



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/146

In the Matter of part great Forest of Brecknock,  
 1. Ystradfellte Reservoir. 2. Land opposite  
Storey Arms. 3. Fan Bwlch Chwyth

## DECISION

This reference relates to the question of the ownership of the land described above being parts of the land comprised in the Land section of Register Unit No. CL.50 in the Register of Common Land maintained by the former Brecon County Council of which no person is registered under section 4 of the Commons Registration Act as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Brecon on 24th January 1989.

At the hearing Mr N M Rolt, solicitor, appeared on behalf of Powys County Council as Highways Authority, Mr J P Jones, solicitor, appeared for the Welsh Water Authority, Mr D J Powell, solicitor, of Messrs. Jeffreys and Powell of Brecon appeared for the Executive Committee of the Allotment Holders or Commoners of the Great Forest of Brecon and Mrs B Morgan represented the Registration Authority.

The land which has been referred to me is in three parts:-

1. Ystradfellte Reservoir
2. Fan Bwlch Chwyth
3. Land opposite Storey Arms

1. Ystradfellte Reservoir

This area is claimed by the Welsh Water Authority. Mr Jones produced a conveyance on sale dated 11 August 1906 whereby Lord Tredegar and his trustees conveyed to Neath Rural District Council for the purposes of the Ystradfellte Water Act 1902 land including the whole of this area. As a result of the statutory instruments referred to in my decision reference number 276/U/144 I am satisfied that the owner of this land in fee simple is now the Welsh Water Authority, I shall accordingly direct the registration authority to register that Authority as owner of the land under section 8(2) of the 1965 Act.

2. Fan Bwlch Chwyth

Mr Rolt produced a Land certificate showing that this area was conveyed to the Powys County Council on 20 April 1988 and that registration with absolute title under the Land Registration Acts has been affected. I am therefore no longer concerned with its ownership.



### 3. Land opposite Storey Arms

#### The claim of Powys County Council

Mr Rolt told me that the County Council had purchased a large part of this land which had been conveyed to them under two conveyances. Since, however, the Council were in process of registering the title under the Land Registration Acts, it seemed to me pointless to make any enquiry into it. I shall accordingly make no direction regarding this land. Until the title is registered it will remain subject to protection under section 9 of the Act of 1965.

#### The claim of the Welsh Water Authority

This claim is confined to the site of the Old Storey Arms Turnpike Toll House with some surrounding ground measuring according to the plan attached to the conveyance about 24 yards by 48 yards. It is now said to be part of the car park of the Storey Arms Youth Hostel.

Mr Jones produced a conveyance on sale dated 29 April 1904 whereby the Brecon County Council conveyed this land to the County Borough of Cardiff. Why this should be part of that Authority's water undertaking is obscure but in the absence of any other claim I am satisfied that this land must have become vested in the Welsh Water Authority by virtue of the statutory instruments referred to in my decision reference no. 276/U/144.

A copy of the plan attached to that conveyance is attached to this decision and I shall direct the Registration Authority to register the Welsh Water Authority as owners of the land shown on that plan.

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

20<sup>th</sup>

day of

February

1989

*Peter Landon-Davis*

Chief Commons Commissioner

18 MAY 1904

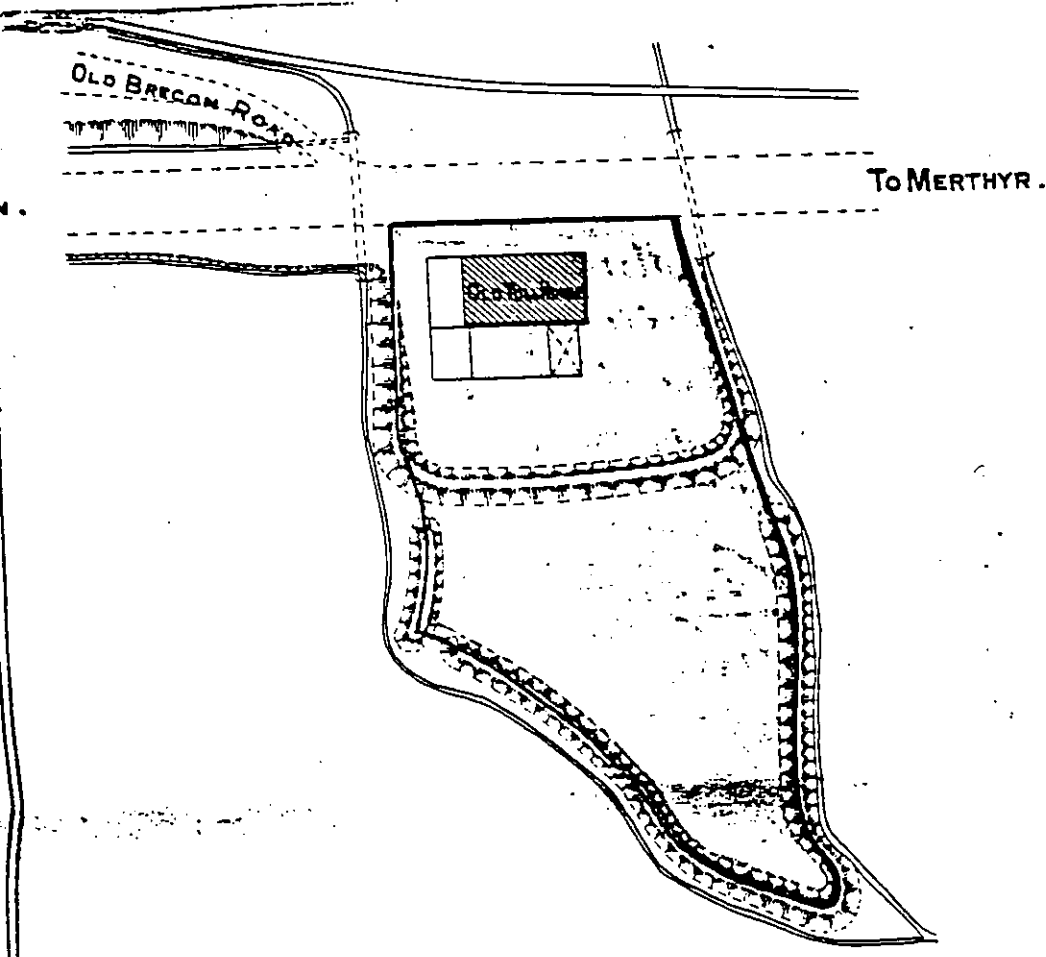
pro Secretary

# This Indenture

made the twenty seventh day of April

between The Breconshire County Council - (hereinafter called the Council) of the one part and The Mayor Aldermen and Burgesses of the County Borough of Cardiff (hereinafter called the Corporation) of the other part. Whereas

the Council are seized in fee simple in possession of the hereditaments hereinafter expressed to be hereby granted and have obtained the formal consent of the Local Government Board dated the twenty seventh day of February One thousand nine hundred and four to the alienation thereof And whereas the Council have agreed with the Corporation for



SCALE, 40 FEET TO ONE INCH.

Reference No. 276/U/146

This is the plan referred to in my Decision dated 20 February 1904

Peter Lumsden-Davis  
Chief Commons Commissioner

of the said hereditaments in fee simple for the sum of Fifty pounds £50 that in pursuance of the said Agreement of Fifty pounds to the Council this Indenture the Council do hereby acknowledge