



COMMONS REGISTRATION ACT 1965

Reference No. 274/U/130

In the Matter of Aberdovey Common or Cefn Rhos in the
Community of Tywyn

DECISION

This reference relates to the question of the ownership of parts of the land known as Aberdovey Common or Cefn Rhos in the Community of Tywyn being the parts of the land comprised in the Land Section of Register Unit No. CL.97/124 in the Register of Common Land maintained by the Gwynedd 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 (1) Richard Ellis Meuric Rees and (2) Meirionnydd District Council claimed to be the freehold owners of parts of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Dolgellau on 13th March 1990.

The hearing was attended by Mr J Roberts, Solicitor of Meirionnydd District Council, Mrs M. Meredith of Charles Crookes and Evans, Solicitors of Cardiff representing Mr R E Meuric Rees, Mr J Griffiths, Secretary of Aberdovey Golf Club, Mr E E Davies (Rights Entry No. 9) and three other Rights holders and Mr Meuric Rees in person.

The land was registered as common land partly upon the application of the Clerk of the Urban District of Tywyn and partly as a result of a rights application. Registration became final following a Decision of Mr Commons Commissioner Baden Fuller dated 16th January 1989 whereby he removed several areas from the registration.

There are 11 subsisting entries in the Rights Section of the Register which have become final, all in respect of grazing rights for sheep or cattle.

There are two entries in the Ownership Section of the Register, both of which have become final:-

- (1) The Urban District of Tywyn is registered as owner of the parcels of land north of the railway line known as (a) Morfa Gypies and (b) the Recreation Ground.
- (2) The Trustees of the Aberdovey Golf Club are registered as owners of the greater part of the land south and west of the railway line.

There are two parcels of land not included in either of these registrations, the ownership of which now remains to be determined. These are:-

- (1) A more or less triangular parcel of land at the North East corner of the Register Unit which was referred to by Mr Commissioner Baden Fuller in his Decision as "the 2653 Area" (that being the relevant number on the Ordnance Survey Map): see page 3 of the Decision and the plan at page 4 thereof.



(2) A rather irregular triangle of land at the South East corner of the Register Unit which was referred to by Mr Baden Fuller in his Decision as "the Aberdyfi Village Area": see page 3 of that Decision and the plan at page 5 thereof. In this Decision I shall refer to those two areas as "the 2653 Area" and "the Aberdyfi Village Area" respectively.

I made a Site Visit on the afternoon of 13th March 1990 when I inspected the Aberdyfi Village Area accompanied by my Clerk, Mr Roberts, Mr Griffiths, Mr Davies and the other three Rights holders who had attended the hearing.

At the hearing before Mr Commissioner Baden Fuller it was submitted on behalf of Mr Meuric Rees that the 2653 Area did not form part of the Common. Mr Baden Fuller considered this area at great length in his Decision, and came to the conclusion that it should not be excluded from the registration. This decision, not having been appealed against, is now final, and it is not for me to re-open the matter. However (at page 25 of his Decision) Mr Baden Fuller said as follows:-

"As to the ownership of the 2653 Area, the paper title of Mr M Rees was regularly deduced; nobody disputed his ownership".

Mrs Meredith produced to me the original of a Conveyance dated 22nd December 1961 between (1) Isabella Mary Alison Rieben and (2) Mr Meuric Rees in respect of the farm known as Dyffrynglyncul containing 509.278 acres described in the Schedule and edged pink on Plan A annexed thereto. The Schedule includes Part 2653 Pasture 10.767 acres, and this is included in the land edged pink on the plan. I am satisfied that this piece of land corresponds with "the 2653 Area".

The 1961 Conveyance bears indorsed memoranda of three Conveyances off by Mr Meuric Rees dated respectively 20th November 1973, 17th April 1979 and 27th June 1983. Mrs Meredith produced copies of each of these deeds, and I am satisfied that none of them affects the 2653 Area.

