



COMMONS REGISTRATION ACT 1965

Reference Nos. 273/D/127
to 273/D/133

In the Matter of Sugar Loaf Mountain Common,
Llantilio Pertholey and Llanfoist Fawr
Communities and Abergavenny Town,
Monmouth District, Gwent.

DECISION

Introduction

This matter relates to 53 registrations made under the 1965 Act. My decision as regards each of these registrations is set out in the Fourth (and last) Schedule hereto. The disputes which have occasioned this decision, the circumstances in which they have arisen and my reasons for my decision are as follows.

These disputes relate to the registrations at Entry No. 1 in the Land Section, Nos. 1 to 50 inclusive (No. 41 has been replaced by Nos. 51 and 52) in the Rights Section, and No. 2 —→ in the Ownership Section of Register Unit No. CL4 in the Register of Common Land maintained by the Gwent (formerly Monmouth) County Council, and are occasioned by the seven Objections specified in the First Schedule hereto and noted in the Register on 19, 26, 28, 29 and 30 October 1970 and 29 and 29 March 1972.

The Land ("the Unit Land") in this Register Unit is a tract containing about 2136 acres the highest point of which (596 m or 1955 feet) is the well known Sugar Loaf summit. For convenience of exposition, I divide the Unit Land into two pieces: the Larger Piece is from southwest to northeast a little over 2½ miles long and is mostly between about 1 mile and ½ of a mile wide. The Smaller Piece from its north end (a little to the north of the middle of the east boundary of the Larger Piece) to its south end (a short distance north of Abergavenny) is a little over 1½ miles long and has a width ~~varying~~ between about 200 yards and about ½ mile. Within the Larger Piece, about 1 mile south of its highest point is a car park by which there is an inscription: "In commemoration of the Jubilee of His Majesty King George V and in memory of the public service of the Rt Hon David Alfred Thomas First Viscount Rhondda of Llanwern. This Sugar Loaf Mountain was presented to the National Trust by Sybil Viscountess Rhondda and the Viscountess Rhondda in 1936". This car park is easily accessible from the A40(T) road, by a side road running northwards to the Unit Land and thence by a road near to and within its southwest boundary. The Unit Land as a whole is a U shaped piece enclosing an area ("the Park Lodge Area") about 1 mile long from north to south and about ¾ of a mile wide (not registered under the 1965 Act) including Park Lodge Farm and lands on both sides of Afon Cibi.

The Land Section registration was made by the registration authority without application. The Land Section Objections Nos. 29, 74 and 79 (as supported at the hearing) relate to 7.280 acres situated about ¾ of a mile southsoutheast of Park Lodge (buildings), 5.036 acres situated about 150 yards southwest of Porth-y-parc (buildings) and about ¾ of an acre adjoining land held with Yew Tree Cottage, Deriside, near the southwest part of the Unit Land, not far from the old (from Abergavenny) Hereford Road. In the Rights Section there are 50 subsisting registrations (one recently replaced by two) and, some of these are subject to Objections Nos. 66, 160 and 161 as specified in the First Schedule hereto. In the Ownership section, at Entry No. 1 Mr. Jessie Robert Rennie is registered as owner of the whole of the Unit



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Land, and at Entry No. 2 National Trust for Places of Historic Interest or Natural Beauty are registered as the owner of the part of the Unit Land "edged red on plan annexed hereto", meaning (so it was assumed at the hearing) a plan showing the whole of the Unit Land except that specified in Objections Nos. 29 and 74 and except a small triangular area a short distance northwest of Porth-y-Parc (hereinafter called the PQ Area). These two registrations are both subject to Objection No. 80 and are in conflict with each other.

I held a hearing for the purpose of inquiring into the disputes at Abergavenny on 23, 25 and 26 June 1987. At the hearing (1) Sugarloaf Commoners' Association ("SCA") were represented by their chairman Mr Neil Durham Smith of Lower House Farm, Pant-y-Gelli, and their Secretary Mrs Janet Rose Morris of Pentwyn Farm, Triley; (2) Mrs Rosemary Eileen Humphries of Castle House, Usk, Gwent as successor of "David Trant, the R J Trant Settlement" who made Objection No. 29 and who applied for the registration at Rights Section Entry No. 3 was represented by Mr D Jones Powell solicitor of Jeffreys & Powell, Solicitors of Brecon; (3) Mr Stanley Lemuel Lewis who made Objection No. 74 and who is concerned with the registration Rights Section Entry No. 36 as successor of his father Mr Lemuel Lewis, was represented by Mr Emlyn Thomas, Secretary of the Farmers Union of Wales of 39 High Street, Brecon, Powys; (4) Mr George Bertram Powell who made Objections Nos. 79 and 80 attended in person; (5) The National Trust for Places of Historic Interest or Natural Beauty who applied for the registration at Ownership Section Entry No. 2 was represented by Mr T E I Morris, solicitor of Glasbrooks, Solicitors of Llandovery; (6) Mr Andrew William Johnstone as occupier of Great Blaenawe, Bettwys to which is attached the right specified in the registration as Rights Section Entry No. 15 attended in person; (7) Mr Eugene Cross of High Beeches, Abergavenny as being concerned to protect an interest in a right of way, attended in person; and (8) Gwent County Council as registration authority was represented by Mrs Jill Clarke. On the last day of the hearing, in addition to the SCA and Mrs Humphreys who were represented as on the first two days, the following attended in person as concerned with the Rights Section registrations specified; (9) Mr John Harry Trevor Parsons who applied for the registration at Entry No. 5 and is interested in the registrations at Nos. 36 and 43; (10) Miss Mary Pamela Dann of The Deri Cottage, Forest who with Mrs G E Dann applied for the registration at Entry No. 5; (11) Mr Denzil Ivor Smith of Tynywern Farm, Llantilio Pertholey as successor of his father Mr George Eric Smith (he died in 1980) who applied for the registration at Entry No. 13; (12) Mr Michael David Lewis of Great Llwygwr Farm, as son of William Gordon Lewis who applied for the registration at Entry No. 28; (13) Mr William John Harris and Mr Alfred George Harris both of Tyrwen Farm, Llwynddu as successors of their mother Mary Margaret Harris (she died 1972) who applied for the registration at Entry No. 29; (14) Mr Colin Stafford Smith who applied for the registration at Entry No. 30; and (15) Mr Neil Durham Smith on his own behalf as interested in the registration at Entry No. 42 (now replaced by Nos. 51 and 52).

Course of proceedings

(23 June) Mr T E I Morris said that the National Trust had made no Objection to any of the registrations.



