



COMMONS REGISTRATION ACT 1965

Reference Nos. 271/D/31 to 40
(inclusive)

In the Matter of the Common Buckley
Alyn and Deeside D., Clwyd

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry Nos. 1 to 9 inclusive in the Rights Section of the Register Unit No. CL.7 in the Register of Common Land maintained by the former Flintshire County Council and are occasioned by Objection No. 29 made by Miss F.M. Redfarn and noted in the Register on 8th October 1970.

I held a hearing for the purpose of inquiring into the disputes at Mold on 12 March 1975. The hearing was attended by Mr. Rowland on behalf of the Alyn and Deeside District Council, Mr. Makinson of Messrs. Walker Smith and Way on behalf of Miss Redfarn and Mr. Arthur Shone on behalf of the Buckley Residents Association and Mr. Jackson. The land in question, part of Unit No. CL.7, is a small plot between No. 2 Clayton Cottage, the residence of Miss Redfarn and a road, which Miss Redfarn has cultivated. Miss Redfarn's ownership of the land in question was not disputed at the hearing and she acquired the cottage and the land in question in 1962. The land in question is part of a Regulated Common, regulated in accordance with a scheme approved on 4 July 1933.

Miss D R Redfarn, the sister of Miss F M Redfarn who could not attend owing to illness gave evidence. She first noticed 2 Clayton Cottage in 1960 when it was in the same condition as it was when her sister purchased it in 1962. There was some rough grass between the cottage and the road and she produced a photograph showing that this had been made into a neat and tidy lawn. She did not remember any grazing on the land and said there was no direct access from the adjoining land.

Apart from Mr. Jackson no applicant for grazing rights appeared and Mr. Jackson who has maintained a riding school at Clayton House for the past 17 years did not and could not claim a right to graze his horses on this small plot of lawn.

For these reasons I confirm without modification the registration at Entry No. 1 in the Land Section of the register and I also confirm the registrations at Entry Nos. 1-9 inclusive in the Rights Section with the following modification in each case, namely, the insertion in column 4 after the words "over the whole of the land comprised in this register unit" of the words "except the part of the land in the ownership of Miss Redfarn as shown on the plan annexed to Objection No. 029".

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 March 1975

C. A. Settle

Commons Commissioner,