



**COMMONS REGISTRATION ACT 1965**

**Reference Nos. 278/D/1578-1897**

**Reference Nos. 278/D/1433-1893**

**Reference Nos. 278/D/1502-1577**

**Register Unit No. CL15**

**Register Unit No. CL16**

**Register Unit No. CL17**

**In the matter of Fairwood and Clyne Common in the City and County of Swansea**

**And in the matter of Bishopstow Valley in the City and County of Swansea**

**And in the matter of Barlands Common in the City and County of Swansea**

**And in the matter of applications for the registration of village greens**

**And in the matter of applications for registration of commons**

**And in the matter of notices of references of disputes**

**DECISION**

1. Between Monday 23<sup>rd</sup> October and Thursday 26<sup>th</sup> October 2006 hearings were held at County Hall, Swansea, to enquire into various matters referred to a Commons Commissioner by the City and County of Swansea (“the Council”). The hearings concerned registrations made in a number of the Commons Registers now maintained by the Council relating to the following Register Units:-

CL2(S) – Newton Cliffs and Summerland Cliffs

CL4(S) – Picket Mead

CL5(S) – Mayals Green

CL12(S) – Blackpill Burrows

CL15 - Fairwood and Clyne Common

CL16 - Bishopston Valley

CL17 - Barlands Common

The register Units CL2(S), CL4(S), CL5(S), and CL12(S) were originally opened and maintained by the former County Borough of Swansea and Register Units CL15, CL16 and CL17 were originally opened and maintained by the former Glamorgan County Council.

2. On Monday 23<sup>rd</sup> and Tuesday 24<sup>th</sup> October 2006 Mr Commissioner Nicholas Le Poidevin held hearings at County Hall, Swansea in respect of CL2(S), CL4(S), CL5(S), and CL12(S) together with the related entries in CL15, CL16 and CL17. On 14<sup>th</sup> February 2007 his Decision was promulgated. On Wednesday 25<sup>th</sup> and Thursday 26<sup>th</sup> October 2006 I dealt with the bulk of the conflicts in Register Units CL15, CL16 and CL17.
3. I should state that a number of disputes have to be stood over to be heard on another occasion as they also involved the possible amendment of the registers of other Register Units of which I was not seised at the current hearings. This particularly arose in the case of Units CL9 and CL11. During the course of a hearing in October 2002 which concerned those Register Units I had given directions as to future conduct. Regrettably there has been no compliance with these directions and for this reason any cross references to those Units in the current disputes will have to be stood over to be the subject matter of a subsequent hearing.
4. I should also mention that CL15 includes an area of land part of which is owned by Clyne Common Golf Course. As this raises discrete issues I shall deal with it separately below (see paragraphs 11).
5. Mr Brian Humphreys, the Registration Officer for the Council, appeared at the hearings and presented each case on behalf of the Council. He also provided a

set of plans used during the hearings. His care and diligence in relation to the preparation of the Council's case provided invaluable assistance in the complexities of these commons registrations. In relation to some disputes there were appearances by solicitors instructed by various parties, most notably Mr Edward Harris, formerly of Messrs Edward Harris & Son, now of John Collins & Partner. He was instructed by the Somerset Trustees as owners of land in the area of the Register Units as well as by a number of concerned individuals. In some other cases various members of the public appeared in person before me. I shall make reference to the representations made by these various persons as and when it is necessary to do so.

6. A draft of this Decision was prepared which was circulated to the various interested parties in order to give them an opportunity to correct any errors or omissions. A number of responses have been received which I have taken into account in the preparation of this final Decision.

#### **REGISTER UNIT CL15 – FAIRWOOD AND CLYNE COMMON**

##### **Land Section – Dispute Reference Numbers 278/D/1578-1586**

7. This registration remains provisional as there are a number of conflicting entries between entry number 1 in the land section and various entries in the land and rights sections of other register unit numbers as set out in sheet number 1 to Mr Humphreys' Schedule of Hearings ("the Schedule of Hearings"). I deal with these conflicts as follows:-

- (1) **Ref. Nos. 1578 and 1582** – The registration at entry number 1 in this Section is in conflict with the registration at entry number 1 in the Lands Section of Register Unit No. VG14. In other words this is a double registration of the same parcel of land as both a common and a village green and thus constitutes an outstanding deemed objection. The Applicant who sought to register the land as a village green did not attend the Hearing to support the registration of Village Green in Register unit VG14. Accordingly, I confirm the registration of the

relevant parcel of land as forming part of Register Unit No. CL15 and I do not confirm its registration in Register Unit No. VG14.

- (2) **Ref. Nos.1579 and 1583** – In this case part of the land comprised in CL15 is also provisionally registered in the Lands Section of CL5(S). This again is a double registration and therefore constitutes an outstanding deemed objection. The extent of the overlap between the two commons can be identified from the large-scale plan produced by Mr Humphreys. As Commissioner Le Poidevin states on page 8 of his Decision, this raises an awkward point. CL15 includes much, but not all, of CL5(S) thereby creating this double registration. Conversely, CL15 includes a great deal of land not included in CL5(S). After consultation between us it has been decided in general to leave both land registrations in the respective Land Sections intact in the two Register Units - for to do otherwise would create considerable difficulties with regard to the registration of commoners' rights over both Register Units. Double registrations, although not ideal, do occur. Accordingly, I confirm entry number 1 in the land Section of CL15. Mr Commissioner Le Poidevin has already confirmed entry number 1 in the Land Section of CL5(S). To do otherwise would mean that CL15 and CL5(S) would cease to exist as Register resulting in the loss of rights by certain commoners.
- (3) **Ref. No.1580** – In this case entry number 1 in the Lands Section is in conflict with entry number 58 in the Rights Section of this Register Unit (see **Ref. Nos. 1632 and 1633**). This relates to field number 28 Bishopston which in fact forms part of a hospital. This parcel of land has in fact been incorrectly registered as part of the common and the Council have withdrawn that part of the registration there being no objection from the Gower Commoners' Association representative present (Mr Leslie Richards). Accordingly, I confirm this registration but with the necessary modification to exclude field number 28.

- (4) **Ref. No.1581** – This is a similar conflict between the Land Section and the Rights Section (see entry number 70) where field numbers 13 and part 17 have been wrongly included in entry number 1 of the Lands Section. Reference should also be made to **Ref. Nos. 1657 and 1658**. The Council has again withdrawn those field numbers from the land registration with the consent of the Gower Commoners’ Association. Accordingly, I confirm this registration but with the necessary modification to exclude field numbers 13 and part 17 from the registration. The Rights Section of the register should similarly be modified (see **Ref. Nos. 1657 and 1658**).
- (5) **Ref. No. 1584** – This is a dispute relating to field number 1004 in the Parish of Llanrhidian Higher where the issue is whether or not this parcel of land (which comprises a small strip of land) forms part of the common. This dispute is linked to **Ref. No. 1587**. After hearing evidence from Mr David Jones of Wern Fawr Farm I was satisfied that it did so form part of the common. Unfortunately as this dispute is linked to CL9 and CL11 I could not at this stage confirm that field number 1004 should be registered as part of the land forming CL15 and the dispute will have to be stood over to be heard on a subsequent occasion with CL9 and CL11.
- (6) **Ref. No. 1585** – This reflects a similar problem relating to field number 1007 further to the west of field number 1004 in the same parish. This dispute is linked to **Ref. No. 1588**. In this case on hearing evidence I was satisfied that this small parcel of land fell inside the boundary of the local landowner (Mr Fielder) and also did form part of the common. Mr Fielder did not the hearing. There was reference to a fence having only been erected some ten years ago by a Mr Jeffrey to stop cattle from straying, although it was somewhat unclear which fence was being referred to. Unfortunately again this dispute is linked - this time to CL9. Thus I could not at this stage confirm that field number 1007 falls inside CL15 and this dispute will have to be stood over to be heard on a subsequent occasion with CL9 and the question

as to whether this parcel of land forms part of the common can be re-visited.