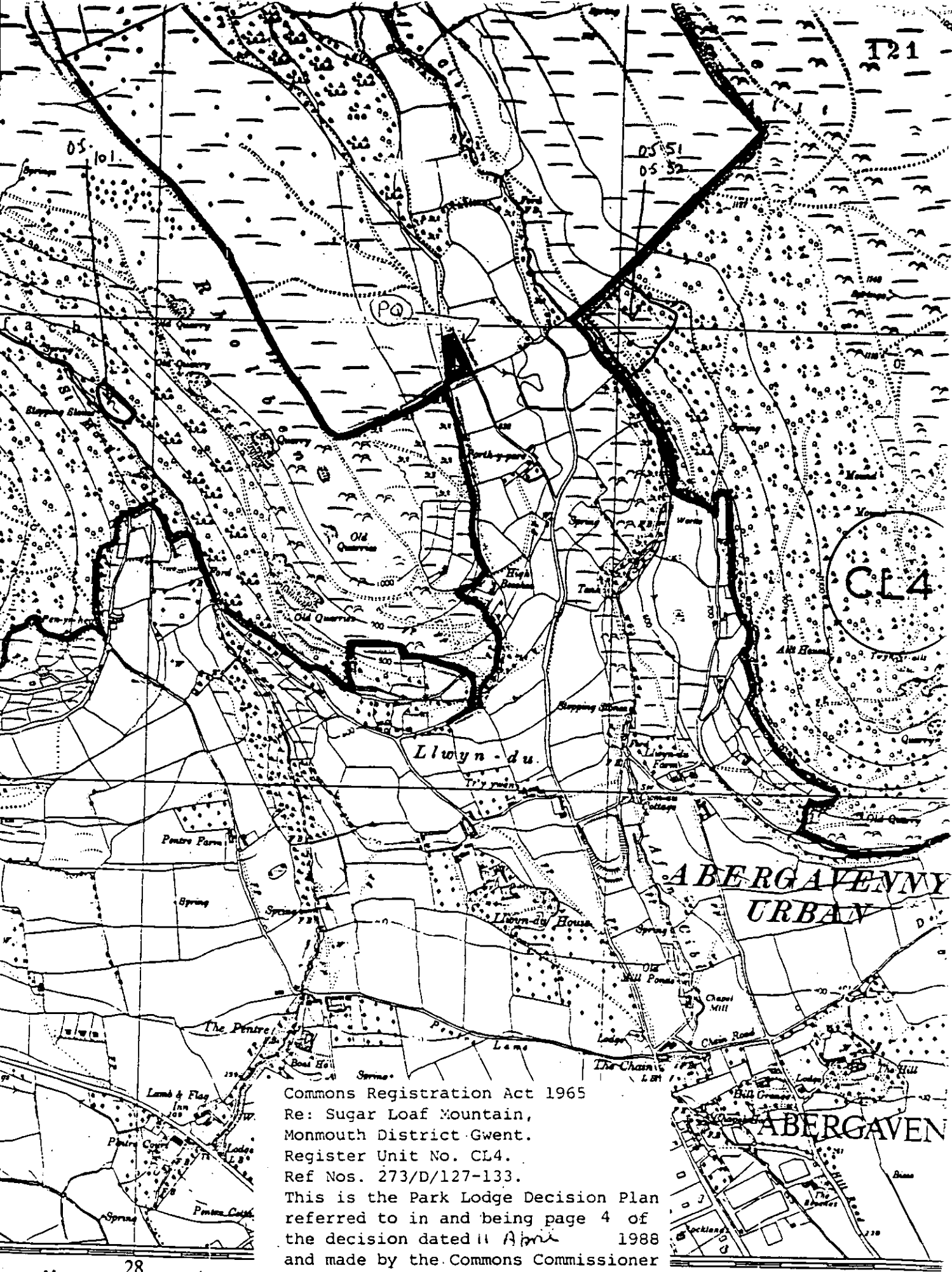
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Mr D Jones Powell produced the plan (REH/1) specified in Part II of the Second Schedule hereto and said (in effect):- In paragraph 7 of Objection No. 29 (R J Trant Settlement) "3" should have been "1" so that the Objection would apply to the registration at Land Section Entry No. 1. The Objection as regards OS 101 being a piece of land near the "Stepping Stones" marked on the said plan and now called Tomkins Meadow, is withdrawn. OS 51 and OS 52 which are not withdrawn from the Objection are situated as shown on the plan, REH/1, a copy of part of which ("the Park Lodge Decision Plan") to which I have added for reasons hereinafter stated, the letters "PQ", is page 4 of this decision. OS Nos. 51 and 52 are now planted with trees, and he understood no one now suggests they are or were common land.

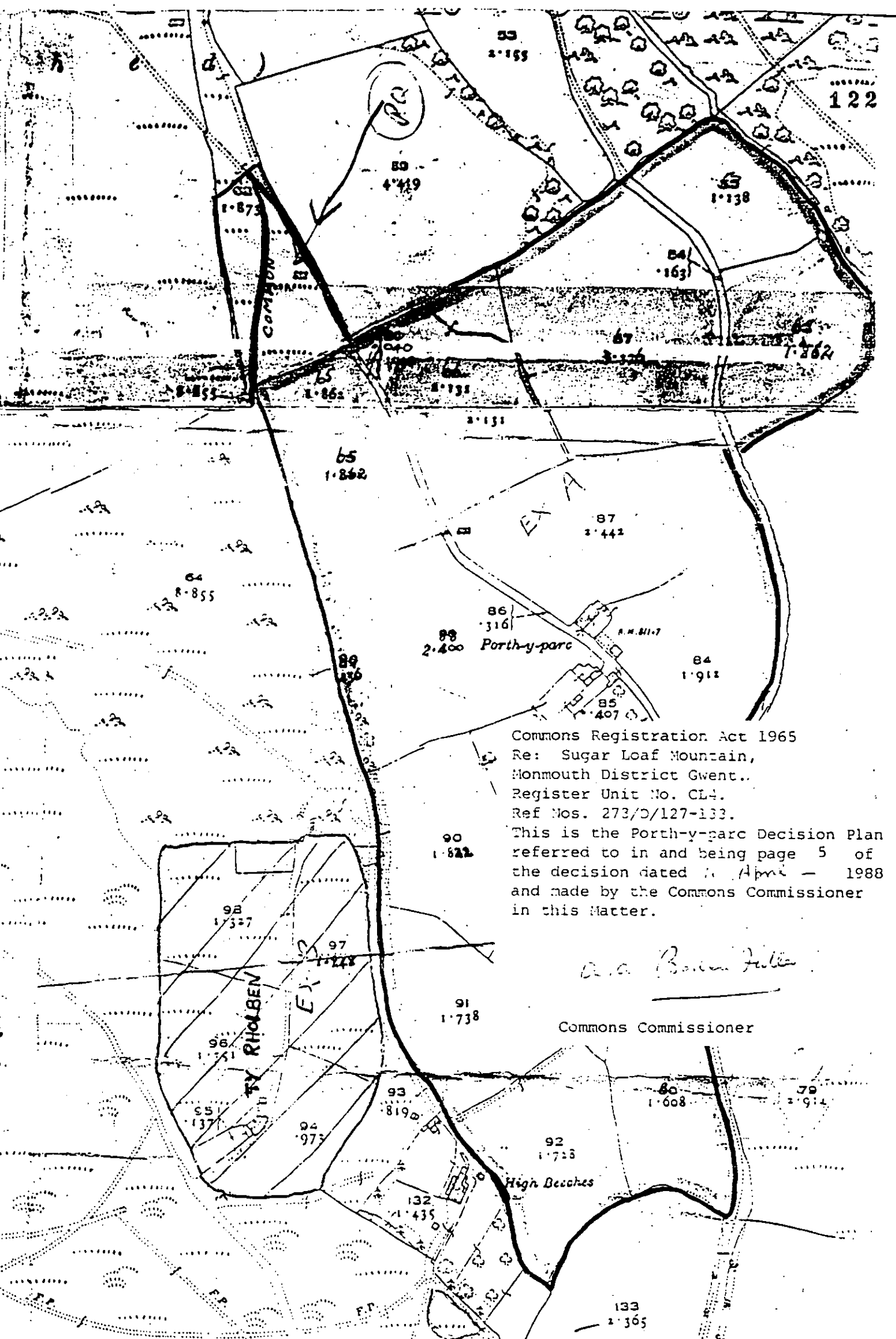
Next oral evidence in support of Objection No. 74 was given by Mr Stanley Lemuel Lewis in the course of which he produced the documents specified in Part III of the Second Schedule hereto. An uncoloured copy ("the Porth-y-Parc Decision Plan") of part of the Map SLL/1 is page 5 of this decision; on the original Nos. 94, 95, 96, 97 and 98 are edged green and hatched with thin black lines and are the same as those hatched in blue on the plan enclosed with Objection No. 74, and on the original OS No. 62 containing 1.873 acres overwritten "common" and hatched green, was by me at the hearing marked "PQ". Mr Lewis said (in effect):- Ty-Rholben (containing 5.036 acres as edged green on the map SLL/1) has never been common land and no one has ever claimed to exercise a right of common over it. His father, Lemuel Lewis purchased it in 1953 (conveyance SLL/2) and was in occupation of it until he died on 26 December 1969. After his death there was a family arrangement with his sister and brothers D A Parsons, R T Lewis and C R Lewis (see conveyance SLL/4). He confirmed the history of Ty-Rholben as stated in the grounds of the Objection. He was born in 1938 and was living in Porth-y-Parc when his father bought Ty Rhoblen in 1953. It had always been cultivated, ploughed and seeded as part of the farm.

