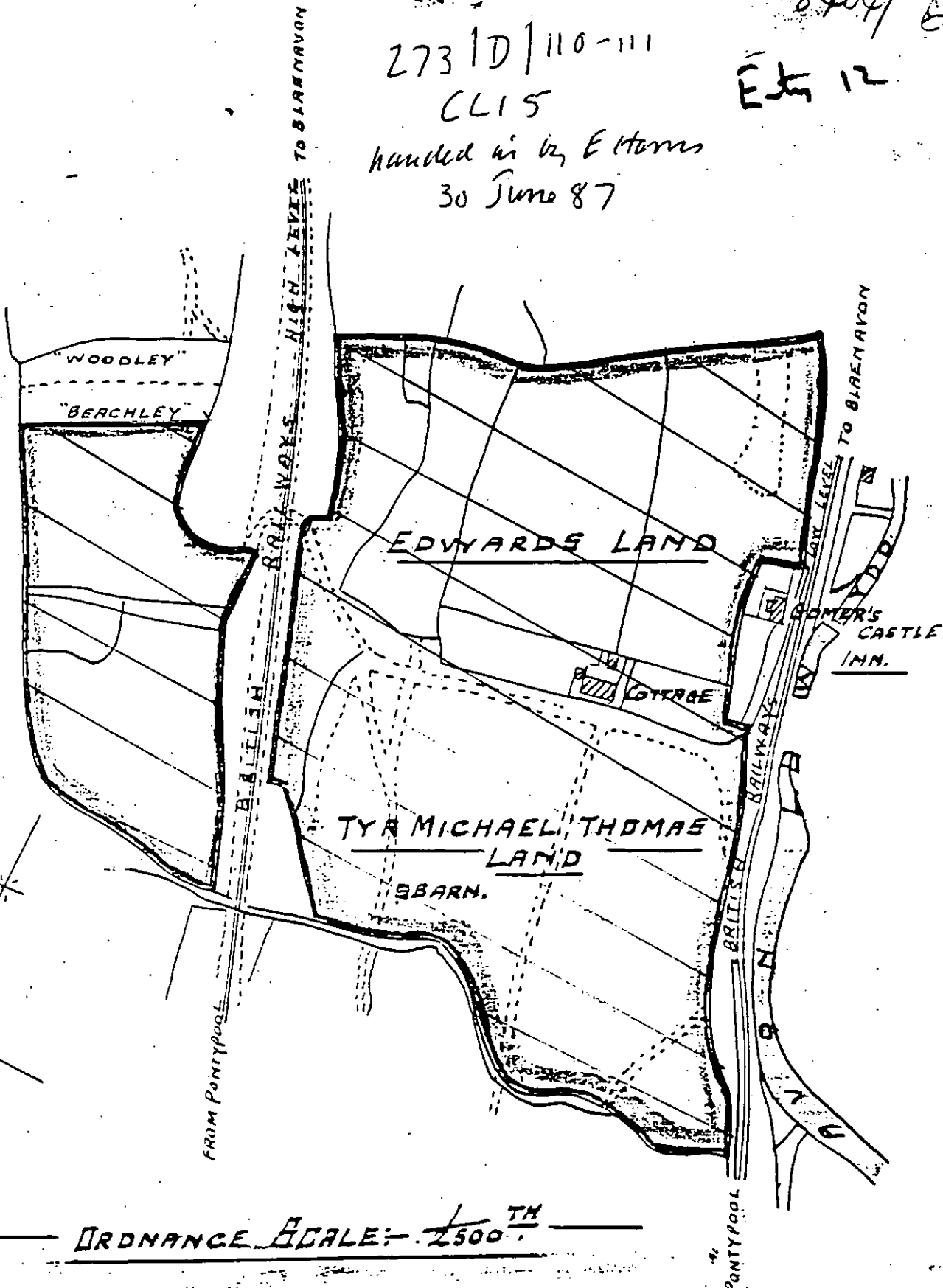
273/D/110-111

CL15

Est 12

handed in by E Harris

30 June 87



ORDNANCE SCALE: 1/2500 TH

Reference No. 273/D/110-111