- (7) **Ref. No. 1586** – I deal with this reference with Late Objection No 28 (see sub-paragraph (28), below).

**“Late Objections”**

8. Before me there were some thirty “late objections” made in recent years to the Council. They are objections to parcels of land wrongly registered as common land. This procedure follows *dicta* in the case of *Re West Anstey Common* [1985] Ch 329 and has been expressly approved by previous Commons Commissioners. I heard evidence in a number of these cases many of which relate to land wrongly registered as common land in Ddol Road, Dunvant, Swansea. Here parcels of land have been wrongly registered as common land, such parcels either comprising the front gardens of various houses, and indeed, in one case part of the house itself. In two other cases the land registered forms part of the means of access to the properties in question. Since the hearings Mr Humphreys has prepared a plan (“Plan A”) which indicates the various parcels of land wrongly registered as common land to be removed from registration. Plan A is annexed to this Decision at Annex A.

9. I deal with these late objections as follows:

(1) **Ref. No. 1869 – No. 1 – 1 Ddol Road**

This is a parcel registered at HM Land Registry under title number WA725011 being property owned by Mr and Mrs Besley. As Plan A indicates, part of the dwelling house’ together with the front garden thereto have been registered as part of the common. This is clearly a mistake and accordingly the Land Section of CL15 should be modified so as to make the necessary exclusion of this parcel of land.

(2) **Ref. No. 1870 – No. 2 – 1A Ddol Road**

This comprises the means of access from Ddol Road itself to number 1A Ddol Road. It is registered at HM Land Registry under title number

WA712338. Clearly, again, this is a mistaken registration and the appropriate entry in the Land Section of the Register should accordingly be modified to exclude it.

(3) **Ref. No. 1871 – No.3 – 3 Ddol Road**

This late objection by Mr Neville Joseph Gronow concerns a square shaped parcel of unregistered open land of land bordering No 3 Ddol Road and currently included in the Register Unit. Mr Gronow was represented at the hearing by his brother Mr DC Gronow. A letter dated 31<sup>st</sup> October 2006 was subsequently sent by the Messrs Gronow to the Clerk to the Commons Commissioners repeating what had been said during the hearing.

The parcel comprises an unfenced area of land. In fact it comprises two parts one part of which the Objectors state is of no concern to them and apparently cows graze and lie down on it. The other part forms a driveway used as a means of access to the house and for the provision of utility services to it. This comprises a hardcore surface. I heard evidence to the effect that it had been so used for a period in excess of 90 years.

Again, I consider that similar considerations apply to this as to the other Late Objections. I do not consider that this parcel can easily be split into two parts for the purposes of commons registration. In such circumstances I consider that the whole of this parcel should be removed (which is similar to the other parcels bordering Ddol Road) and the Register should accordingly be modified to exclude it. The alternative would be to confirm it, but with the appropriate reference to the use of part as a right of access and for the provision of services, or confirm only part. I consider, however, that this would be complicated and the whole parcel should be removed.

(4) **Ref. No. 1872 – No. 4 - access adjoining 1 Ddol Road**

Again, this Late Objection relates to a means of access to 1 Ddol Road (property owned by Mr and Mrs Besley). Accordingly the same considerations apply and I confirm the common land registration but with the necessary modification that this access route should be excluded from the registration.

(5) **Ref. No. 1873 – No.5 – 2 Voylart Road**

(6) **Ref. No. 1874 – No.6 – 18 Ddol Road**

(7) **Ref. No. 1875 – No.7 – 20 Ddol Road**

(8) **Ref. No. 1876 – No.8 – 22 Ddol Road**

(9) **Ref. No. 1877 – No.9 – 24 Ddol Road**

(10) **Ref. No. 1878 – No.10 – 26 Ddol Road**

(11) **Ref. No. 1879 – No.11 – 28 Ddol Road**

(12) **Ref. No. 1880 – No.12 – 30 Ddol Road**

(13) **Ref. No. 1881 – No.13 – 32 Ddol Road**

(14) **Ref. No. 1882 – No.14 – 34 Ddol Road**

(15) **Ref. No. 1883 – No.15 – 36 Ddol Road**

(16) **Ref. No. 1884 – No.16 – 38 Ddol Road**

All of the above are marked edged red on the Plan. They comprise front gardens of the various properties to which reference is made. Most of these are registered at HM Land Registry under various title numbers. Clearly again, all these are mistaken registrations and the Land Section of CL15 should be confirmed but the entry be modified accordingly so as to exclude these various parcels of land.

(17) **Ref. No. 1885 – No.17 - Adopted highway, Ddol Road**

(18) **Ref. No. 1886 – No 18 - Roadside verges, Ddol Road**

These are two Late Objections made by the Registration Officer the extent of which can be seen from the Plan as edged red. I am requested to exclude these areas from the confirmed registration. In the case of the public highway this clearly should be excluded from registration as common land. In the case of the roadside verges, which lie in the north



eastern section of Ddol Road, they should also be excluded from registration. There was no objection to either of these courses of action. Accordingly, I will confirm the registration but subject to the appropriate modification of the Land Section so as to exclude these areas of land. I should state that parts of these areas of land are registered at HM Land Registry.

(19) **Ref. No. 1887 – No. 19 – Cuddfan, 3 Westport Avenue, Mayals**

(20) **Ref. No. 1888 – No. 20 - Cuddfan, as aforesaid**

These are two late Objections relating to land adjoining 3 Westport Avenue, and the area marked in green being part of the parcel of land comprising 3 Westport Avenue. Both these parcels are registered at HM Land Registry and again have been mistakenly included as part of the common land. I therefore confirm the registration of the land in the Land Section but appropriately modified to exclude these two parcels of land.

(21) **Ref. No. 1889 – No. 21 – Pantycelyn, 774 Gower Road, Upper Killay**

This relates to a small parcel of land forming part of the curtilage of Pantycelyn, 774 Gower Road, which has been wrongly included as part of the common. There was no objection to this course of action. Accordingly, I modify the registration with the exclusion of this area of land as shown coloured red on the plan annexed to this Objection.

(22) **Ref. No. 1890 – No. 22 - “Summerlands” 792 Gower Road, Upper Killay**

This concerns a parcel of land together with an adjoining field known as Caecrwn described as “Lot 2” as shown coloured red on the plan annexed to the Objection. Again, this has been wrongly included as part of the common land. Accordingly I confirm the registration but suitably modified to exclude these parcels of land. There was no objection to this course of action.

(23) **Ref. No. 1891 – No 23 - Fairwood Hospital, Upper Killay**

This relates to field number 28A which is land registered under title number WA702267 at HM Land Registry. Unfortunately it would appear that the actual late objection form has been mislaid but copy correspondence has been supplied to me in this regard. I particularly refer to a letter dated 26<sup>th</sup> November 1991 from Messrs John Morse and Co, Solicitors which indicates that from the plan enclosed of Fairwood Hospital it appears that some four or five houses situate to the east on adjoining land have also been included in the Land Section of the register. There was no objection to the removal of the parcel in question from the registration. Accordingly, I confirm the registration but suitably modified to exclude this parcel of land.

(24) **Ref. No. - 1892 – No. 24 – Land at Chapel Road/Dukefield, Three Crosses**

This is a parcel of land which is registered at HM Land Registry under title number WA882763 as shown edged red on the plan annexed to the Objection. There was no appearance by the objectors in support of the Objection. Submissions were made by Mr Edward Harris who informed me that this parcel of land comprises a sports field which has been fenced off, and is subject to a tree planting scheme. The contention is that the parcel does indeed form part of Fairwood Common. As there was no appearance by the objectors and in the light of those submissions I dismiss the Objection and confirm this area as common land.