After Mr Lewis had given evidence, there was some discussion about OS 62 overwritten "COMMON" on the said plan (SLL/1) being the same as the piece ("the PQ Area") so marked both on the Park Lodge Decision Plan and the Porth-y-Parc Decision Plan. Such piece is not particularised in any Objection and Mr Lewis said it was rough land and all present either agreeing or not objecting, I adjourned the consideration of the PQ Area until later in the hearing.

Next (23 June) oral evidence in support of Objections Nos. 79 and 80 was given by Mr George Bertram Powell in the course of which he referred to or produced the documents specified in Part IV of the Second Schedule hereto. He said (in effect):- In 1966 he bought Yew Tree Cottage, Deriside and the land with it containing between 2 and 3 acres. Access to it from Abergavenny is from the old Hereford road (here about $\frac{1}{4}$ of a mile west of the A465T) by a lane on the left (to the northwest) and then turn left again (to the southeast) along a track where there are several cottages. His problem was: area 1 on the Objection map (GMB/2) was needed for his motor vehicle and the motor vehicles of several others; area 3 on such map was needed as a bridle and footpath access (from the southeast). The land held with the Cottage was the area on such map at the hearing shaded by him. Area 2 on such map (there appearing as a very small triangle the size of about 110, 100 and 35 yards) compared with the whole of the Unit Land is very small. It is enclosed on the north and open on the south to the rest of the Yew Tree Cottage land.



a. a. Borden Fuller



Commons Registration Act 1965

Re: Sugar Loaf Mountain,
Monmouth District Gwent..

Register Unit No. CL4.

Ref Nos. 273/D/127-133.

This is the Porth-y-parc Decision Plan
referred to in and being page 5 of
the decision dated 11 April - 1988
and made by the Commons Commissioner
in this Matter.

D. A. Bowen Filler

Commons Commissioner



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Next Mr T E I Morris for the National Trust said he had inspected the areas described by Mr Powell that morning and on behalf of the National Trust he did not object to the exclusion area 2 from the registered land. There followed a discussion in the course of which: (i) I said I was not concerned with any rights of way attached to the Cottage over area 1 and area 3; any claim to such rights could be noted in the Register pursuant to regulation 24 of the Commons Registration (General) Regulations 1966; (ii) Mr Powell then withdrew so much of Objection No. 79 as related to areas 1 and 3; (iii) I defined the "Triangle PQR" as meaning the triangular area edged black and marked PQR on the map GBP/4, a copy of which ("the Yew Tree Cottage Decision Plan") is page 7 of this decision; (iv) Mr Morris agreed that the Triangle PQR could be excluded from the Register and nobody at the hearing suggested otherwise; and (v) Mr Powell agreed that I could treat Triangle PQR in my decision as the same as area 2 on his Objection Map and formally withdrew his Objection No. 80 so far as it applied to areas 1 and 3.

Next (23 June) oral evidence was given by Mr T E I Morris whose firm are acting as solicitors for the National Trust so far as concerns their common land in South Wales, in the course of which he produced the 1936 deed of gift (NT/1) specified in Part V of the Second Schedule hereto. He said (in effect):- As to ownership there was no conflict between the National Trust, Mrs Humphreys and Mr S L Lewis because their lands are all held under the same title starting with the conveyance dated 10 February 1919 specified in the First Schedule to the deed of gift under which (as therein recited) consequentially on the will of David Alfred Viscount Rhondda (he died 3 July 1918) the Unit Land Park Lodge and Porth-y-Parc are held for Sybil Margaret Dowager Viscountess Rhondda for life and subject to her life interest for Margaret Haig Viscountess Rhondda in fee simple. The red edging on the plan referred to in the registration at Ownership Section Entry No. 2 excluded OS Nos. 51, 52 and 101 as specified in Objection No. 79. He submitted therefore that except as was necessarily consequential the removal from the Register of area 2 mentioned by Mr G Bertram Powell at the hearing, I could confirm this Ownership section registration without any modification.

Next, Mr Morris, he being no more concerned, left the hearing. —————>
After a brief discussion as to the consequences of the right attached to Park Lodge Farm being originally registered as "Sans Nombre", the proceedings were adjourned to 25 June.

Next (25 June) oral evidence was given by Mr David Eric Thomas FSVA and CAAV, —> formerly of Eric Thomas & Harpur who as "Agent" signed Objection No. 29 for "David Trant, the R J Trant Settlement" in the course of which he produced, or referred to the documents specified in Part VI of the Second Schedule hereto. He said (in effect):- He (or his firm) acted as Agent for Mrs Trant from the early 1950s until about 1966-68, when they were succeeded by Mr David Trant. "OS 51 and OS 52" as marked on the Map REH/1 correctly shows these OS Nos. as marked on the 1964 OS Map. The 488.899 acres described in Part I of the First Schedule to the 1944 conveyance (RH/3) was always let to a tenant (named "A Lewis" in the conveyance and to subsequent tenants). Rosemary Eileen Trant named in the 1980 conveyances (REH/2 and 4) is known as Mrs Rosemary Eileen Humphreys; she is the daughter of Rachel Janet Owen named in the 1942 conveyance (REH/3) who later became

Commons Registration Act 1965

: Sugar Loaf Mountain,

nmouth District Gwent.

Register Unit No. CL4.

f Nos. 273/D/127-133.

is is the Yew Tree Cottage Decision Plan

ferred to in and being page 7 of

e decision dated 11 April — 1988

d made by the Commons Commissioner

this Matter.

a. a. Baden Fuller

Commons Commissioner

~~RGAVENY RURE~~

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Rachel Janet Trant. As he knew the ground of OS 51 and OS 52, it was rough with some oaks and other timber, not feasible for good grazing as mainly bracken, a very steep dingle; he understood it is now planted with conifers; he was not aware of anybody ever having objected to it being fenced; he would have regarded any commoner he saw cutting wood on it without permission as a trespasser. So he contended that OS 51 and OS 52 should be excluded from the edged black on the Map (REH/2 bis; meaning removed from the Land Section): and also contended that OS 51 and OS 52 should be included in Park Lodge Farm (meaning included in column 5 of Rights Section Entry No. 3 describing the land to which is attached the grazing right therein registered). Unfortunately there are mistakes in the documents: the plan attached to the application (REH/5) showing Park Lodge Farm edged black (within three parts edged red, green and violet) does NOT include OS 51 and OS 52; the plan referred to in column 5 of the Entry No. 3 (REH/8) shows edged yellow Park Lodge Farm as NOT including OS 51 and OS 52; the list of OS Nos. enclosed with the November 1968 letter (REH/6) does NOT include OS 51 and OS 52. As to "Sans Nombre" in the application (REH/5), these words have been withdrawn and "2,800 sheep or equivalent" substituted; he could not explain the words "Park Lodge Farm) ... described in this register Unit" in column 4 of Entry No. 3. The triangular area by me marked XYZ on Plan B attached to the application (REH/5) being the PQ Area above-mentioned as marked on the Park Lodge Decision Plan and the Porth-y-parc Decision Plan) was so he understood used as a gathering point for sheep from the Mountain and was also part of the Farm; he conceded (as I understood him) it was properly included in the Land Section as part of the common land.

While Mr D E Thomas was giving evidence, Mr N D Smith said that the SCA accepted that OS 51 and OS 52 should be excluded (meaning from the Land Section Registration).

Mr D Jones Powell submitted that the Rights Section Entry No. 3 should by my decision be altered in column 4 by substituting "2,800 sheep or equivalent" for "cattle, sheep, ponies" "Sans Nombre" and in column 5 by deleting "edged yellow" and referring to a map which included all that edged yellow on the map REH/8.

To this submission Mr N D Smith submitted (in effect) that both the PQ Area and OS 51 and OS 52 should be excluded from the said column 5 because neither could properly be regarded as "dominant land" for a right of common.

Next (25 June), in support of Objection No. 160 oral evidence was given by Miss Gwenllian Mary Herring of Upper House Farm, Pant-y-gelli who said (in effect):- She, now aged 47 years, had lived all her life at this Farm. They had also run on the Hill" as far back as she could remember (when 13 years old). Nobody from Llwynfranc Farm turned out sheep or horses or any other there; the Hill gate leading from her Farm (Upper House) is the nearest gate for Llwynfranc Farm. She had never seen any sheep from his Farm on the Hill or at any gathering; if there had been any on the Farm her parents would have noticed (and they would have told her).

