



In the Matter of Tyn y Coed Isa Mountain,
Tywyn

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 172 in the Register of Common Land maintained by the former Merioneth 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 G T Pugh claimed to be the freehold owner of the land in question ("the Unit land") 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 Dolgellau on 1 May 1980.

At the hearing Mr A M Dancer, of the firm of Griffith Adams and Williams, Solicitors, appeared on behalf of Mr Pugh.

The Unit land comprises two areas lying near but not contiguous to each other. On a Plan produced by Mr Dancer (which I have marked "GTP") they are the two areas marked brown. The Claim is to ownership of the whole of the Unit land, but has to be considered separately in relation to three different parts (making up the whole) of the Unit land.

The first part ("the B Part") is that part which falls within the area edged blue on the Plan. The B Part is included in the property conveyed to Mr Pugh by a Conveyance dated 17 December 1964. I have seen that Conveyance and the earlier title deeds and am satisfied that Mr Pugh is the owner of the B Part.

The second part ("the R Part") consists of the two sections which fall within the areas edged red on the Plan. Mr Dancer produced title deeds (starting with a Conveyance dated 29 December 1903 and ending with a Conveyance to Mr Pugh dated 20 November 1964) to property known as Tanycoed of some 111 acres and coloured pink on a plan annexed to the 1903 Conveyance "together with the sheepwalks therewith held". The property coloured pink includes a rectangular piece of land on the south side of the Tal y Lynn railway, and the south eastern boundary of this area is the north western boundary of the more northerly of the two sections forming the R Part. But the property does not comprise the R part (ie. any part of the Unit land), and so far as the deeds are concerned they show no title to the Red part unless the Red part was "the sheepwalks therewith held": and this the deeds do not establish.

The third part ("the G Part") is the part which falls within the area edged green on the Plan. Mr Dancer produced title deeds showing title in Mr Pugh to property known as Tanycoed Uchaf and Pentre-maes-trefrant, which does not include the G Part but adjoins its north western boundary. In the three Conveyances included in the title deeds, the last of which dated 19 November 1954 was to Mr Pugh and David Pugh (since deceased) the property is conveyed "together with such right of pasturage over the sheepwalks belonging to the hereditaments .. as now appertain to (the hereditaments)". As in the case of R Part, the deeds do not show title to the G part.



Of the two areas which the Unit land comprises, the one lying to the north west (the NW area) consists of the B part, the G part and one section of the R Part. On the evidence given by Mr Pugh I find that in 1954 there was a fence between the G part and this section of the R part, which he maintained till about 1964 (when he purchased Tanycoed): since then he has allowed that fence to rot, as there is a fence he maintains on the perimeter of the NW area so that it now forms one unit. In 1971 he ploughed a part of the G part: he has obtained grants to pay for improvements - rotovating, fertiliser and grass seed - to the strip coloured green on the Plan which includes a section of the G part. As regards the other area of the Unit land - that lying to the south-east (the SE Area) this was already fenced in 1964 except on its western boundary; a fence has been put up on that boundary and this fence and that on the southern boundary are kept in repair by himself jointly with other adjoining owners.

As regards the Unit land generally Mr Pugh said that in each of the first ten years from 1964 he burned heather on about a third of the land and that he shoots vermin, grouse and black game: that no one else exercises sporting rights apart from the local pack ^{which} comes over the land to hunt.

On the evidence I am satisfied that Mr Pugh is the owner of the NW area of the Unit land and I shall accordingly direct the Gwynedd County Council, as registration authority, to register him as the owner of that area under section 8(2) of the Act of 1965. As regards the SE area I am not satisfied that he or any other person is the owner and it will therefore remain subject to protection under section 9 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

7 June

1980

L. J. Morris Smith

Commons Commissioner