(25) **Ref. No. 1893 – No. 25 - Land at “Westwinds”, Black Hills Lane**

This comprises a parcel of land which appears to be a verge to Black Hills Lane. It is apparently registered at HM Land Registry under title number WA79356. There was no appearance by the Objector. An undated letter was, however, received by the Clerk to the Commons Commissioners at some stage prior to the hearing from a Mrs Linda J Cutforth of “Westwinds”. In this letter she states that prior to her purchase of the property in 1997 the parcel of land in question in fact

had formed part of the front garden to the house and had been fenced off from the common. More recently in March 1997 and just before she moved into the house this fence was removed, apparently by the commoners, and the land restored to the common. Attached to this letter were two photographs indicating this change. I have also seen a plan which indicates the position.

There was no appearance by Mrs Cutforth to support her written case. It seems clear that at an earlier stage this parcel of land did form part of the common and was duly registered accordingly, and then was wrongly enclosed. The fence was later removed and the land restored to the common. I therefore dismiss the Objection and accordingly confirm the registration.

(26) **Ref. No. 1894 – No. 26 - Land at 52 Manselfield Road, Murton**

This refers to a parcel of land lying to the north of 52 Manselfield Road as shown edged green on the plan to the Objection. Again, there was no appearance by the objectors. Accordingly, I confirm the registration of this parcel of land as forming part of the common.

(27) **Ref. No. 1895 – No. 27 – Land comprising the General Stores, Murton**

This is a parcel of land comprising a shop together with an area in front bordering Manselfield Road. There was no appearance by the objectors. In a telephone call made, however, on 21<sup>st</sup> September 2006 it was stated on behalf of the objectors that they wished to continue to maintain the objection, but they did not intend to appear at the hearing. The plan demonstrates that the shop itself has been wrongly included as part of the common land. There is, however, an area of land at the front of the shop, which it is submitted by Mr Harris does form part of the common land. I can see the force of this argument. Accordingly, I confirm the registration of the area of land in front of the shop as common land, but modify the registration so as to exclude the shop premises itself together with any land which may have possibly been

included to the rear of the shop premises. At Annex B is a Plan (“Plan B”) which indicates the precise area of land to be removed from the registration.

(28) **Ref. Nos. 1896 and 1586 – No. 28 - Part field number 502, Parish of Bishopston**

This Late Objection refers to the conflict between entry number 1 in the Land Section and entry number 28 in the Rights Section of the register. The area of land in question forms part of field 502 as shown on the 1915 edition of the Ordnance Survey map which appears on the plan annexed to the Objection as edged red. Mr Evans gave evidence and asserted that this parcel formed part of the entrance to his property and wanted it withdrawn as part of the common land. The commoners approach, as manifested by the Gower Commoners Association, originally reserved their position on this issue. Having heard the evidence in this matter, and in particular from Mr Evans, and having looked at photographs and plans in this regard, it is clear that this parcel of land has been wrongly registered as common land. Thus I have come to the conclusion that this parcel does form part of the entrance to Mr Evans’ property and accordingly should not be treated as part of the common. Accordingly, I confirm the registration but suitably modified to exclude this parcel of land. Accordingly, I do not confirm that field number part 502 forms part of CL15.

(29) **Ref. No. - 1897 – No. 29 - Part field numbers 443, 444 and 470**

This comprises a long sliver of land forming part of three fields as identified on the Ordnance Survey map 1915 edition (Glamorgan Sheet Number XX111.13) and comprises part of land known as Webbs Fields, Ilston. This parcel of land is edged red on the plan annexed to the Objection and it is made by the Registration Officer having agreed the position with the Gower Commoners’ Association. As this land was clearly wrongly included as forming part of the common, and as this position has been agreed with the Commoners’ Association, I

accordingly confirm the registration but suitably modified to exclude this parcel of land in question.

(30) **No. 30 - Part land at Killay Fach Farm**

This was a late Objection made by the Registration Officer on 20<sup>th</sup> October 2006 and does not bear any Dispute Reference Number. It relates to a small sliver of land to the edge of Henparc Lane, which, it is submitted, is part of a field which should never have been included. I heard from Mr Peter Jenkins of Henparc Lane who confirmed that he wished this parcel to be removed from the common as it had been wrongly included. Accordingly, as the position has been agreed with the Registration Officer I confirm the registration but suitably modified to exclude the land edged red on the plan to the Objection.

**Rights Section – Dispute Reference Numbers 278/D/1587 -1756**

10. This registration remains provisional as there are a number of conflicting entries resulting in disputes in the Rights Section of CL15 and also between the Rights Section of this Register Unit and other Register Units. I have already made reference above to the fact that some of these are what can be described as “follow through” registrations of which I was not seised. In such circumstances these disputes have been stood over for hearing on another occasion. The disputes which I was able to hear and are the subject of this decision are the following:-

(1) **Ref. No. 1587 – See the Land Section Ref. Nos. 1584** (paragraph 7(5), above).

(2) **Ref. No. 1588 – See the Land Section Ref. No 1585** (paragraph 7(6), above).

(3) **Ref. Nos. 1589 and 1590**

This relates to a conflict between entry numbers. 8 and 15 in the Rights Section as to field number 1042 in the Parish of Llanrhidian Higher,

otherwise known as “Sunnymead”, Three Crosses. Cross-reference should also be made to **Ref. Nos. 1719 and 1720** (entry numbers. 147 and 148 the latter modifying entry number 15). These are applications made by the owner and the tenant, respectively, of the property in question each claiming different rights. Apparently this is land currently in the process of being developed for housing. Clearly the Register should be modified. Accordingly, I confirm the Register with the rights sought in Entry No 8. I refuse to confirm Entry No 15 as modified by Entry No 148 (**see Ref No 1590**) and this should be struck out.

(4) **Ref. Nos. 1606 – 1609**

These disputes refer to entry number 42 in the Rights Section and concerns field numbers 721 and part 723 in column 5 of the Register. Cross reference should also be made to **Ref. Nos. 1623 – 1626** (entry number 54), see sub-paragraph (9), below. In this case Mr Harris represented the executors of the rights holders and the problem derived from the difficulty in identification of the fields to which the rights are attached. Again, the position was eventually agreed and in Schedule 1 annexed to this Decision there is set out the modification to column 5 in so far as the field numbers are concerned. These are identified as edged red on the plan attached to this Schedule. Accordingly, I confirm the registration but subject to the modification of column 5 in the manner sought. I should also mention that these rights also extend over CL16 (entry numbers 7 and 18), and CL17 (entry numbers 7 and 18). These Registers should also be accordingly modified.

(5) **Ref. Nos. 1610 – 1611, 1663 – 1670**

These are conflicts between entry numbers 43 and 44 and entry number 75 of the Rights Section of the Register and relate to field numbers field numbers 199, 205, 242 and 256. Again, agreement has been reached with the interested parties, and with the assistance of Mr Harris, so that entry number 44 and 75 should be suitably modified in the form set out in Schedule 2 annexed hereto. Further, Field Nos. 199

and 205 should not have appeared in column 5 of entry number 43 and should be removed therefrom. These Entries should accordingly be confirmed as modified. Again I should mention that these rights also extend over CL16 (entry numbers 9 and 10), and CL17 (entry numbers 8 and 9). These Registers should also be accordingly modified.

(6) **Ref. Nos. 1612 – 1614**

These are conflicts between entry number 45 and entry number 53 in the Rights Section of the Register (see sub-paragraph (8) below). These conflicts here relate to field numbers 405, 410, 412, 413 and 413A. The rights of common extend over not only the whole of the land comprised in this Register Unit but also extend over CL16 (entry number 10) and CL17 (entry number 10). Again, agreement has been reached and Mr Harris has helpfully produced a schedule of the appropriate modification to be made to the Register and this is incorporated in Schedule 3 annexed hereto. Column 5 of the Register should therefore be amended accordingly and column 4 remains unchanged. CL 16 and CL17 should also modified.