Next, also in support of the said Objection, Mr Stanley Lemuel Lewis continued his oral evidence saying (in effect):- He was born at Porth-y-parc Farm, which his father and grandparents had farmed going back for over 100 years. He had never heard of any sheep from Llwynfranc Farm being on the Unit Land, indeed he did not even know that such farm existed. He was sure they would have noticed any animals from such Farm if they had ever been there.



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Next, in support of the said Objection, Mr N D Smith produced the documents specified in Part VII of the Second Schedule hereto, and said (in effect):- The original of the true translation (SLCA/1) is in the Church of Llantilio Pertholey; under it the rights of feeding are confined to the inhabitants of the parish. As appears from the map, Llwynfranc Farm is outside the parish (also marked on OS Sheet 161, 1/50,000 series).

Next Mrs J Clarke drew my attention to the documents specified in Part VIII of the Second Schedule hereto, copies of which were held by the County Council as Registration Authority and which indicated that the registration at Entry No. might be based on the 1960 particulars of sale.

Next, I indicated that by reason of sub-section (7) of section 5 of the 1965 Act, all the Rights Section Registrations were in question by reason of Objections Nos. 29, 74 and 79. Mr N D Smith was hopeful that he could on the following day obtain views of the SCA Committee about all of them.

Next (26 June), about the Rights Section registrations generally, oral evidence was given by Mrs Janet Morris who is and has been since December 1982 the Secretary of the SCA, in the course of which she produced or referred to the documents specified in Part IX of the Second Schedule hereto; she said (in effect):- She had looked through the minutes of the SCA since it started after the meeting held in accordance with the April 1969 letter (JM/1); then or soon after Mr Colin S Smith and Miss M P Dann (her predecessor) were proposed (and elected) as Chairman and Secretary. The SCA was formed to safeguard and promote the interests of those grazing on the Common. At present there are about 50 members. They are not all active graziers: she would have to look at her book to give the number of active graziers. The SCA meets annually in November (their AGM). Under their constitution, they are able to draw on the Committee if something should arise which needs urgent attention. The owners of the soil are the National Trust with whom the SCA has a good relationship. Part of the Sugarloaf is a Site of Special Scientific Interest, see the January 1984 letter from the Nature Conservancy Council and the papers with it (JM/2). The draft Constitution (JM/3) was the first draft: the current Constitution is different in two places where the wording has been changed. Last night (25 June) a meeting of the Committee was held, and the Register was gone through.

Next about the Rights Section registrations generally, oral evidence was given by Mr Neil Durham Smith who has been Chairman of the SCA since February 1986; he said (in effect):- His father Mr Russell Durham Smith was a member of the SCA when it started and he (the witness) succeeded him as a member. The Farm they lived in has no rights but they have Triley Court Farm (Entry No. 41, applicant the Director Triley Court Estate Ltd) which has rights. At the Committee last night (25 June) there were present (in addition to himself as Chairman, Mr John Parsons, Mr Richard Powell, Mr Theron Morris and Mr J Morris; they failed to contact two of them, namely Mr Colin H Smith who is present at the hearing now (26 June) and Mr William (?) Jackson who sent a proxy note meaning he could not attend. The Committee where the registration included so many sheep "or equivalent" (or other words to a like effect), the equivalent should be: "one head of cattle equals 6 sheep and 1 horse or pony equals 6 sheep or any combination, but where the registration is originally sheep only there should be no substitution formula (meaning



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no equivalent cattle or horses or ponies); the sheep numbers should be 5 sheep per acre plus 7 sheep for every 100 yards of hill fence. The Committee also agreed all registrations should include words "one sheep includes one lamb until weaning"; and should be over the whole of the Unit Land.

Next Mr N D Smith continued his evidence dealing with each of the registrations in the Rights Section and being from time to time helped by Mrs J Morris; a summary of his or her evidence so given is in the Third Schedule hereto introduced "NDS and JM:-".

Next (26 June) Mr Colin Stafford Smith in the course of his oral evidence said (in effect):- He is now 56 years old, had lived in the area for 30 years. He was one of the first members of the SCA, was chairman at their 1969 inaugural meeting and remained chairman until February 1986. As to overgrazing: they are in the process of forming a Management Committee to look into the matter in association with the National Trust; certainly the Unit Land would be overgrazed if everyone exercised their rights; but since the SCA was formed not everyone has exercised his rights; the amount of exercise has been pretty stable and he had never known the Unit Land to be overgrazed yet. At the first meeting members agreed numbers should be based on 7 sheep for 100 yards of boundary fence and 5 sheep every 1 acre of inby land. At the Committee meeting last night (25 June) some of the numbers had been increased but he did not think that the increase would make much difference to the total actually grazed and he approved of the increases. There have never been pigs on the Common in his day; one of the older members told him that they used to let out pigs in the autumn for the acorns; that was 40 years ago; there are some acorns now but it does not pay to put pigs out. He had never known a goat to be put out. There are whinberries on the Unit Land; they are free for all, anybody who walks up can pick them, and they are not picked on a commercial basis.

Land Section

As to the part of the Unit Land (Ty-Rholben) specified in Objection No. 714 made by Mr S L Lewis, I have his evidence above summarised against it ever having been common land. The Objection puts this part in question, so the burden of proof is on those who claim this part is common land within the definition in the Commons Registration Act 1965, see *Corpus Christi v Gloucester* 1983 1QB 361. Nobody offered any evidence or argument in support of the inclusion of this part in the Register. So my decision is that this Objection wholly succeeds.

As to the part of the Unit Land (near Yew Tree Cottage) specified in Objection No. 77 made by Mr G B Powell, as above recorded, agreement about it was reached between him and Mr T E I Morris acting for the National Trust. Nobody at the hearing suggesting otherwise, my decision is accordingly.

As to OS Nos. 51 and 52 specified in Objection No. 29 made by Mr David Trant, I have the March 1942 conveyance and the oral evidence of Mr D E Thomas in support of the exclusion of these OS Nos. from the Register. Nobody suggested they should be included. So my decision is that the Objection succeeds to the extent of these OS Nos.

As to the PQ Area (so marked on the Park Lodge and Porth-y-Parc Decision Plans):- It is not included in the August 1936 National Trust conveyance (NT/1) but is



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included in the March 1942 Owen (Trent) conveyance (REH/3). It is not particularised in any formal Objection; if it is (as Mr D E Thomas understood) a ground for gathering animals from the common, it is incidental to, and therefore properly included in the registration of the common. So my decision is that it was properly included in the Land Section registration. Consequentially it should be excluded from column 5 of the Rights Section registration at Entry No. ~~1~~, see the Trant Decision Plan below. (3)

As to OS No. 101 (Tomkins Meadow) included in Objection No. 29, and from it at the beginning of the hearing withdrawn by Mr D Jones Powell:- The circumstance that it was in the 1942 conveyance dealt with specially, being therein described as let annually at a rent of £1, and perhaps for this reason not included in the 1936 National Trust conveyance, is not necessarily against it being common land in 1967 (the date of registration). I have no cogent reason for not accepting Mr Powell's withdrawal. So my decision is that this OS No. was properly included in the Land Section registration.

In favour of the Land Section registration in all other respects being proper, I have the numerous applications for registrations of rights of common over it, the oral evidence of Mr N D Smith, the absence of any Objection, formal or at the hearing by the National Trust or anyone else. My decision is therefore that such registration was properly made except as above stated under this heading.

As regards the Land Section my decision is formally set out in Part I of the Fourth Schedule hereto.

Rights Section: wholly in question

By SCA Objection No. 160, the registration at Entry No. 45 (Llwynfranc Farm) is wholly in question (grounds "No common rights").

The burden of proving the right therefore falls on the persons concerned to support the registration, see *Corpus Christi v Gloucester* supra. Nobody appeared at the hearing to support the registration. So this is reason enough for my refusing to confirm it.

