

COMMONS REGISTRATION ACT
1965



Reference No. 273/D/112

In the Matter of Gwastad Common
Abertillery and Abersychan

DECISION

These disputes relate to the registrations at Entries Nos. 2, 10 and 11 in the Rights section of Register Unit No. CL.16 in the Register of Common Land maintained by the Gwent County Council occasioned by Objection No. 91 made by the National Coal Board and noted in the Register on 5 November 1970 and to the registrations at Entries Nos. 1, 3, 4, 5, 7, 8, 9 in that section of that Register Unit occasioned by Objection No. 94 made by the National Coal Board and noted in the Register on 6 November 1970.

I held a hearing for the purpose of inquiring into these disputes at Cwmbran on 17 March 1987. At the hearing the National Coal Board were represented by Mr G Watkins, solicitor, Mr E E Penney the registrant at rights entry No. 1, Mr Rees Davies the registrant at rights entry No. 2 and Mr Clarence Black the successor in title to the registrant at rights entry No. 3 appeared in person. Mr Black also represented, by leave, Mrs Mary Darrah the successor in title to the registrant at rights entry No. 5. Mr B Hill FRICS represented the Blaunau Gwent Borough Council, the successor in title to the registrants at rights entries nos 9 and 10.

The National Coal Board are and were at the date of registration the owners of the whole of the unit land and are finally registered as such. Mr Watkins admitted that entries No. 4, 7 and 8, were registered as attached to farms which were wholly owned by the National Coal Board at the date of registration and could not therefore have had rights of common over the unit land. He accordingly withdrew these claims.

Entry No. 1 was registered as attached to three farms of which Mr Penny owned one and the other two were owned by the National Coal Board. All parties accordingly agreed that this entry should be confirmed in respect of Blaenmelyn Farm, Varteg only. Entry No. 2 was registered as attached to two farms of which one was owned by the National Coal Board. It was agreed that this entry should be confirmed in respect of Tyr-Bailey Farm, Talywaun only.

Entry No. 6 has been withdrawn.

Entry No. 11, which claims a right to graze 1,250 sheep or 125 cattle or 125 ponies as attached to "Pentwyn Estate Abersychan", was objected to on the grounds that no right exists at all and was opposed by all parties present. No one appeared to support the registration and I shall not confirm it.

That leaves Entries Nos 3, 5, 9 and 10 which all agreed should be confirmed together with those parts of entries nos 1 and 2 mentioned above. The National Coal Board had, however, objected that the numbers of animals claimed were excessive. All parties agreed that the numbers should be reduced so as to comply with a scale of 5 sheep or one head of cattle or one horse for every acre of registered dominant land. The areas of the dominant tenements were also agreed. As a result of this agreement I shall confirm entries 1, 2, 3, 5, 9 and 10 with the modification that the entries set out in the following schedule shall be substituted for the provisional entries in columns 4 and 5 of the register. The map referred to in column 5 of entry no. 9 is that attached to the application. That referred to in column 5 of entry no. 10 will be attached



to the copy of this Decision which is sent to the Registration Authority.

SCHEDULE

Column 4

Column 5

Entry No.

- | | | |
|---|--|---|
| 1 | To graze: 120 sheep or 24 head of cattle or 24 horses or sheep and/or cattle and/or horses together to a limit of 120 units, each head of cattle and each horse counting as 5 units and each sheep as 1 unit over the whole of the land comprised in this register unit and to cut fern. | Blaenmelyn Farm O.S. Nos. 26
26A, 27, 28, 30, 31, 32, 33,
36pt: 23.765 acres |
| 2 | To graze: 180 sheep or 36 head of cattle or 36 horses or sheep and/or cattle and/or horses together to a limit of 180 units each head of cattle and each horse counting as 5 units and each sheep as 1 unit over the whole of the land comprised in this register unit | Tyr-Bailey Farm, Talywaun
O.S. Nos. 653, 654, 705,
706, 707, 708, 710, 711:
35.935 acres |
| 3 | To graze: 165 sheep or 33 head of cattle or 33 horses or sheep and/or cattle and/or horses together to a limit of 165 units, each head of cattle and each horse counting as 5 units and each sheep as 1 unit over the whole of the land comprised in this register unit | Gwastad Farm, Cwmtillery,
O.S. Nos. 91, 92, 151, 152,
154, 155, 284, 156pt. 159pt.
153: 32.5 acres |
| 5 | To graze: 145 sheep or 29 head of cattle or 29 horses or sheep and/or cattle and/or horses together to a limit of 145 units, each head of cattle and each horse counting as 5 units and each sheep as 1 unit over the whole of the land comprised in this register unit. | Ty Pwdr Farm, Cwmtillery
O.S. Nos. 282, 283, 285, 286,
278, 277, 306, 301, 302, 276,
309: 28.836 acres |
| 9 | To graze: 240 sheep or 48 head of cattle or 48 horses or sheep and/or cattle and/or horses together to a limit of 240 units, each head of cattle and each horse counting as 5 units and each sheep as 1 unit over the whole of the land comprised in this register unit. | Green Meadow Farm, Abertillery
shown edged red on
supplemental map: 47.5 acres |



Entry No.

10. To graze: 125 sheep or 25 head of cattle or 25 horses or sheep and/or cattle and/or horses together to a limit of 125 units, each head of cattle and each horse counting as 5 units and each sheep as 1 unit over the whole of the land comprised in this Register Unit.

Cwm Nant-y-Groes Farm
shown edged red on
supplemental map:
25.35 acres

I shall not confirm entries 4,6,7,8 or 11.

-- 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

21st

day of

May

1987

Peter Langdon-Davies

Chief Commons Commissioner

273/D/112

77

CL 15

RE 10

To be sent with copy
of Decision to Registrar
(valuation only)

PLD
21 May 87

Reference No. 273/D/112

This is the plan referred to in
Decision dated 21 May 1987

Peter Lanyon-Davis
Chief Commons Commissioner