Dealing next with the Aberdyfi Village Area, Mr Roberts on behalf of the District Council produced the original of a Conveyance dated 8th June 1966 between (1) H M The Queen (2) The Crown Estate Commissioners and (3) The Urban District Council of Towyn whereby five pieces of land containing together 21.617 acres or thereabouts situate above high water mark of ordinary tides at Aberdovey in the County of Merioneth and being (for the purpose of assisting and explaining the description thereof and not as in any way governing or controlling it in the event of any variation in the line of high water mark of ordinary tides for the time being) shown coloured pink and blue on the plan annexed thereto TOGETHER with the wharf buildings and other structures on the said lands were conveyed to the Urban District Council.

The difference between the land coloured pink on the plan and that coloured blue is that each was subject to a separate Lease granted by the Crown. Both Leases have now expired, so that no distinction remains between the two areas.

It is not easy to reconcile with any great accuracy the Aberdyfi Village Area as now shown on the Register Map (or as shown on the plan at page 5 of Mr Baden Fuller's Decision) with the land coloured pink and blue on the 1966 Conveyance.



As contemplated in that Conveyance the high water mark of ordinary tides appears to have changed considerably over the years, and it probably still is changing.

From personal observation on my Site Visit, I would say that the southern boundary of the Aberdyfi Village Area when not under water lies on wet sand, of no value for grazing nor I think of any value to golfers. It would be impracticable to mark out the precise line of this boundary. On the northern boundary there are two focal points. At the eastern end of this boundary the Aberdyfi Village Area terminates at the inshore edge of the Jetty. Towards the western end the focal point is the cattle grid immediately south of the entrance to the tunnel under the railway.

Looking at the plan on the 1966 Conveyance neither the land coloured blue nor that coloured pink extends quite as far west along the railway line as the cattle grid. There seems therefore to be a small rectangular area of "no mans land" lying between the land in respect of which the Trustees of the Golf Club are already finally registered as owners and that now claimed by the District Council. This area (like much of the rest of the Aberdyfi Village Area) consists of sand dunes, with comparatively little grass.

The only possible claimants to this area are the District Council and the Golf Club. At my Site Visit it was agreed between Mr Roberts on behalf of the District Council and Mr Griffiths on behalf of the Golf Club that they would prepare and send in to the Office of the Commons Commissioners a plan showing the agreed line of the boundary between the land the ownership of which they wished to be registered in the names of the Golf Club and the District Council respectively. None of the Rights holders present raised any objection to this procedure.

It in fact took a long time for the Golf Club and the District Council to reach agreement but agreement has ultimately been achieved, and an agreed plan was received by the Commons Commissioners on 29th January 1991. That plan is annexed to this Decision.

On this evidence I am satisfied that:-

- (1) Mr Richard Ellis Meuric Rees is the owner of "the 2653 Area";
- (2) The Meirionnydd District Council is the owner of so much of "the Aberdyfi Village Area" as is included in the land hatched in green on the plan attached hereto
- (3) The Trustees of the Aberdovey Golf Club are the owners of so much of the "Aberdyfi Village Area" as lies to the west and north-west of the land hatched in green on the said plan.