Additionally, I had the above summarised evidence of Miss G M Herring and Mr S L Lewis of the rights of grazing claimed never having been exercised and of the distance between Llwynfranc Farm and the Unit Land; both against the existence of any rights. Further I have the 1748 Charter (SLCA/1), not easy to understand but providing some grounds for a local tradition that animals from farms beyond the parish of Llantilio Pertholey are not acceptable on the Unit Land.

As to the 1916 particulars of sale (CC/5) produced by the County Council:- I accept that a conveyance of a farm expressed to be with sheep rights over the Unit Land is in law some evidence that some such rights were at the date of the conveyance attached to the farm, see *Blandy-Jenkins v Dunraven* 1899 2Ch 121; but even, which I doubt, particulars of sale are like a conveyance some evidence of ownership of what is expressed to be offered for sale, it could not (any more than a conveyance) be conclusive. In the absence of the conveyance by which the sale was completed, I



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decline to infer that in any relevant respect it accorded with the particulars; and even if it did, I would have to balance it against the contrary evidence.

Balancing as best I can the evidence for and against the right claimed in this registration, my decision is that it has not been proved and accordingly the Objection wholly succeeds.

Rights Section: numbers in question

By SCA Objections Nos. 66 and 161, the registrations at Entry Nos. 2, 3, 6, 7, 10, 11, 12, 13, 22, 25, 29, 36, 38 and 47 are as regards numbers in question.

About these I have the evidence of Mrs J Morris and Mr N D Smith as regards each of these registrations summarised in the Third Schedule hereto: some of them were subject to an agreement therein mentioned (JM/4-16).

I had no contrary evidence but I accept what they said. So as regards these registrations my decision is as set out in Part II of the ~~First~~ Schedule hereto. *Fourth*

Rights Section: other questions

Notwithstanding that some of the Rights Section registrations are not particularised in any Objection, they under subsection (7) of section 5 of the Commons Registration Act 1965 are in question: similarly the registrations mentioned under the preceding heading are in question not only as regards numbers but also in all other respects.

The course to be followed by a Commons Commissioner in these circumstances is stated in the High Court judgment in re Sutton 1982 1WLR 647 at page 657; the judgment was cited by the Court of Appeal with approval in re West Anstey 1985 Ch 329; and is to this effect: a Commons Commissioner may be entitled to confirm all the registrations in the respects not particularly within any Objection on the evidence of the statutory declarations made on the applications for them; but if a registration is "questionable", a Commission should "insist" on the burden of proof being discharged and if appropriate appoint a "time and place" to enable those concerned to "convince" him of their propriety.

Upon the evidence of Mrs J Morris, Mr D N Smith and Mr C S Smith above summarised, I consider that all the Rights Section registrations are questionable so far as inconsistent with what they said and that I must therefore insist on some proof. But the circumstances of the instant case were not considered in the said judgment in that except for Nos. 45 and 49, nobody at the hearing suggested that any of the registrations were wholly improper; on the contrary, I was by the evidence of Mrs J Morris, Mr N D Smith and Mr C S Smith convinced (not having any evidence to the contrary) that all the registrations (except Nos. 45 and 49) would be proper if they were modified as by Mr N D Smith indicated as specified in the Third Schedule hereto. Some of the modifications he suggested were such as to be almost certainly



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agreeable to those concerned with the registration, but not necessarily or obviously are all of them likely to be agreeable.

In these circumstances I can I think most conveniently give effect to the said judgment by making my decision under this heading subject to this liberty to apply: any person concerned as applicant or otherwise with any Rights Section registration (including the National Trust) may apply to have my decision under this heading (including the consequential parts of the Third and Fourth Schedule hereto) corrected or amended, and if he so wishes for a time to be fixed so that he can try and convince a Commons Commissioner as to the propriety of his proposed corrections or amendments. To this extent my decision under this heading is conditional and not final. All persons concerned with the Right Section registration including the National Trust will in accordance with the Commons Commissions Regulations 1971 be sent a copy of this decision and will therefore have notice; the liberty hereby given to them. Any application pursuant to such liberty should be made within THREE MONTHS of a copy of this decision being sent to those concerned and should be made as indicated below under the heading: Final.

So subject to the said liberty to apply, my decision about these Rights Section registrations is as follows.

I consider the evidence of Mrs J Morris, Mr N D Smith and Mr C S Smith about the organisation of the SCA and about the grazing on the Unit Land as reliable; nobody at the hearing suggested otherwise.

I consider I should give effect to their wish that any right to take bracken should in the Register be expressed to be limited to the requirements of the holding; such limitation does no more than express what would by law be implied, and may possibly prevent some misunderstanding. Mr N D Smith was against Estovers (except so far as taking bracken could be so regarded) so I consider rights such as "cut trees for repairing boundary fences", "gather kindling wood", "cut pea sticks, bean poles" and the like should be avoided.

Rights such as "pick wild fruits, such as whinberries or blackberries", "gather leaf mould" and the like are extraordinary and should I think be avoided in the absence of some explanation.

The Unit Land is called Sugarloaf Mountain Common, one piece of land, common rights over which in the absence of special circumstances extend over the whole.

I consider I can properly revise the wording of any registration which is apparently unsatisfactory, eg column 5 of Entry No. 2.

In some cases, the SCA Committee agreed some increases in the numbers were justifiable by the acreage of the inby land: eg, No. 4 (from "sans nombre" to 2,800), No. 15 (from 600 to 650), No. 16 (from 20 to 35), No. 17 (from 225 to 500), No. 19 (from 120 to 300), No. 20 (from 230 to 45), No. 21 (from 160 to 450), No. 28 (from 250 to 835), No. 33 (from 400 to 625), No. 34 (from 540 to 900), No. 42 (from 22 to 45), No. 43 (from 170 to 400), No. 44 (from 150 to 455), No. 46 (from 750 to 815), No. 47 (from 2175 to 425), No. 48 (from 430 to 850), and possibly some others as appears in the Third Schedule hereto. The justification for these increases was



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(as I understood Mr N D Smith), that as the registration process proceeded, it appeared that the SCA would not justify an objection which resulted in the numbers of any registration being less than 5 sheep per acre of inby land plus 7 sheep for every 100 yards of fence between the dominant tenement and the Unit Land; and those whose registrations had originally been for less would therefore be increased so all should be on the same basis.

The numbers of sheep according to the Register grazeable on the Unit Land as specified in Part II of the Fourth Schedule hereto total 18,643. Even if I rejected all the increases suggested by Mr N D Smith on behalf of the SCA, the number would still be over 15,000. It is I suppose obvious that those numbers of sheep could not sensibly all be grazed at the same time on the Unit Land; as explained by Mr C S Smith in practice many of those entitled to rights do not exercise them and he knew of no over grazing. There is nothing in the 1965 Act requiring the number of animals registered to equal the capacity of the common at any particular time; because many having rights would not exercise them, no useful purpose would be served by so limiting the registrations to the capacity. On the evidence I had at the hearing, I consider that the numbers proposed on behalf of the SCA will best give effect to the intention of the 1965 Act.

So subject to the liberty to apply before mentioned (to be exercised as specified under the heading Final), my decision as regards the Rights Section is as set out in Part II of the Fourth Schedule hereto.

Ownership Section

The National Trust registration at Entry No. 2 is in the Register said to be in conflict with that at Entry No. 1 made on the application of Jessie Robert Rennie. I have no reference about this conflict, because I suppose, the withdrawal by his trustee in bankruptcy mentioned on my copy of the Register satisfactorily disposes of the conflict.

So I need only consider Objection No. 80 made by Mr G B Powell. As a result of the agreement made at the hearing between him and Mr T E I Morris, all the areas specified in the grounds of the Objection have under Part I of the Fourth Schedule hereto been removed from the register. Nobody challenged the effectiveness of the 1936 conveyance (NT/1). So my decision is that the registration at Entry No. 2 was properly made and I confirm it as stated in Part III of the Fourth Schedule hereto.



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Final

My decision as regards Land Section, Rights Section and Ownership Section registrations occasioned by the disputes with which I am concerned are set out in the Fourth and last Schedule hereto.

By regulation 33 of the Commons Commissioners Regulations, a Commons Commissioner may correct an error or mistake arising from any accidental slip or omission. Because of the length and complication of this decision I may have made such errors or mistakes, and I therefore give to any person affected liberty to apply for an appropriate correction.

