



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/52-53

In the Matter of Cwmgwyn and
Medwalleth Common, Beguildy

DECISION

These disputes relate to the registration at Entry Nos. 20 and 21 in the Rights Section of Register Unit No. CL. 20 in the Register of Common Land maintained by the Powys County Council and are occasioned by Objection Nos. 621 and 622 made by Mr J L Mills and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 7 January 1976.

The hearing was attended by Mr Ian Bainbridge, Solicitor, of the firm of Milwyn Jenkins & Jenkins for the Applicant Mr G Ll Davies, and by Mr Gareth Morris, Solicitor, of the firm of Dilwyn Jones & Co for the Objector, Mr J L Mills.

The Applicant has farmed the dominant holdings, which are adjoining, as one unit for s years, and has applied to register in respect of Windy Hall and Upper Teme (a holding of some 43 acres) a right to graze 200 ewes, 65 hogs (young sheep), 15 cattle and 15 ponies, and in respect of Dolfrwynog (a holding of some 15 acres) a right to graze 150 ewes and their followers, 50 ewe hogs, 10 ponies and 10 cattle. The ground of the objections is that the number of animals specified by the Applicant is excessive in each case.

Mr Davies testified that he had been the tenant of Windy Hall and Upper Teme since March 1946. The adjoining holding of Dolfrwynog has belonged to his family since 1903 when it was bought by his grandfather. It passed to his father in 1926, and the Applicant has farmed it since 1930, becoming the owner on his father's death in 1959. The Applicant has owned for some years a third holding viz. Lane Farm, Tregynon, which had no rights over the Common. Over the years the Applicant's livestock has increased from about 100 ewes and 15 ponies in 1930 to the present level of some 400 sheep and 10 cattle. He had not kept any ponies for 8 years. The conveyance in 1926 of Dolfrwynog to his father contained an express reference to "rights of depasturing sheep and ponies over the open hill in Medwalleth Township".

The Applicant frankly admitted that the number of animals for which he claimed grazing rights might seem excessive.

Evidence was also given on behalf of the Applicant by his brother, Mr Fred Davies, who testified that he worked at Windy Hall and Upper Teme about the year 1925, when a Mr Jones was the tenant. He said that Mr Jones had 300-400 sheep, 20 cattle and 2 or 3 ponies. He turned "a portion" of them onto the Hill. His father then farmed Dolfrwynog, where he kept about 100 sheep, 12 cattle and 15 ponies.



The Objector, Mr Mills, stated that the stocking rate claimed by the Applicant was much too high. He also testified that the fences between the Hill and these holdings were in a poor state of repair, and that many sheep roamed onto the Hill in addition to those which were turned out to graze there.

I have no doubt that the numbers of animals mentioned in the provisional registrations are grossly excessive. I consider that a stocking rate of about 3 sheep to the acre with a somewhat higher rate for small holdings is about right. The evidence is somewhat inconclusive, but, doing the best I can on the evidence before me, I think it would be a fair result if I allowed the Applicant to register 130 sheep (together with lambs to weaning), 8 cattle and 5 ponies in respect of Windy Hall and Upper Teme, and 60 sheep (together with lambs to weaning) 5 cattle and 5 ponies in respect of Dolfrwynog.

For these reasons I confirm the registration with the following modifications:-
 (1) at Entry 20 amend column 4 by deleting "200 ewes 65 hogs 15 cattle and 15 ponies" and substitute therefor "130 sheep (together with lambs to weaning) 8 cattle and 5 ponies"; and (2) at Entry 21 amend column 4 by deleting "150 ewes and their followers, 50 ewe hogs, 10 ponies and 10 cattle" and substitute therefor "60 ewes (with lambs to weaning) 5 cattle and 5 ponies".

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 20th day of

May

1976

A. E. Francis

Commons Commissioner