(7) **Ref. Nos. 1615, 1704 - 1707**

These disputes refer to entry numbers 47 and 137 and particularly concern the rights attached to part of field number 275. Numbers 1 and 2 Blackhills Cottage both claim such rights. This was stood over for further consideration. As the registrations had not been confirmed in CL13 I was then able to deal with these disputes. Mr Harris produced a schedule of the proposed agreed amendments to columns 5 of entry number s 47 and 137 (now reproduced in Schedule 4 annexed hereto). I accordingly confirm the registration as modified in accordance with the Schedule. These rights also extend over CL16 (entry numbers 12), and CL17 (entry number 12). These Registers should also be accordingly modified. **A plan is to be lodged.**

(8) **Ref. Nos. 1617 – 1622**

These disputes concern entry number 53 and are linked to **Ref. Nos. 1612 – 1614** (entry number 45). Reference should be made to sub-paragraph (6) above. Some of the same field numbers appear in both entries, namely field numbers 410, 412, 413, 413A, as seen on the OS map (1915 and 1916 editions) Glamorgan Sheet Numbers XX111.14, XXX11.2, and XXX11.6. The Objection to this registration has been withdrawn and Mr Harris has produced an agreed schedule comprising a number of fields with a recalculation of the acreage which should be included in column 5 of the Register (see Schedule 5 annexed to this Decision). It will also be noted that there has been a recalculation in respect of the number of animals which should be inserted in column 4. Accordingly, I confirm the registration but subject to the modifications set out in columns 4 and 5, hereto. As I have stated above that these rights also extend over CL16 and CL17 which will have to be suitably modified to take account of these changes.

(9) **Ref. Nos. 1623 – 1626**

This relates to entry number 54 and includes field numbers part 721 and part 723. This should be cross referred to **Dispute Ref. Nos. 1606 – 1609** (see sub-paragraph (4), above). No change is to be made to column 5 in this case, although there has been a recalculation of the number of cattle in column 4. This is as follows.....**[We have looked at this and will have to calculate the acreage of the fields and part fields. We have a new plan but our Technician is away until Monday so I cannot advise the areas or the recalculated number of animals until then]**

(10) **Ref. Nos. 1659 – 1662**

These disputes relate to entry number 72 (field number 452) where there is a conflict with a number of entry numbers as set out in Mr Humphreys' Schedule. These rights also extend over CL16 (entry number 25) and CL17 (entry number 25). This issue provided some



complications and as a consequence I stood over these matters to be heard with Register Units CL16 and CL17.

(11) **Ref. Nos. 1663 - 1670**

These disputes refer to entry number 75. Reference should be made to Entry Nos. 43 and 44 (**Ref. Nos. 1610 - 1611**) (see sub-paragraph (5), above).

(12) **Ref. Nos. 1675 - 1677**

These disputes refer to entry number 83 and cross reference should be made to **Ref. No. 1691** (entry number 100). Plas y Coed and Bryn Coed Farm, Dunvant, are adjoining properties and column 5 in both rights sections refer to a common area, namely Field No. part 938 in entry number 83, and Field No. 938 in entry number 100. The dispute relates to a 30 foot strip of land. I heard evidence from Mr Geoffrey Bligh of Bryn Coed Farm. In the event all the objections relating to both entries were withdrawn and I was requested to order that the plans be modified so as to enable the disputed strip to be included in column 5 of entry number 83. Accordingly I confirm the registration as suitably modified. The Plan of this modification appears at Annex C ("Plan C). **We have copies of the Land Registry Certificate Plans for both areas Titles WA770277 AND WA188117 WHICH WILL BE SENT TO BRISTOL**

(13) **Ref. Nos. 1620 – 1622, 1678 – 1680**

These refer to entry number 85 and field numbers 444, 445, 482 and 486. These also appear in entry number 53 (see sub-paragraph (8) above). This was a claim for rights of common made by the former Glamorgan County Council, which has now been withdrawn. The land in question is land upon which a school has been built. I accordingly delete the entry and the entries in CL16 and CL17 should be modified accordingly.

(14) **Ref. Nos. 1687 - 1690**

These refer to entry no 98 in the Rights Section. There had been a clerical error in Entry 40 as modified at Entry 174 (Coed y Rhyd Farm – **Ref. Nos. 1734 - 1739**) in that Fields 294 and 296 were omitted from that modified entry. Field 296 was apparently in conflict but in fact Field No 296 should be read as Field No 246 in Entry No 98 (see Application No 1549 - Mr Woolway). If this modification is made the conflict is resolved. I therefore confirm the registration but subject to the modification of Entry No 174 by the addition of Fields 294 and 296 in Column 5.

(15) **Ref. No. 1692**

This dispute refers to entry number 112. There was no appearance by the applicant. Mr Harris represented the Trustees of the Somerset Trust and the original objector was Mr George Shellard who was the agent to the then Trustees of the Trust. Accordingly I refuse to confirm the entry.

(16) **Ref. No. 1693**

This dispute refers to entry number 117. Agreement has been reached as to the modification of the entry and Mr Harris produced a document setting out the proposed changes which are now incorporated in Schedule 6 annexed hereto. I confirm the registration as modified by the Schedule.

(17) **Ref. Nos. 1694 - 1696**

These disputes refer to entry number 120B. There was no appearance by the applicant or his successor. Mr Harris again represented the main objector as agent of the Trustees of the Somerset Trust. There were two other objectors being two former members of the Commoners Association. The land in question has been developed. Accordingly it was submitted that the application should not be confirmed. I accordingly refuse to confirm the registration. This

course of action was supported by Mr Stephen Lloyd for the Clyne Golf Club Limited.

(18) **Ref. No. 1697**

This refers to entry no 120D and has been subject to a determination by Commissioner le Poidevin in his Decision. I note there will be a new supplemental plan and recalculation of the rights in column 4.

(19) **Ref. Nos. 1701 – 1702**

This concerns entry number 129. There was no appearance by the applicant or his successor. There were two objections to the registration made by Mr Shellard and Mrs Joan Ellis. Accordingly I refuse to confirm the registration.

(20) **Ref. No. 1718**

There is no existing dispute in relation to this reference – Entry No 119 has been replaced by Entry No 146. I accordingly confirm Entry No 146 without modification.

(21) **Ref. No. 1719 – 1720**

These disputes are related to **Ref. Nos. 1589 – 1590** (see sub-paragraph (2) above).

(22) **Ref. No. 1721**

This relates to entry number 150. These rights also extend over CL16 and 17. As a consequence there is no extant objection in relation to CL15, CL16 or CL17. I accordingly confirm the registration without modification.

(23) **Ref. No. 1723**

This dispute relates to entry number 154. A similar position arises as to that in **Ref. No. 1721** in that these rights also extend over CL16 and 17. As a consequence there is no extant objection in relation to CL15,

CL16 or CL17. I accordingly confirm the registration without modification.

(24) **Ref. No. 1724**

This dispute relates to entry number 156. Again a similar position arises as to that in **Ref. Nos. 1721 and 1723** in that these rights also extend over CL16 and 17. As a consequence there is no extant objection in relation to CL15, CL16 or CL17. I accordingly confirm the registration without modification.

(25) **Ref. No. 1725 – 1730**

These disputes relate to entry number 159. Again a similar position arises as to that in **Ref. Nos. 1721, 1723 and 1724** in that these rights also extend over CL16 and 17 (entry numbers 53 and 52 respectively, **and see Ref. Nos. 1473 – 1478, 1546 – 1551**) as well as CL13. In so far as CL13 is concerned the objection has been withdrawn and the registration confirmed with a modification as to the number of animals and the field numbers in column 5. As a consequence there is no extant objection in relation to CL15, CL16 or CL17. I accordingly confirm the registration with the appropriate modifications as set out in Schedule 7 annexed hereto.

(26) **Ref. No. 1731**

This dispute concerns entry number 162. A similar position arises as to the previous disputes in that these rights also extend over CL16 and 17, as well as CL13. In so far as CL13 is concerned the objection has been withdrawn and the registration confirmed. As a consequence there is no extant objection in relation to CL15, CL16 or CL17. I accordingly confirm the registration with the appropriate modifications as set out in Schedule 8 annexed hereto.