Additionally, under the heading: Rights Section other registrations, I have given to applicants for these registration, to the National Trust and others for corrections and amendments to this decision liberty to apply as therein specified.

Any application pursuant to any such liberty should be in the first instance made by letter to the Clerk of the Commons Commissioners. The applicant in it should specify the corrections and amendments for which he applies and summarise the evidence he would give and the documents he would produce if, to deal with his application, a Commons Commissioner re-opened the hearing held by me in June 1987. Any such application should be made within THREE MONTHS (or such extended period as a Commons Commissioner may allow) of this decision being sent to the persons concerned. A copy of any such application if not made by the SCA or the National Trust should be sent to their Secretary or to their Solicitor; and if made by either of them should be sent to the other and to the last known owner and occupier of the land to which is attached any rights specified in the relevant Rights Section registration.

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.

JOHN J. ER



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FIRST SCHEDULE

Objections

No. 29, by "David Trant, the R J Trant Settlement, grounds: Objection is submitted that the plan displayed on the various Council Offices show the following parcels of land as being part of the Mountain Common when in fact they are part of the Freehold belonging to the Trant Settlement and of which they hold the Deeds

OS.51	area	4.061
OS.52	"	3.219
OS.101	"	.832"

No. 66, by Sugarloaf Commoners' Association, applicable to Rights 2, 3, 6, 7, 10, 11, 12, 13, 22, 25 and 29, grounds:-

2 (Number & Type of animals not stated)	5 sheep to the acre maximum on CL4.
3 (Number of animals not stated)	" "
6 (acreage not given)	" "
7 "	" "
10 (Too many animals)	" "
11 "	" " + 7 sheep per 100 yds of fence.
12 "	" "
13 "	" "
22 (acreage not given)	"
25 (Too many animals)	"
29 "	"

No. 74, by Mr S L Lewis, grounds:- "The property Ty-Rholben has always been enclosed and has never formed part of the Sugar Loaf Common. It was formerly a Small-holding with common rights of its own to the Sugar Loaf Common. The Cottage was destroyed by fire 25-30 years ago; but the land has always been enclosed against the Common. The land referred to in this Objection is hatched in blue on the 1/2500th scale plan enclosed herewith.

No. 79 by George Bertram Powell, grounds:- "This part has been used as access for an extensive period of time. The boundary line should exclude all paths and roads in this area; Areas 1 and 3 on attached map. This part has been owned by G B Powell of Yew Tree Cottage for an extensive period of time; Area 2 on attached map.

No. 80, by G B Powell, grounds:- "The roads and paths in Areas 1 and 3 on the attached map have been in use by me and my predecessors for a very long time. The land in Area 3 has been owned by me and my predecessors for a very long time.

No. 160, by Sugar Loaf Commoners' Association, applicable to registration Rights Section Entry No. 45, grounds:- "45 No Common Rights".



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No. 161, by Sugarloaf Commoners' Association, applicable to the registration Rights Section Entry Nos. 36, 38 and 47, grounds:-

36,	Too many animals (5 sheep to the acre maximum, + 7 sheep per 100 yds of mountain fence)
38,	" " " " " " " " " " " " " " " "
47,	" " " " " " " " " " " " " " " "

SECOND SCHEDULE
(Documents produced or referred to)

Part I: before hearing
(Letters from SCA to County Council)

14 July 1969	...Rights of Mr David Williams of Little Llwynfranc Farm, and Llanfihangel Crucorney ... I have questioned six farmers who have known the side of the Sugar Loaf nearest Little Llwynfranc Farm for many years, none can recall tenants of that farm exercising common rights on the Sugar Loaf.
29 October 1970	"... Entry No. 2 in the Rights Section ... this is Morris G.O'Brien ... claims the right to graze 20 sheep plus lambs.
10 December 1971	"... The 3 parcels of land to which Messrs Trant & Lewis refer are not in fact common land ..."
16 June 1982	"... objected to thirteen claims ... most of these claims can now be modified to meet our objections, our Annual General Meeting is due in November 1982..."
7 November 1982	"... Our Association has now resolved all our objections to registration accepting one: Entry No. 45, Williams, Little Llwynfranc ..."



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Part II: at hearing for Mrs R E Humphries

REH/1 1964 Extract OS map, 6" = 1 mile, to explain Objection No. 29 edged red See Park Lodge Decision Plan. Note: OS 101 (Tomkins Meadow) withdrawn from Objection.

Part III: by Mr S L Lewis

SLL/1 -- OS Map, 1/2500 showing Porth-y-Parc edged red, Ty-Rholben OS Nos 94, 95, 96, 97 and 98 containing .973, .137, 1.351, 1.248 and 1.327 acres edged green and "Common" (Part ?) OS No. 62 containing .875 acres hatched green. See Porth-y-Parc Decision Plan.

SLL/2 22 July 1953 Conveyance by which Ratchel J Trant after reciting she was formerly Ratchel Janet Owen and had married on 22 November 1945 conveyed to Lemuel Lewis 5 pieces of land containing 5.036 acres coloured green on an annexed plan. Note, so coloured, 94, 96, 97 and 99 containing .982, 1.837, 1.241 and 1.327.

SLL/3 30 August 1948 Conveyance by James Arthur Gilbert Price as personal representative of Alice Edwards who died 16 January 1938 to Lemuel Lewis of Porth-y-Parc Farm containing 28a. 2r. 16p.

SLL/4 16 June 1971 Conveyance by Joyce Margaret Hopes as administratrix (grant dated 17 November 1970) of Lemuel Lewis with the of Stanley Lemuel Lewis, Doris Alwyne Parsons, Reginald Thomas Lewis and Clifford Raymond Lewis as beneficiaries and pursuant to a deed of family arrangement dated 2 April 1969 to Stanley Lemuel Lewis of first Porth-y-Parc Farm containing 28.612 acres and secondly five pieces containing 5.036 acres Rholben lands 94, 95, 96, 97 and 98 containing .973, .137, 1.351, 1.248 and 1.327 (total 5.036) acres.



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SLL/5

Abstract of the title of Rachel Janet Trant including (i) a vesting assent dated 25 March 1942 by Rt Hon M H Viscountess Rhondda and another as personal representative of Rt Hon S M Viscountess Rhondda of all land at Rholben, Llwynddu containing 5.036 acres coloured green on plan (OS Nos 94, 95, 96, 97 and 98) in favour of Rt Hon M H Viscountess Rhondda; and (ii) Conveyance dated 26 March 1942 by Rt Hon M H Viscountess Rhondda to Miss Rachel Janet Owen of OS Nos. 94, 95, 96, 97 and 98 containing .982, .142, 1.327, 1.248 and 1.327 (total 5.03) acres.

Note (2) 1942 Conveyance same as REH/3 below.

Part IV: by or referred to by Mr G Bertram Powell

GBP/1	--	My copy of the Register Map put to Mr Powell when he began his evidence and later marked GBP/3, locates three areas marked on the map attached to Objection No. 79.
GBP/2	28 September 1970	My copy map attached to Objection No. 79 on which at the hearing was shaded in pencil. The land held with Yew Tree Cottage, and "AB" and "CD" where marked.
GBP/3	--	See GBP/1 above
GBP/4	--	OS Map 6" = 1 mile with Unit land darkly shaded: at having small triangular area marked PQR. Yew Tree Cottage Decision Plan.



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Part V: on behalf of National Trust

NT/1 4 August 1936 Copy (certified 22 June 1987) of deed of gift by Rt Hon Sybil Margaret Dowager Viscountess Rhondda and Rt Hon Margaret Haig Viscountess Rhondda to The National Trust for Places of Historic Interest or Natural Beauty of lands known as Sugar Loaf and Deri Fach Mountains containing 2,130.393 acres as delineated on plan annexed and thereon shown coloured pink.

Part VI: on behalf of Mrs R E Humphries

REH/2 16 April 1980 Conveyance by David Patrick Trant and Clare (ors Clarissa) Hope Davis of their shares arising under the trust for sale contained in a conveyance made 16 April 1980 and the legal estate in the entirety of Park Lodge Farm containing 489.731 acres to Rosemary Eileen Trant in fee simple discharged from the said trust.