This is the plan referred to in my Decision dated 22 January 1990

Peter Lupton-Davies
Chief Commons Commissioner

IN PARCELS DIVIDED BY THE SHEET EDGE THE
ACREAGES ARE SHOWN TO SHEET EDGE ONLY

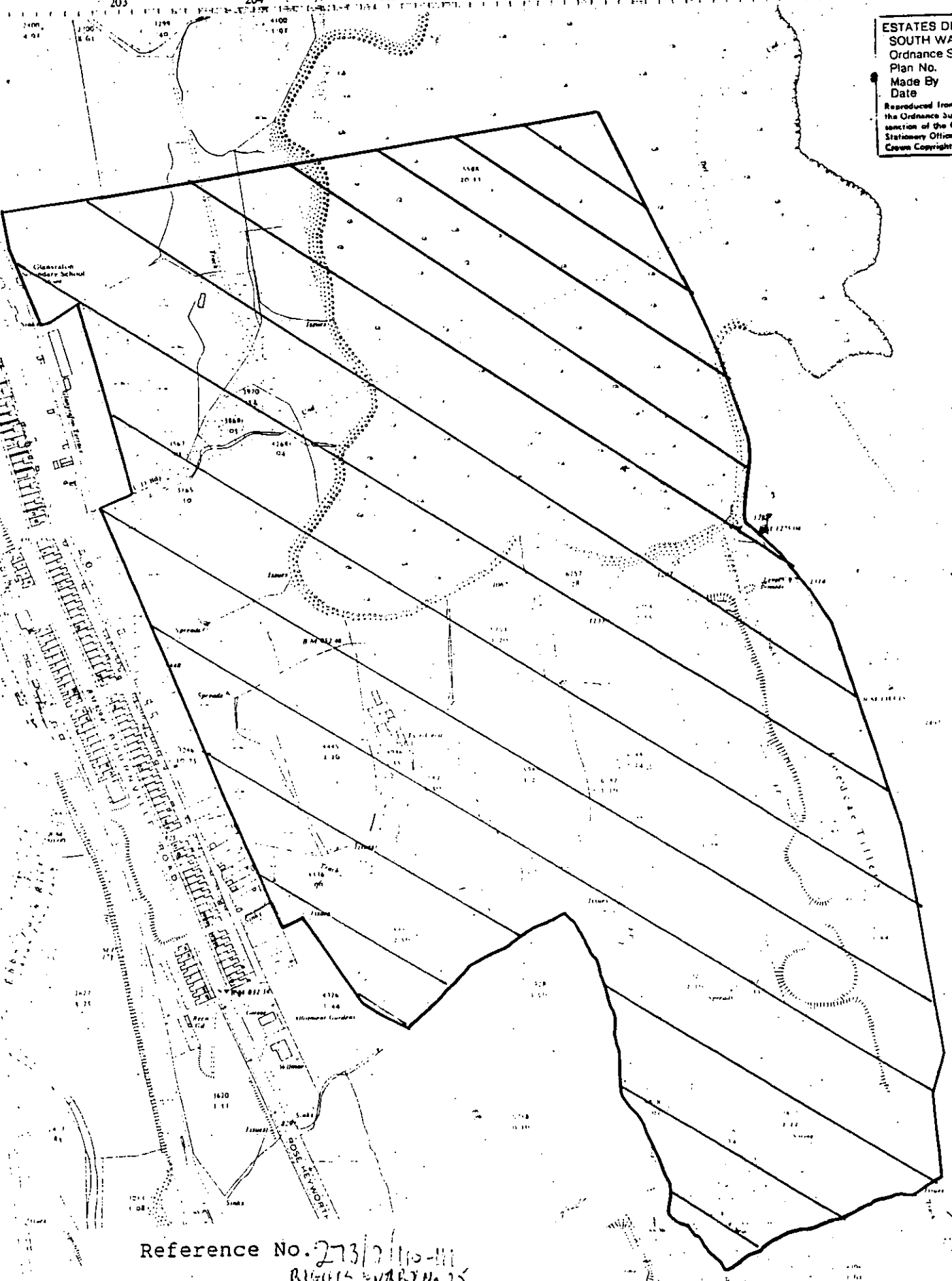
273/D/110-111
CL 15

Esty 18
99

SO 2007
MONMOUTHSHIRE
206

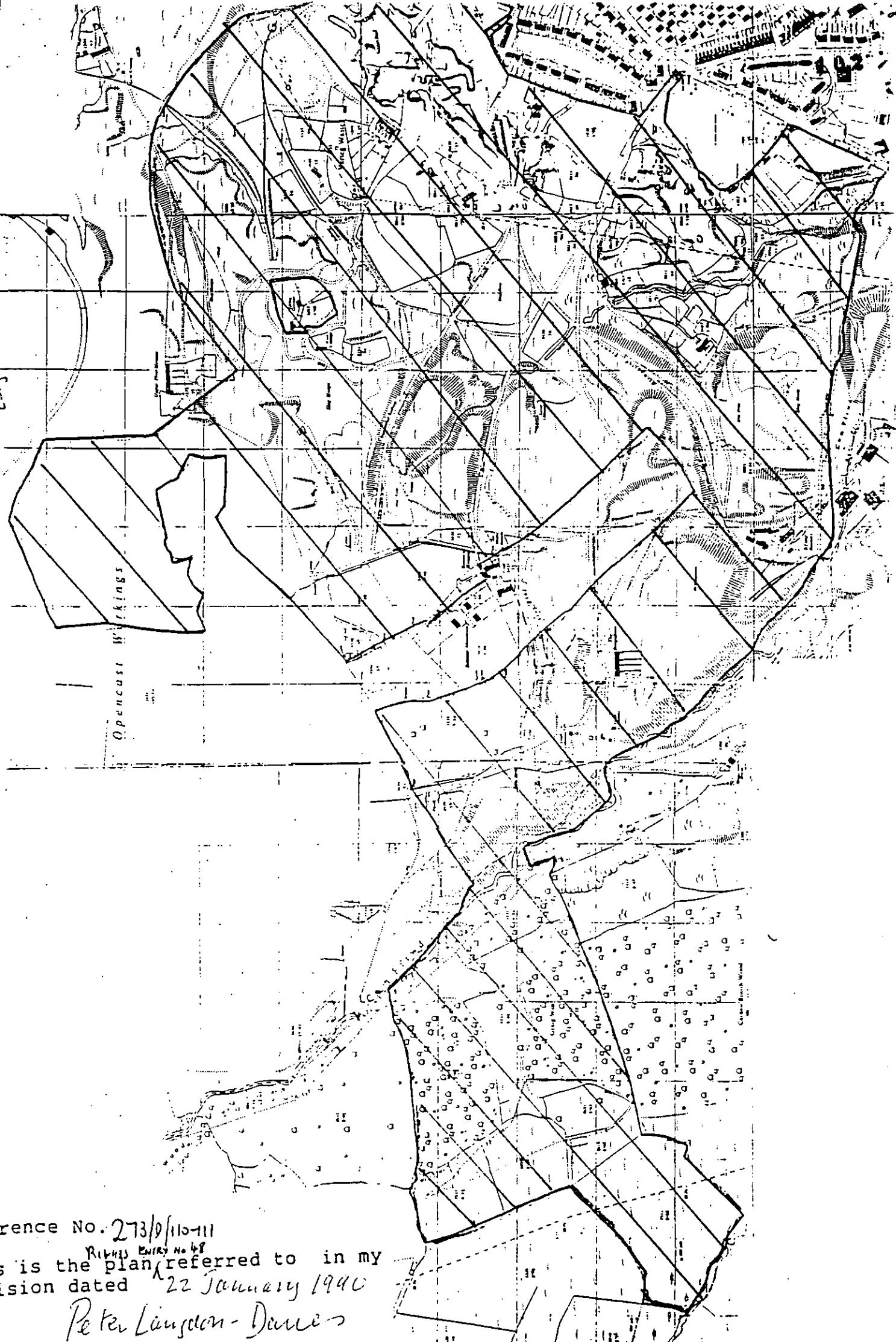
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