(27) **Ref. No. 1732**

This relates to entry number 164. Again in so far as CL13 is concerned the objection has been withdrawn and the registration confirmed. As a

consequence there is no extant objection in relation to CL15, CL16 or CL17. Accordingly I confirm the registration without modification.

(28) **Ref. No. 1733**

There is no extant objection to entry number 170. Accordingly I confirm the registration without modification.

**Issues surrounding Clyne Common**

11. There were a large number of disputes made in respect of Clyne Common. The objections were originally made by the Clyne Commoners Committee (Mr R G Pring) (“The Clyne Commoners”) and the right to registration has been put in issue by a number of objections. The important Objection for present purposes was number 235. In short the Golf Club seeks the deletion of all the references to Clyne Common from column 4 of the Rights Section in various entries i.e. in so far as the land over which the rights of common are exercisable.
  
12. The basis of this objection is two fold, namely (1) various properties do not graze the common, and (2) other properties are too far distant to have any meaningful rights. The Clyne Golf Club Limited (“the Golf Club”) did not object on its own behalf to the registration but have adopted Objection No. 235 made by the Clyne Commoners who sought modifications to certain of the entries in the Register. The Clyne Commoners then, for reasons which are not entirely transparent, withdrew their objections at the commencement of these hearings and the Golf Club then sought the right to be heard under the principles set out in the *West Anstey* case. The point that was made by Mr Lloyd, for the Golf Club, was that had it put in its own objections it would simply have duplicated that of the Clyne Commoners. In the event Mr Commissioner Le Poidevin accepted the submissions made by Mr Lloyd that the Golf Club should be heard in so far as the Rights Section of CL12(S) was concerned, a course of action with which I concurred. Mr Lloyd accordingly during the course of the hearing before me made relevant representations as and when necessary during the course of the hearings. The Golf Club,

however, for its part did not necessarily adopt each and every one of the representations made in respect of this Objection.

13. I am enjoined to use the form of modification (if so persuaded) used in other entries in the Register, the proposed formula being either:-
  - (1) “Over the part of the land in this Register Unit known as Fairwood Common and The Bank, Three Crosses” (or as the case may be) or
  - (2) “Over the whole of the land comprised in this Register Unit excluding Clyne Common”.
  
14. The essential position adopted by the Golf Club is that although there were some 191 entries on the Register, of which some 60 or so comprised applications which touched upon Clyne Common, in reality only about 6 of those applicants have exercised alleged rights of grazing over Clyne Common itself. It is in this context that the Golf Club adopts the original Objection made by the Clyne Commoners in certain respects. Thus in short (as I have stated above) in many cases where there is still a live objection the property in question either does not graze Clyne Common at all or as indeed occurs in some cases, the property in question was too far distant to maintain any benefit over Clyne Common.
  
15. Thus, although most of the disputes have been settled there are a number which are still extant as generated by the Clyne Commoners, subject to their withdrawal of their objection and/or the Golf Club are concerned. I should also state that most of the entries have already been modified in the light of Objection No. 235.

**The area of the Golf Club**

16. The Golf Club has been in existence since about 1921. It is the freehold owner of 50 acres of Clyne Common and also is the leasehold owner of a further 450 acres by virtue of a lease granted by the Duke of Beaufort’s Somerset Trust for the term of 75 years from 29<sup>th</sup> September 1981. Thus the area of the Golf Club extends to about 500 acres, although Clyne Common

itself probably extends to about 600 acres in total. There is therefore about 100 acres which is not subject to the interests held by the Golf Club. It should also be stated that the golf course itself comprises only about one third of the land within the ownership of the Golf Club and is largely confined to that part held by the Club as a freehold interest together with an area to the south of the land held on the leasehold interest. In other words, of the 500 acres or so held by the Golf Club only about 170 acres or thereabouts is actually utilised for the purposes of golfing. The Golf Club has no proprietary rights over any part of Fairwood Common or indeed over any other parcels of land comprised in CL15 apart from those areas to which reference has been made above. .

17. It should also be stated that although CL15 comprises both Fairwood Common and Clyne Common these are distinct and separate entities which are not even contiguous. I have also made reference to the point in paragraph 7(2) that a further complication arises in that there is an overlap between the land registered in the Lands Section of CL5(S) and CL15 leading to a double registration. This gives rise to potential difficulties with regard to the registration of the commoners' rights over each common.
18. It was submitted by Mr Lloyd that a number of commoners were claiming rights over the whole of the land comprised in the Register Unit and that this was of particular concern to the Golf Club. It was to this end that the Clyne Commoners made Objection No. 235 on the basis that the fact that a commoner might be able to establish rights to graze over Fairwood Common did not entitle that commoner to a right to graze over Clyne Common (or any other part of CL15) or vice versa. As I have already mentioned above, that objection has been accepted in a number of cases and the application duly modified accordingly, an example of this appears in entry number 5 of the Rights Section which has resulted in the modification of column 4 to include the words in column 4 in the first alternative, to which I have made reference in paragraph 14(1) above.
19. The following are the disputes relating to Clyne Common still requiring resolution.

(1) **Ref. No. 1598**

In this matter I heard submissions from Mr Stephen Lloyd of Counsel who represented the Golf Club and also I heard from Mr Harris who represented the Somerset Trustees, who are the freeholders of the major part of Clyne Common. This is a dispute relating to Entry No 28 in the Rights Section and concerns Field no 502. An agreement was reached with Mr Evans of Messrs A. R. Evans and Sons, the rights holders, who hold rights of pasture and estovers at all times over the whole of the land comprised in the Register Unit, such rights also extending over CL16 (Entry No 2) and CL17 (Entry No 2). It was submitted that part only of the total of 86 acres or thereabouts was capable of attracting grazing rights over Clyne Golf Course. It was eventually agreed between the interested parties present that the area of 35.402 acres was the actual extent of the farmland capable of attracting grazing rights. Accordingly, an agreement was reached between the interested parties in so far as this Entry is concerned and this is set out in Schedule 9 to this Decision.

(2) **Ref. No. 1616**

This refers to entry number 49 the basis of the objection being that in this particular case the property benefiting from the rights in question is too distant for the rights sensibly to be exercised over Clyne Common. It was somewhat unclear at the beginning of the hearing of this particular dispute as to whether or not Mr Richards of the Clyne Commoners was in fact maintaining an objection. At one stage he stated that he did not agree with the form of words proposed by Mr Lloyd as it also incorporated the area known as Mayals Green. Subsequently, however, he withdrew the Objection.

The short point taken by Mr Lloyd concerns the extent of Clyne Common capable of attracting grazing rights. His concern on behalf of his clients was to keep to a minimum any disruption which might be caused to the playing of golf at the Golf Club in so far as the right to



claim pasture and estovers is concerned. As I have stated above, in the event Mr Richards withdrew his Objection to the form of words proposed by Mr Lloyd in so far as the Rights Section is concerned and the claim to estovers is to be made subject to the express limitation of the use of the dominant tenement sought by Mr Lloyd. Thus, entry number 4 should be confirmed but suitably modified so as to exclude the whole of Clyne Common. The form of modification should be in the following terms: "Over the whole of the land comprised in this Register Unit excluding Clyne Common".

(3) **Ref. No. 1627**

This relates to entry number 55 and the rights are claimed over both this Register Unit and also CL9. The submission made by the Golf Club is that the dominant property is in Ilston which lies some miles distant from Clyne Common. This means that it cannot have secured grazing rights over Clyne Common and has no benefit. It is indicated by Mr Lloyd that a similar position has arisen in the past with entry number 55B (**Ref. No. 1628**) and that this has already been modified to exclude Clyne Common on that basis. In the event it is a matter that is necessary to adjourn as it also affects Register Unit CL9 of which I was not seised. Thus I was unable to make the necessary modification. This matter will have to be heard on a subsequent occasion. Mr Lloyd's clients have no continuing interest in **Ref. No. 1628** but it is also necessary to adjourn this as it appears to remain a live dispute and affects the entries in CL9.