REH/2 -- Extract from Register Map.
Bis .

REH/3 26 March 1942 Conveyance by Rt Hon Margaret Haig Viscountess Rhondda (by way of gift) to Rachel Janet Owen of lands described in the First Schedule: Part I of which described Park Lodge Farm containing 488.899 acres and Part IV of which described Rholben Lwyn-du containing 5.036 acres.

REH/4 16 April 1980 Conveyance recited in the said 1980 conveyance REH/2 above to D P Trant, C H Davis and R E Trant.

REH/5 30 November 1967 Copy application by D E Thomas on behalf of R J Trant Settlement for registration of right of common (leading to Rights Section Entry No. 3).



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REH/6	12 November 1968	Copy letter from Eric Thomas & Harpur to County Council enclosing the main enclosure numbers of Park Lodge "quite a sizeable area has been reclaimed the identification of the enclosures have considerably changed as a result".
REH/7	--	Extract from OS Map (1/2500) showing OS 6493, on the Park Lodge Decision Plan marked PQ.
REH/8	--	Extract OS map 6" = 1 mile showing edged black parts of Unit Land around Park Lodge and edged yellow Park Lodge Farm lands. Note: "edged yellow" in column 5 of Rights Section Entry No. 3 reference to land edged yellow is to this map; the land so edged does NOT include OS Nos. 51 and 52.

Part VII: by Mr N D Smith

SLCA/1	10 May 1493	Copy of a true translation dated 31 December 1748 of a letter patent granted by Jasper Lord of Abergavenny to the within named Parishioners etc: examined with the original at a parish meeting of Lanwenarth 31 December 1748:- Letters patent of Forest Moyle, we Jasper, Brother and Uncle of Kings (H7. and H8.) granting to Parishioners, dwellers and inhabitants of our Forest of Moyle of pasture and water for all their goods and chattels there feeding for ever.
--	---	OS map 1/2500 showing Llwynfranc Farm at grid reference 32.5/19.0.

Part VIII: by Mrs J Clarke

CC/5	12 December 1969	Memorandum from County Planning Officer of Monmouthshire County Council to Clerk of the Council as to registration of grazing rights on application of Mr D Williams of Little Llwynfranc Farm together with copy particulars of sale by auction on 25 September 1916 of 84 a. No. 1r, No. 32p; "Valuable Sheep Rights to the Sugar Loaf Mountain ..." and map (Scale 1/2500) of "Little Lwyn-Frank".
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Part IX: on-behalf of the Sugar Loaf Commoners' Association

- JM/1 3 April 1969 Letter from Group Secretary of National Farmers' Union (Monmouthshire County Branch) to "all known Commoners" inviting them to a meeting on 10 April 1969 with MS record of attendance on back and notes attached.
- JM/2 10 January 1984 Letter from Nature Conservancy Council, South Wales Region headed "Site of Special Scientific Interest: Sugar Loaf Woodlands" with
(1) 10 January 1985 notification under Section 28 of the Wildlife and Countryside Act 1981.
Site (three areas being much of Unit Land) and a list of notes "notifiable operations".
- JM/3 -- Draft (with compliments of Mr S R T Sawyer, Group Secretary of NFU) Constitution of "The Sugar Loaf Commoners' Association" (46 paragraphs).
- 24 September 1970 Copy minutes of meeting of SCA including
"Mr G H W Griffith observed that the National Trust was in favour of the mountain being well grazed and in the discussion which followed it was agreed that commoners should be allowed five sheep (or their equivalent) to each acre of land farmed by a commoner. Mr A Williams proposed that a further seven sheep should be allowed for each 100 yards of mountain fence maintained by a commoner. This was seconded by Mr W E Jackson and carried unanimously. The Acting Chairman then read details of Registrations made during the first period. Of them 11 were objected to because either the number of animals or acreage held was not stated.
- JM/4-16 1982 Various agreements held by County Council as registration authority, signed M Pamela Day, Hon Sec of SLA with present owner of farm specified in the Entry No. and turn out x sheep y acreage, z yards of maintained fence, maximum of 5 sheep per acre and plus 7 sheep for each 100 yards of mountain fence agreed.



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THIRD SCHEDULE
Rights Section Registrations

Note: all the registrations are in question by reason of sub-section (7) of section 5 of the 1965 Act.

No. 1

James Thomas Smith; Bettwys Farm, Forest Coal Pit.

Objection: none particularly.

NDS and JM:- Agreed formula 5 sheep per acre makes 195 sheep (50 applied for and registered); so should be 195 sheep with no equivalent formula (such as in this Schedule and the Fourth Schedule hereto is called the cattle-horse formula).

Decision: as in Fourth Schedule hereto.

No. 2

Gladys Freda O'Brien, Cae Drain Farm, Llantilio Pertholey.

Objection: SLA66

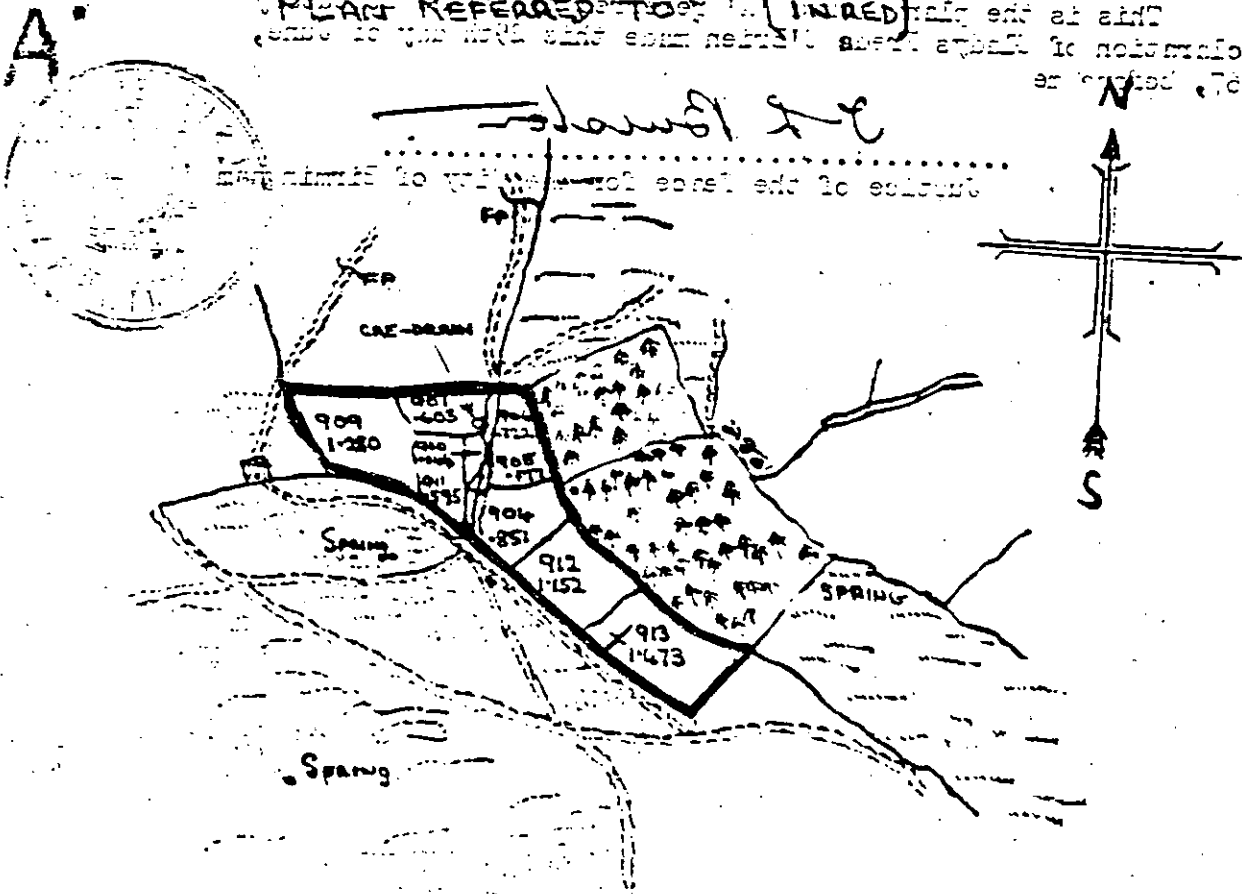
NDS and JM:- 35 sheep (applied for and registered "20 plus lambs when they arrive"): as in No. 1. The wording of column 5 is now unsatisfactory; the Committee last night (25 June) had insufficient information to make any suggestion.