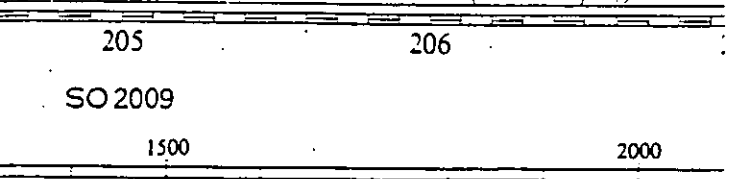
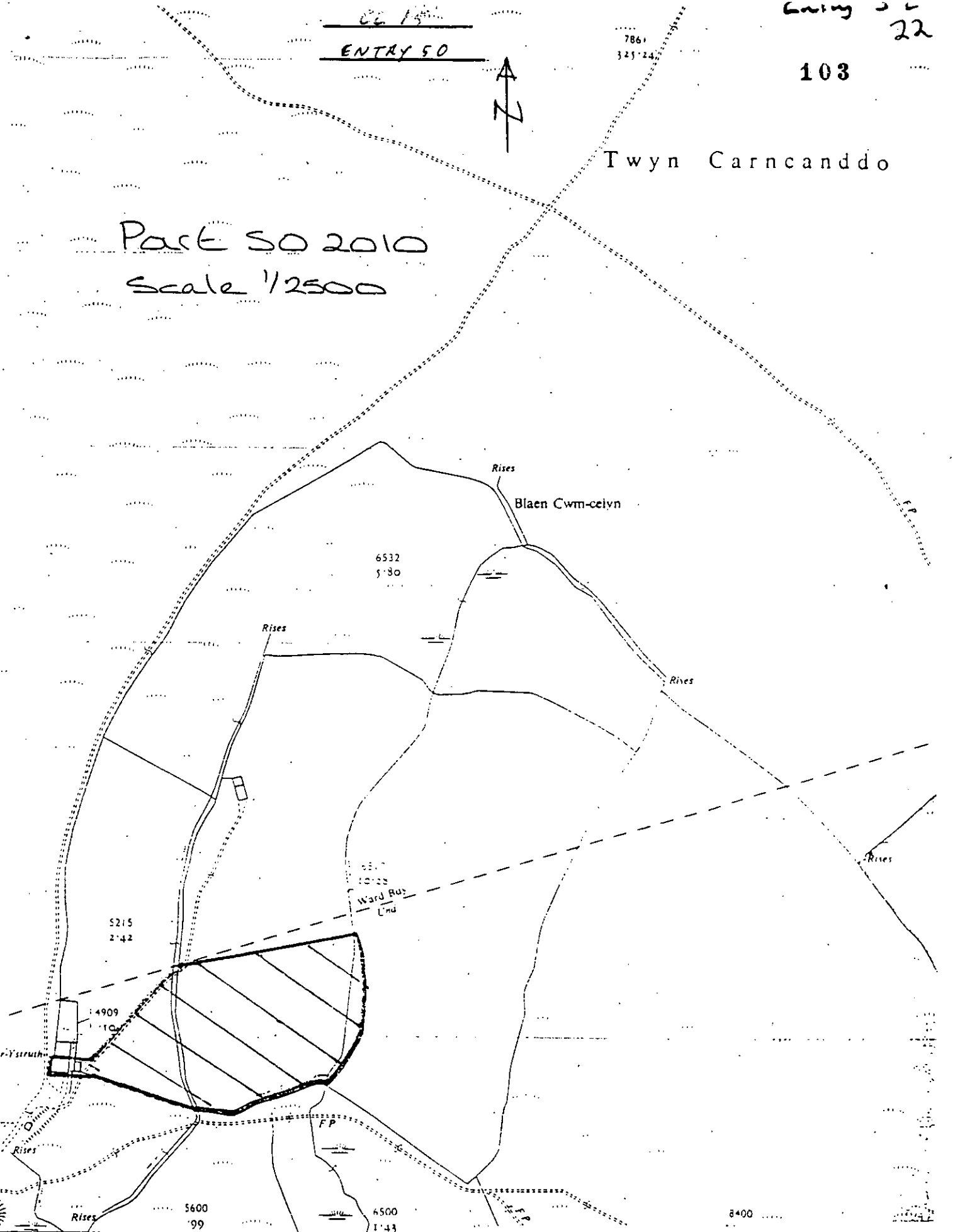
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CG 15
ENTRY 50