(4) **Ref. No. 1636**

This relates to entry number 62 and concerns the right to pastures and estovers as referred to in column 4. The short point for consideration is that the particulars of the land to which the right is attached in column 5 specifies a house and outbuildings including a barn, stables, pig sties and a cattle shed as shown edged red on the supplemental map. This property, in effect, now comprises a house and a garden. The point in issue is whether or not there was sufficient land available to which the

right is attached, namely 5 head of cattle, 2 horses, or 20 sheep. I was informed that the total acreage is 0.351 of an acre.

I heard evidence from Mr John Michael Lomax who apparently purchased the property in 1988. He considered that sufficient land was available in order to be able to exercise these rights of common. Mr Lomax was cross examined by Mr Harris, who subsequently made submissions to the effect that there was not sufficient land available to support the right of common let alone which was sufficient to support only 2 horses. The point made by Mr Lomax was base upon the fact that although he did not keep any other animals other than the 2 horses he wanted to keep the alternative rights preserved for any future owner.

Having heard the evidence and the submissions made, I have come to the conclusion that the land is not sufficient to maintain the alternative rights to graze 5 head of cattle or 20 sheep. Consequently, column 4 should be modified so as to reduce the right of common to 2 horses only. Accordingly, I confirm the registration but subject to this modification.

(5) **Ref. Nos. 1673 and 1674**

These cases relate to entry numbers 79 and 80 and again the location of the dominant land in both cases is some miles distant from Clyne Common (at Cilibion and Ilston, respectively). Accordingly, it is submitted by Mr Lloyd that neither could have attracted grazing rights over Clyne Common. The Golf Club therefore seeks the exclusion of the common from the application in similar terms to the modification obtained in respect of other such cases. As these entries also extend over CL9 I have stood both applications over to be heard on another occasion.

(6) **Ref. Nos. 1698 and 1699**

This dispute relates to entry number 123. The objectors in this case are Mrs Joan Ellis, and Mr George Shellard of the Somerset Trust. The

objection concerned field number 193A. This was a case where there was a modernised house which formerly comprised a small-holding on the south east boundary of Clyne Common. It is now no longer a small-holding and with no land to sustain the rights claim. I heard from Mr Harris on this issue and the point was also taken as to whether geese could be commonable animals. Fortunately I do not have to decide this point as in this case as I accede to the submissions made that the property in question no longer can sustain any rights of common. I therefore cannot confirm the entirety of the entry contained in column 4. Accordingly the entry should be deleted.

(7) **Ref. Nos. 1708 – 1711**

This is a case involving land at Newton and Murton, Swansea comprising the various field numbers set out in column 5 of entry number 139. I heard from Mr. Harris on behalf of the son of the original rights holder (Mrs Hilda Susannah Phillips). Mr Harris made submissions in relation to this matter and has agreed a formula be inserted in columns 4 and 5 in so far as Mrs Phillips' rights are concerned. It will be noted that some fields have been deleted as shown in the proposed amendment to column 5 and as a consequence the number of cattle, or horses, or sheep has been reduced accordingly. Thus, I confirm the registration but subject to the modification set out in Schedule 10.

(8) **Ref. Nos. 1741 – 1742**

This is an extant conflict between entry number 181 in this Register Unit and entry number 30 in CL16 and entry number 29 in CL17. This is a case where the land has been fully developed. Clearly, this is a case where the registration cannot be confirmed in its entirety. Accordingly, the register should be modified by the deletion of the entry. The entries in CL16 and CL17 should be modified accordingly.

(9) **Ref. Nos. 1751 – 1752**

These are rights of estovers attached to part of Killay Farm and concern entry number 187. I heard from Mr Harris who submitted that there were only two small parcels of land retained to which the rights were attached. These could not sustain the rights as set out in column 4. A plan was produced indicating this position from which I can see the force of the contention. I was enjoined to remove the whole entry in such circumstances. The objection on the part of Mr Richards and the Clyne Commoners was withdrawn. Accordingly, the register should be modified by the deletion of this entry.

(10) **Ref. Nos. 1753 – 1754**

Again this was a case where Mr Richards of behalf of the Clyne Commoners was neutral on the issue and the objection was withdrawn. It concerns entry number 188 and the right of estovers over the whole of the land comprised in the Register Unit, including Clyne Common. Accordingly, I confirm the registration but subject to the substituted entry “over the whole of the land comprised in this Register Unit excluding Clyne Common”.

**Ownership Section – Dispute Reference Numbers 278/D/1757 -1773**

20. There were very few extant objections in so far as the Ownership Section is concerned. There are 8 relevant entries, namely entry numbers 1 to 7 and 9, entry number 8 having been deleted on 3<sup>rd</sup> December 1999. I confirm entry numbers 1, 2, 4, 5, 6, and 9 without modification. Entry number 3 is not confirmed. Entry number 7 is confirmed, but subject to the fact that the land has now been registered at HM Land Registry and an appropriate note should be made on the register to this effect.

**REGISTER UNIT CL16 – BISHOPSTON VALLEY**

**Land Section – Dispute Reference Numbers 278/D/1433 - 1434**

21. The only dispute in the Land Section concerns entry number 1 which refers to a conflicting registration relating to Kittle Green. This parcel has been registered both as a village green and a common. In fact this conflict is the

subject of a draft decision dated 19<sup>th</sup> July 2006 made by me with the consent of the parties but apparently the Decision has never been promulgated. In that draft decision I did not confirm Kittle Green in the Land Section of VG29 but I did confirm it as a final registration in the Land Section of CL16.

22. I consider that the appropriate course of action is to re-date that Decision and on that basis there is no outstanding dispute relating to the Land Section of CL16, and entry number in this Section should be confirmed.

**“Late Objections” - Dispute Reference Numbers 278/D/1899 - 1892**

23. There are two “Late Objections”

(1) **Ref. Nos. 1899 – 1892 – No. 1 - Great Kittle Farm, Kittle**

These Late Objections concern two parcels of land at Great Kittle Farm as shown coloured red on the plan attached to the four Objections all of which have been made apparently by members of the same family. The larger of the two parcels lies to the north and east of two formerly redundant farm buildings. The smaller second area lies to the south of another building which itself lies to the south of these farm buildings.

I heard evidence from Ms Isobel Thomas on behalf the National Trust, the owners of the parcels of land in question. There was no appearance by any of the Objectors. Ms Thomas produced 9 photographs which I admitted as Exhibit 1. These were taken in two stages. The first two photographs were taken in October 1996, and the second set of seven were all taken on 18<sup>th</sup> February 2000. When a comparison is made between the first and the second sets of photographs it is apparent that a deliberate attempt has been made to incorporate the areas in question within the curtilage of Great Kittle Farm itself. In particular, a wooden fence and gates have been erected in front of the two buildings to which I have made reference above. One of these buildings has subsequently been converted into a dwelling. Fencing can also be seen in front of the building lying to the south.

In these circumstances I reject these Objections. It is clear that this land formed and does form part of CL16. This means that the registration should be confirmed. The consequences are that the National Trust may be minded in due course to seek the removal of the fences in question so as to enable the physical re-incorporation of the parcels of land as common land.

(2) **Ref. Nos. 1893 – No. 2 - Widegate Cottage, Pennard**

The parcel of land in question forms part of the land and premises known as Widegate Cottage which is registered at HM Land Registry under Title Number WA115409. The parcel in question is shown coloured red on the plan annexed to the Objection. Mr Moses appeared on behalf of the Objectors.

It has clearly been wrongly registered as common land in this Register Unit. There is no objection by the Registration Officer to its removal. Accordingly I confirm the registration but suitably modified so as to exclude this parcel of land.