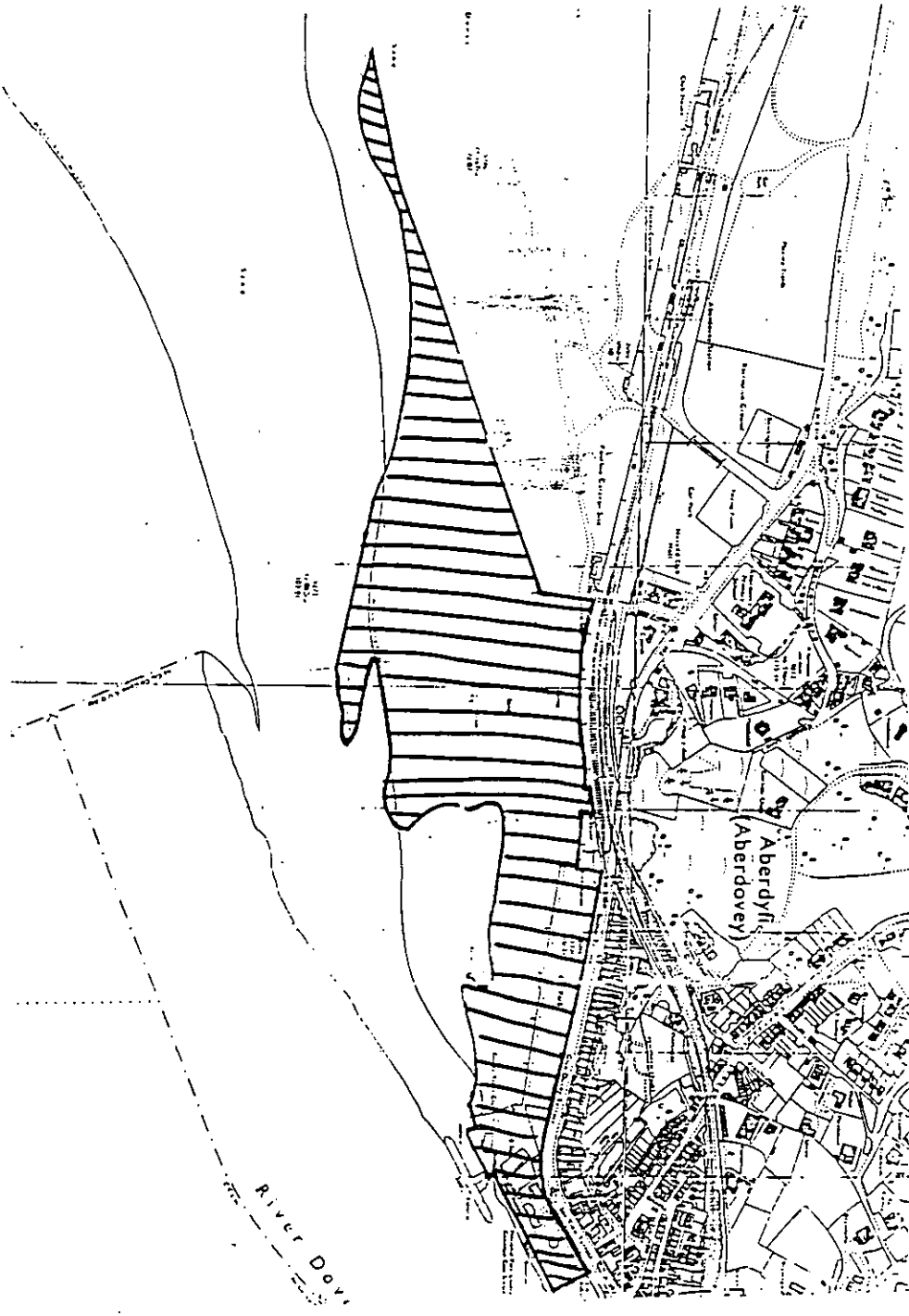
I shall accordingly direct the Gwynedd County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8(2) of the Act of 1965.

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 27th day of February 1991

Mati Rott

Commons Commissioner



If it is hereby agreed that this plan accurately delineates the extent of the land in the ownership of the Meirionnydd District Council and the common boundary between that land and the land in the ownership of the Aberdyfi Golf Club,

SIGNED on behalf of the Meirionnydd District Council:—
John Campbell Davies, M.B.,
Mayor

SIGNED on behalf of the Aberdyfi Golf Club:—
A. G.

274/U/130
 This is the plan referred to
 in my Decision of Oct 27th
 February 1941.
Walter Rolt
 Planning Commission.