



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/732-747

In the Matter of a Tract of land forming part of
the Black Mountains in the Parishes of Crickhowell
Talgarth, Tregoyd and Velindre, Llanigon and Hay

DECISION

This dispute relates to (1) the registration at Entry No 1 in the Land Section and (2) Entry Nos 1-6, 8, 9, 12, 13, 16-34, 36-45, 47-50, 52, 54-58, 62-72, 74-90, 93-99, 101-110, 113-120, 122-128, 141-147, 149-170, 172-176, 178-181, 186-189, 191, 193-196, 198-201, 203-219, in the Rights Section of Register Unit No. CL.41 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection Nos. 211, 158, 222, 236, 243 and noted in the Register. (3) to the registration at Entry Nos. 23, 24, 25 and 69 in the same Rights Section occasioned by Objection No. 208 made by the Trustees of the Glanusk Settlement (4) to the registration at Entry No. 193 occasioned by objection No. 590 made by the Black Mountain Graziers Association (5) to the registration at Entry No. 4 in the Ownership Section of the same registered number occasioned by Objections Nos 222 and by the conflicting registration at Entry No. 7 in the said Ownership Register and (6) to the registration at Entry No. 7 in the said Ownership Section caused by Objection No. 243 and the conflicting Registration at Entry No. 4 in the same Section.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 19 October 1985. The hearing was attended by Mr H Cave County Land Agent and Valuer appeared for the Registration Authority, Mr J Bangogh of Messrs. Knight, Frank and Rutley Chartered Surveyors and Land Agents of Hereford appeared for the Trustees of the Glanusk Settlement, Mr A J Perrott of the Treasury Solicitor's Office appeared for the Forestry Commission, Mr T Davenport of Messrs. George Tudor and De Winton Solicitors of Brecon appeared for Mr V W Ralph (Objection No. 222, Mr E C J Selwyn of Messrs. Jeffreys & Powell Solicitors of Brecon appeared for Mr J G Watkins (Objection 236) Mr G L Newson of Counsel instructed by Messrs. R T Griffiths & Co., Solicitors of Hay on Wye appeared for Messrs. J & J Price (Objection 243) Mr W H Stephens (Treasurer) appeared for the Black Mountain Graziers Association (Objection No. 590).

The Objection No. 208 had been withdrawn before the hearing on the Applicants at Rights Entry Nos 23, 24, 25 and 69 ~~leaving~~ to abandon their claim to a right of turbary and objection No. 590 was withdrawn on the applicant at Rights Entry No 193 agreeing to reduce his claim from the right to graze 700 sheep to a right to graze 405 sheep or sheep equivalent, 5 sheep equivalent to one head of cattle and 7 sheep equivalent to one horse.

During the hearing Objections Nos. 222, 236 and 243 were withdrawn on terms that the ~~area~~ of land referred to in those objections were excluded from registration in the Land Section.

In the ownership section the withdrawal of Objection No. 222 removed the conflict with Entry No. 4 and the withdrawal at Objection No. 243 removed the conflict with Entry No. 7. Finally the withdrawal of Entry No. 7 removed the conflict with Entry No. 4.



-2-

In column 5 of the registration at Entry No. 65 in the Rights Section OS. Nos. 525, 540 and 541, which are part of the servient tenement must be deleted. For the same reason OS. 549 must be deleted from Entry No. 17.

The only remaining objections were Nos. 211 and 158 made by the Forestry Commission.

Objection No. 211 related to an area called Parc Bach which is the subject of an agreement under seal made 10 April 1964 between the Ministry of Agriculture, Fisheries and Food of the one part and the Black Mountain Graziers Association of the other part. This agreement sets out the terms on which members of the Association are entitled to graze the area and the Forestry Commission is entitled to plant part of the area.

Objection No. 158 relates to an area shown on the plan attached to the objection and the parties finally agreed that the area lying to the West of the blue line on the plan marked objection 158 which runs between the green and the pink line shall be included in the registration at the Land Section and the area lying between the blue and pink line shall be excluded.

For these:

1. I confirm the registration at Entry No. 1 in the Land Section excluding (a) the areas which are the subject of objections Nos. 222, 236 and 243 and to the area on the plan marked Objection No. 158 which lies between the blue and pink lines already mentioned.
2. I confirm the registrations at the following Entries in the Rights Section 1, 8, 9, 12, 13, 16-34, 36-45, 47-50, 54-58, 62-72, 74-90, 93-99, 101-110, 113-120, 122-130, 141-149, 170, 172-176, 178-181, 186-189, 191, 193-196, 198-201, 203-219 with the following modifications (i) Entry Nos. 23, 24, 25 and 69 excluding turbarry (ii) Entry No. 1 limited to 405 sheep or sheep equivalent - 5 sheep = 1 head of cattle, 7 sheep = 1 horse (iii) in the case of the Entries set out in the Schedule any rights over Parc Fach are excluded and in the case of the remaining Entries subject to the limitations confirmed in the said Agreement dated 10 April 1964 (iv) In the cases of Entries Nos. 17 and 65 to the deletions from Column 5 above mentioned.
3. I confirm the registration at the following Entry Nos. in the Land Section 1, 3, 4-6, 8. I refuse to confirm the Registrations at Entry No. 2 in the Land Section and Entry No. 7 in the Ownership Section.

The Schedule:

2, 4, 9, 21, 22, 23, 25, 31, 38, 40, 49, 50, 54, 63, 71, 74, 77, 82, 83, 88, 89, 96, 98, 101, 102, 106, 107, 108, 114, 116, 126, 127, 129, ~~130~~, 136, 137, 145, 146, 151, 156, 157, 160, 162, 164, 166, 172, 173, ~~174~~, 181, 186, 187, 188, 191, 194, 199 and 200.

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

James J. J. J.
January

1984

[Signature]
Commons Commissioner