**Rights Section – Dispute Reference Numbers 278/D/1435 - 1496**

24. This registration remains provisional as there are a number of conflicting entries resulting in disputes in the Rights Section of CL16 and also between the Rights Section of this Register Unit and other Register Units in particular CL17. Some matters have already been dealt with in CL15 as “follow through” registrations. As with CL15 some disputes have to be stood over for hearing on a subsequent occasion.

(1) **Ref. Nos. 1435 - 1438**

These concern entry number 3 and have been stood over for hearing at a later date as they refer to CL9.

(2) **Ref. Nos. 1439 – 1442, 1455 - 1458**

These disputes concern entry number 7 (field numbers 721 and 723) which are to be cross referenced with entry numbers 42 and 54 in the

Rights Section of CL15 and also to entry numbers 7 and 8 in CL 16 and CL17 (**Ref. Nos. 1513 – 1516**). These disputes have been dealt with in the Decision on CL15 (see **Ref. Nos. 1606 – 1609** and **Ref. Nos. 1623 – 1626** – paragraph 10(4) and (9)). CL17 should also be modified.

(3) **Ref. Nos. 1443 – 1444**

These disputes concern entry numbers. 8 and 9 (field numbers 199, 205, 242 and 256) and also relate to entry numbers 43 and 44 in the Rights Section of CL15 and also to entry numbers 8 and 9 in CL17 (**Ref. Nos. 1517, 1522**). Again these have been dealt with in the Decision on CL15 – see **Ref. Nos. 1610 – 1611** - paragraph 10(5). CL17 should also be modified.

(4) **Ref. Nos. 1445 – 1447, 1449 – 1451, 1478**

These concern entry number 10 in this Register Unit and also relate to entry number 45 in the Rights Section of CL15 (field numbers 405, 410, 412, 413, and 413a). These have been dealt with in my Decision on CL15 - see **Ref. Nos. 1617 - 1622** - paragraph 10(6), and (8). CL17 should also be modified (**Ref. Nos. 1518 – 1521, 1551**).

(5) **Ref. No. 1448**

This dispute concerns entry number 12 and relates to field number 275. Reference should be made to entry numbers 47 and 137 in the Rights Section of CL15. The issue has been dealt with in that Decision - **Ref. Nos. 1615, 1704 – 1707** - see paragraph 10(7). CL17 should also be modified (**Ref. No. 1523**).

(6) **Ref. Nos. 1459 – 1462**

These disputes relate to field no 452 and concern entry numbers 25 and 53 in this Register Unit; entry number 72 and 159 in the Rights Section of CL15 – **Ref. Nos. 1659 – 1662** (see paragraph 10(10)), and entry number 25 and 52 in CL17 (**Ref. Nos. 1530 – 1533, 1546 - 1549**). A

number of complications arose and I heard submissions on the issue. In the event I confirmed the registration at entry number 25 in this Register Unit. As a result the other entries in CL15 and CL17 should be modified accordingly to exclude this field.

(7) **Ref. No. 1463**

This refers to entry number 30 in this Register Unit and is to be cross-referred to entry number 181 in CL15 (**Ref. Nos. 1741 – 1742**) and entry number 29 in CL17 (**Ref. Nos. 1534 – 1535**). This is a case where the land has been fully developed and which I have dealt with in paragraph 19(8) of the Decision in CL15. The entries in this Register Unit and CL17 should be modified accordingly.

(8) **Ref. Nos. 1464 – 1466**

These refer to entry number 34 and relates to field numbers 444, 445, 482, and 486. Reference should also be made to entry number 34 in CL17 (**Ref. Nos. 1536 – 1538, 1557 - 1559**). I have dealt with in paragraph 10(13) of the Decision in CL15 (**Ref. Nos. 1678 – 1680**). The land in question is land upon which a school has been built. The entries in this Register Unit and CL17 should be modified accordingly.

(9) **Ref. Nos. 1467 – 1472**

These disputes refer to entry numbers 43 in both CL 16 and CL17 (**Ref. Nos. 1540 – 1545**). Commissioner Le Poidevin has dealt them these conflicts in his Decision.

(10) **Ref. Nos. 1473 – 1478**

These refer to entry number 49 as modified by entry number 53 and relate to field numbers 452, 342 and 405. These disputes also appear in CL17 as entry number 47 as modified by entry number 52 (**Ref. Nos. 1546 – 1551**). I have dealt with these conflicts at paragraph 10(25) of my decision on CL15. The entries in this Register Unit and CL17 should be modified accordingly.



(11) **Ref. Nos. 1490 – 1491**

These refer to entry number 48 as modified by entry number 65 - see also entry number 178 in CL15. There is no outstanding dispute.

(12) **Ref. Nos. 1492 – 1496**

These disputes refer to entry number 39 as modified by entry number 71 and concern field number 382. They should be cross-referred with entry number 39 as modified by entry number 67 in CL17 (**Ref. Nos. 1567 – 1571**). Commissioner Le Poidevin has dealt with these conflicts in his Decision.

**Ownership Section – Dispute Reference Numbers 278/D/1497 – 1501**

25. I do not confirm **Ref Nos. 1497, 1499, and 1501**. I do confirm **Ref. Nos. 1498 and 1500**.

**REGISTER UNIT CL17 - BARLANDS COMMON**

26. There is only one remaining dispute in this Register Unit as all the other disputes have been dealt with in CL15 and CL16. There are no “Late Objections”.

**Land Section - Dispute Reference Numbers 278/D/1502 – 1508**

27. (1) **Ref. Nos. 1503 – 1504**

These refer to entry number 1 and were all stood over to be heard on a subsequent occasion. They are connected to **Ref. Nos. 1524 – 1525** in the Rights Section of this Register Unit.

(2) **Ref. Nos. 1505 – 1506, 1507 - 1508**

These concerned objection numbers 22 and 26. Mr Barrow attended at the hearing to maintain the objections. As the position of the Registration Authority was unclear on the issues the matters were stood over for hearing on a subsequent occasion. There was apparent consent to part of the common being removed as sought by Mr Barrow but the exact extent was to be clarified in a detailed plan to be supplied.

**Rights Section – Dispute Reference Numbers 278/D/1509 – 1571**

28. There are three matters requiring consideration.
- (1) **Ref. Nos. 1539**  
This dispute concerned entry numbers 42 and 61 in this Register Unit. The registration at entry number 42 was withdrawn following objection number 129. There is therefore no extant dispute.
- (2) **Ref. Nos. 1560 – 1561**  
This refers to an entry which no longer has any validity.
- (3) **Ref. Nos. 1567 – 1571**  
These disputes refer to entry number 39 as modified by entry number 67 in CL17 and concern field number 382. Commissioner Le Poidevin has dealt with these conflicts in his Decision.

**Ownership Section – Dispute Reference Numbers 278/D/1572 - 1577**

29. There is nothing to be done except to strike out the objection made by Mr Bevan and Mr Ace insofar as **Ref. Nos. 1573 and 1576** are concerned.

**EXTANT DISPUTES IN CL 15, CL16, AND CL17 STOOD OVER FOR HEARING TOGETHER WITH OTHER REGISTER UNITS**

30. The following disputes have been stood over to be heard on a subsequent occasion together with disputes relating to other Register Units. These are the following:-

**CL15**

**Ref. Nos. 1584 – 1585, 1587 – 1588, 1591 – 1597, 1599 – 1601, 1602, 1603 – 1604, 1605, 1627, 1628, 1629 – 1630, 1631, 1632 – 1633, 1634, 1635, 1637 – 1640, 1641 – 1642, 1643 – 1653, 1654 – 1656, 1671 – 1673, 1674, 1681 – 1684, 1685 – 1686, 1700, 1703, 1712 – 1715, 1716 – 1717, 1722, 1734 – 1739, 1740, 1743 – 1745, 1755 – 1756.**

**CL16**

**1435 – 1438, 1479 – 1481, 1482 – 1483, 1484 – 1489**

**CL17**

**1503 – 1508, 1509 – 1512, 1524 – 1525, 1562 - 1566**

31. I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 (S.I. 1971 No. 1727) 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, file an appellant's notice after requiring me to state a case for the decision of the High Court.