Entry 22
103

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Scale 1/2500



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ENTRY 51

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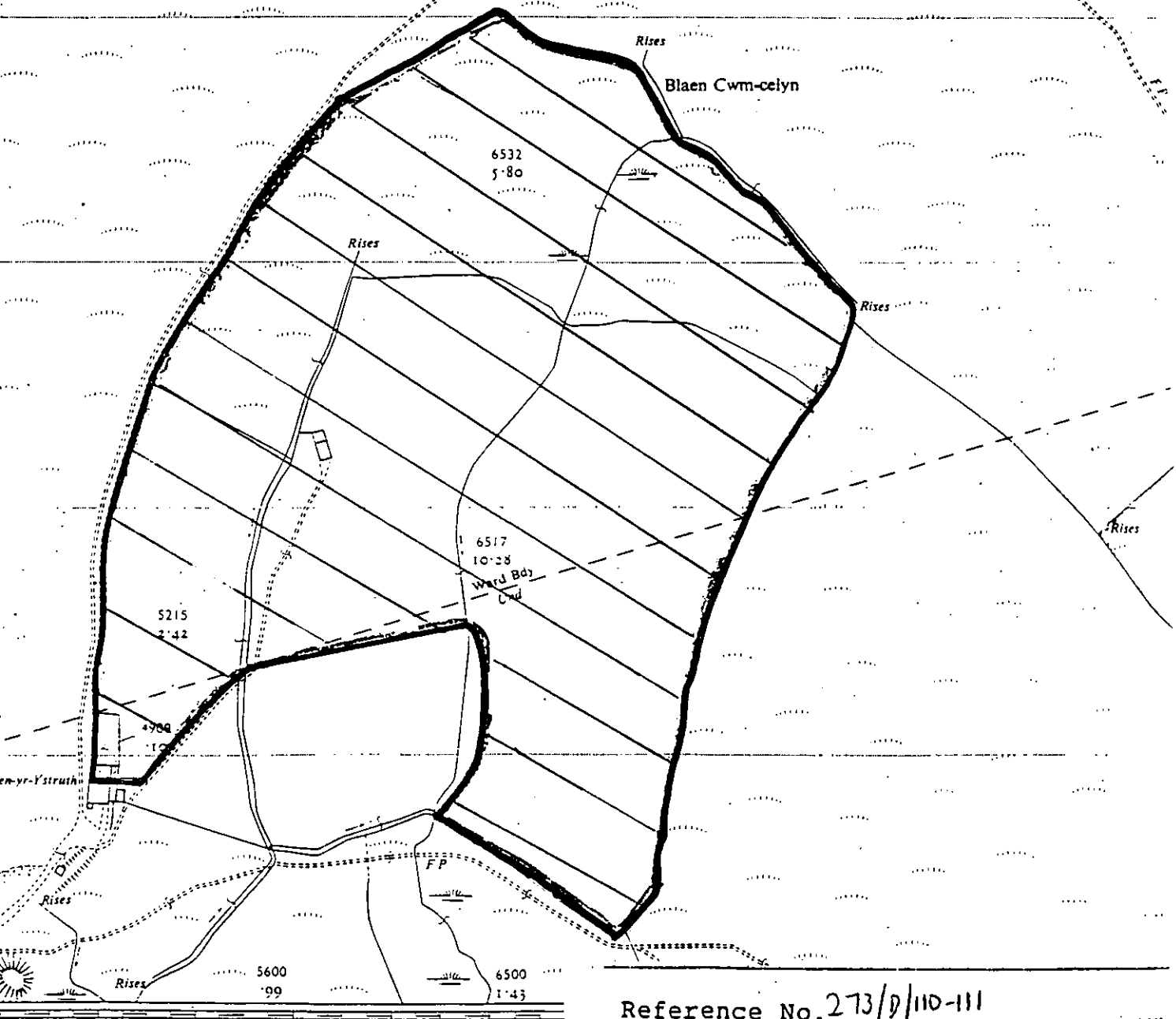
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