Edward F Cousins  
Chief Commons Commissioner

21<sup>st</sup> May 2007

**SCHEDULE 1**

**Dispute Ref. Nos. 1606 - 1609**

**Entry No. 42**

Column 5      Insert “part” before 721 and insert “part 721 and part 723 are identified on the supplemental map bearing the number of this Registration and attached to this Decision”.

**[The number of animals has to be calculated from the area of the two fields and the area of the remaining fields in the registration]**

**SCHEDULE 2**

**Dispute Ref. Nos. 1610 – 1611, 1663 - 1670**

**Entry No. 44**

Column 5      Insert “Dorway Cottage Killay  
Comprising OS Nos. 242, 256a and 298 on the OS Map (1915 Edition)  
Glamorgan Sheet XX111.10 and XX111.14  
5.552 acres”

**Entry No. 75**

Delete reference to 242 in column 5.

**SCHEDULE 3**

**Dispute Ref. Nos. 1612 - 1614**

**Entry No. 45**

Column 5	Insert "Comprising OS Nos.		
	405	3.224	XX111.14
	460	1.743	XXX11.2
	461	1.500	XXX11.2
	475	3.032	XXX11.2
	613	6.215	XXX11.2
	616	1.167	XXX11.2
	616a	1.124	XXX11.2
	638	4.119	XXX11.2
	667	5.005	XXX11.2
	724	2.383	XXX11.2
	755	2.901	XXX11.2
	756	2.134	XXX11.2
	767	2.606	XXX11.2
	809	2.300	XXX11.2
	810	3.653	XXX11.2
		43.106 <sup>7</sup>	

Column 4      Unchanged.

## **SCHEDULE 4**

### **Dispute Ref. Nos. 1615, 1704-1707**

#### **Entry No. 47**

Column 5      Insert “1 Blackhills Cottage, with land attached as shown edged red on the new supplemental map bearing the number of this registration and attached to this Decision.

Comprising OS Nos. 272, western part of 275, 276, 277 and 278 on the OS Map (1916 Edition) Glamorgan Sheet No. XX111.10.”

#### **Entry No. 137**

Column 5      Insert “2 Blackhills Cottage Farm, Upper Killay

Comprising OS Nos. 184, 186, 273, 274, 274a and eastern part of 275 on the OS Map (1916 Edition) Glamorgan Sheet No. XX111.10 as shown edged red on the new supplemental map bearing the number of this Registration and attached to this Decision.”

**SCHEDULE 5**

**Dispute Ref. Nos. 1617 - 1622**

**Entry No. 53**

Column 5	Insert “Comprising OS Nos
	393                      4.744
	394                      6.233
	403                      4.549
	410                      3.091
	412                      3.496
	413                      2.362
	413a                     1.347
	414                      1.984
	415                      5.246
	416                      5.345
	418                      4.940
	419                      0.681
	422                      0.378
	423                      4.061
	441                      1.691
	441a                     1.884
	442                      4.461
	481                      7.551
	487                      1.819
	599                      2.127
	608                      2.066
	609                      1.352
	610                      3.573
	679                      4.171
	683                      1.504
	684                      3.957
	84.654”



Column 4      Insert “(a) 56 head of cattle; or  
                      (b) 56 horses; or  
                      (c) 280 sheep; or  
                      (d) a combination of such stock pro rata.”

**SCHEDULE 6**

**Dispute Ref. No. 1693**

**Entry No. 117**

Column 5      Delete whole of existing entry and insert  
“Lands formerly part of Whitestone Farm Newton Swansea  
Comprising OS Nos.:-  
227, 232, 231, 233, 234 on the OS Map (1918 Edition)  
Glamorgan sheet No. XXX11.3  
Totalling 8.408  
227          1.052  
232          1.530  
231          1.251  
233          3.176  
234          1.399  

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8.408”

## SCHEDULE 7

### **Dispute Ref. Nos. 1725 – 1730**

#### **Entry No. 159**

##### *Little Southgate Farm*

Column 5      Insert “Little Southgate Farm Pennard, comprising O.S. Nos. part 342, part 343, part 405, part 406, part 407, part 412, part 413, part 280 and part 281 on the O.S. Map Glamorgan Sheet Numbers XXX11.1; XXX11.5; AND XXX11.9 as shown edged red on the map bearing the number of this registration”.

Column 4      Insert “Rights of pasture - to graze 13, head of cattle; or 13 ponies; or 65 sheep; or a combination of such stock pro rata; over the whole of the land in this register unit known as Fairwood Common. (These rights also extend over CL13, CL16 and CL17).”

##### *Hael Farm*

Column 5      Insert “comprising O.S. Numbers 334, 335, 336, 304, 415, 416, 417, 418, 419, 420, 421, 422, 424, 425, 425a, 462, 463, part 464, part 468 and 470 on the O.S. Map (1915 Edition) Glamorgan Sheet Nos. XXX11.1; XXX11.5; and XXX11.9 as shown on the map bearing the number of this registration.”

Column 4      Insert “Rights of pasture - to graze 54 head of cattle; or 54 horses; or 270 sheep; or a combination of such stock pro rate; over the whole of the land comprised in this register unit known as Fairwood Common. (These rights also extend over CL13, CL16 and CL17).”

## **SCHEDULE 8**

### **Dispute Ref. No. 1731**

#### **Entry No. 162**

##### ***Great Southgate Farm***

- Column 5 Insert “comprising OS Nos 348, 374, 375, 376, 377, 377a, 378, 379, 380, 381, 381a,382, 383a 385, 386, part 388, 389, 390, and 392 on the O.S. map (1915 Edition) Glamorgan Sheet Nos XXX11.1; XXX11.5; XXX11.9; XXX1.4 and XXX1.8 totalling 59.236 acres as shown edged red on the map bearing the number of this registration.”
- Column 4 Insert “Rights of pasture - to graze 37 head of cattle or; 37 horses; or 185 sheep; or a combination of such stock pro rata; over the whole of the land in this register unit known as Fairwood Common. (These rights also extend over CL13; CL16, and CL17).”

**SCHEDULE 9**

**Dispute Ref. No. 1598**

**Entry No. 28**

Column 5	Insert "Mansel House, Murton, comprising OS Nos.			
	502	PART	2.00	
	572		1.366	
	573		1.084	
	575	PART	2.500	
	576	PART	3.00	
	577		1.52	
	578		1.449	
	579		1.792	
	580		2.308	
	686		3.780	
	687		3.019	
	689		1.384	
	565		1.323	
	82	Henwoods	3.145	
	44		1.487	
	75	Newton	4.245	
			35.402	
		Glamorgan	Sheet	–
		XXX11.2	&	XXX11.3
				1915 & 1918 ed."

Column 4      Insert "(a) 23 head of cattle; or  
                  (b) 23 horses; or  
                  (c) 115 sheep; or  
                  (d) a combination of stock pro rata."

Column 5      Add “As to parts 502, part 573 and part 576 as shown edged red on the new supplemental map bearing the number of this Registration and attached to this Decision”.

**SCHEDULE 10**

**Dispute Ref. No. 1708 - 1711**

**Entry No. 139**

**(Mrs Hilda Phillips)**

Column 5      Delete reference to supplemental map and insert as below-

OS 226	1.336
229	2.607
228	3.222
230	2.901
222	3.028
	<hr/>
	13.094

Column 4      Insert “(a) 9 head of cattle; or  
                  (b) 9 horses; or  
                  (c) 45 sheep; or  
                  (d) a combination of such stock pro rata.”

Column 5      Insert “Land at Newton as shown edged red on the amended supplemental map bearing the original number of this Registration (RE107) and is attached to this Decision.”