Decision:- I consider (and so stated at the hearing) that if column 5 has unsatisfactory wording describing the land, I should substitute a better description if satisfied that it relevantly describes the same land. Since the hearing I have looked at the copy which I have of application No. 39 made 29 June 1967 by Mrs O'Brien to which there is annexed a plan of Cae Drain: an uncoloured copy of such plan ("the Cae Drain Decision Plan") is page 24 of this decision. On such copy I have thickened the line on the original edged red, so such thick line includes OS Nos. 904, 905, 906, 907, 909, 910, 911, 912 and 913. My decision is accordingly as stated in the Fourth Schedule hereto: but because this substitution of a reference to the Cae Decision Plan was not mentioned at the hearing, such decision is subject to the liberty to apply specified in Part IV of such Schedule.

Commons Registration Act 1965
 Re: Sugar Loaf Mountain,
 Monmouth District, Gwent. **141**
 Register Unit No. CL4.
 Ref Nos. 273/D/127-133.
 This is the Cae Drain
 Decision Plan referred
 to in and being page 24
 of the decision dated
 11 April 1988 and
 made by the Commons Commissioner
 in this Matter.

A.A. Baden Fuller.

Commons Commissioner



TOTAL AREA OF "CAE-DRAIN" + LAND
 = 6.997 ACRES.



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No. 3

R J Trant Settlement: Parc Lodge Farm, Llwyndu.

Objection: SCA66

Agreement dated 22 August (? 1982) signed Rosemary Trant: 2,800 sheep, 466.5 acres, 3¼ miles fence.

NDS AND JM:- 2,800 sheep agreed with cattle-horses formula (applied for and registered, cattle, sheep, ponies "Sans Nombre" over part): should be over whole. Column 5 should be amended as agreed yesterday (24 June).

An uncoloured extract from the map REH/8 "yesterday" referred to ("the Trant Decision Plan") is page 26 of this decision; on such extract I have thickened the line on the original coloured yellow and marked it ABCDEFGHIJ.

Decision: as in Fourth Schedule hereto.

No. 4

Norman Conyers Tooley: Maesmawr Farm, Fforest Coal Pit.

Objection: none particularly

NDS and JM:- Registration could be read as limited to part of unit land in Forest Coalpit, but SCA Committee has agreed to right extending over all. Should be 70 sheep with no cattle-horses formula but with lamb formula (applied for and registered as "graze 70 sheep") which should be over whole of Unit Land.

Decision: as in Fourth Schedule hereto.

Nos. 5, 36 and 43

(5) John Harry Trevor Parsons, Pine Grove Farm, Llanwenarth Citra; (36) Lemuel Lewis, Porth-y-Parc Farm, Rholben and Coed-y-Pen; and (43) Charles Vaughan, Hill Farm, Llangenny.

Commons Registration Act 1965
Re: Sugar Loaf Mountain,
Monmouth District, Gwent. **143**
Register Unit NO. CL4.
Ref Nos. 273/D/127-133.
This is Trant Decision
Plan referred to in and
being page 16 of the
decision dated 11
April — 1988 made by the
Commons Commissioner in
this Matter.

a. a. Bason Jiles
Commons Commissioner

REH/8

CL

Commons Registration Act 1965
Re: Sugar Loaf Mountain,
Monmouth District, Gwent. **143**
Register Unit NO. CL4.
Ref Nos. 273/D/127-133.
This is Trant Decision
Plan referred to in and
being page 16 of the
decision dated 11
April — 1988 made by the
Commons Commissioner in
this Matter.

a. a. Bason Jiles
Commons Commissioner

REH/8

CL

Commons Registration Act 1965
Re: Sugar Loaf Mountain,
Monmouth District, Gwent. 143
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Re: Sugar Loaf Mountain,
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CL

Commons Registration Act 1965
Re: Sugar Loaf Mountain,
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this Matter.

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Commons Commissioner

REH/8

CL



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Objections: (5) and (43) none particularly: (36) SCA161.

These registrations I consider together because Mr Parsons at the beginning of 26 June hearing day said he was interested in Nos. 36 and 43 and is owner of part of what was Gray Hall Farm.

NDS and JM:- Last night (25 June), for No. 5 Committee agreed 300 sheep with cattle-horses formula, estovers, bracken (formula mentioned later for No. 36) and over the whole of Unit Land, but Committee did not agree "cut trees ... pick wild fruits ... gather leaf-mould" (Applied for and registered as 300 sheep or 60 cattle or 60 horses any combination pro rata). For No. 36, Committee suggest 145 sheep with lamb formula but not cattle-horses formula and include bracken formula (wording so agreed as in Fourth Schedule hereto) but remove from registration "geese and goats" (Applied for and registered as 800 sheep with progeny until weaning time). For No. 43 Committee suggest 186 sheep with lamb formula (applied for and registered "170 ewes").

Mr J H T Parsons said (in effect):- He bought 20 acres part of Gray Hall Farm in 1972 from Mr Davies of Pyscodlin Farm, all of which has been split up. "You can leave it off. I am not pushing for that.

————— → I read out my notes about Entry Nos. 5, 36 and 43 and Mr Parsons agreed them.

Decision:- I can on the Register find nothing about Gray Hall Farm, and having regard to Mr Parsons' observations above recorded I shall do nothing about it. As to No. 5 my decision is as in the Fourth Schedule hereto. As to Nos. 36 and 43, see further below in this Schedule.

No. 6

Edith Emily Grace Watkins; Sunny View, Deriside.

Objection: SCA66

Agreement (JM/4):- 13 June 1982: 12 sheep: $\frac{1}{2}$ acre: 140 yards fence.

NDS and JM:- Agreed 12 sheep cattle-horses formula applicable; (? evidence will be given no fence): pannage and pigs out: estovers in: bracken formula in.

Decision:- I have no evidence for "... moss, leaf mould ... kindling wood ... peasticks, bean piles ... fruit....." so as not agreed should be avoided save as comprehended in estovers. So as in the Fourth Schedule hereto.



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No. 7

John Arthur Eckley; The Hamlet, Deriside

Objection: SCA66

Agreement JM/5:- 13 June 1982: 19 sheep, 2 acres, 130 yards fence:
signed R ... Harris as present owner.

NDS and JM:- Committee agree 19 sheep and cattle-horses formula, estovers
and bracken formula (Applied for and registered "... 20 sheep or 5 horses ...")

Decision:- I have no evidence for "pannage ... leaf mould ... fruits ... kindling
wood, pea sticks, bean poles" so I avoid those words save as comprehended in estovers.
So decision as in Fourth Schedule hereto.

No. 8

Mrs Gwendoline Ellen Dann and Miss Mary Pamela Dann; Deri Cottage, Fforest.

Objection: none particularly.

NDS and JM:- Should be 20 sheep and a lamb formula, estovers, and over whole
(Applied for and registered "6 goats ... estovers ...
with right to gather moss). Miss Dann said her mother died in 1973 and she now owns
the Cottage. She agreed NDS and JM.

Decision:- Avoid goats and moss. So decision as in Fourth Schedule hereto.

No. 9

Gerald Hubert Pritchard; Pen-yr-wyrlod Farm, Llangenny.

Objection: none particularly.

NDS and JM:- Should be 335 sheep with cattle-horses formula, and estovers; out
"moss, whimberries, blackberries and watercress" (application and registration was
"335 sheep or 80 cattle or 80 horses or any combination, estovers ...")

Decision: as in Fourth Schedule hereto.



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No. 10

Gordon David Watkins: Upper House Farm, Llanwenarth Citra.

Objection: SCA66.

Agreement JM/6:- 10 October 1982; 234 sheep, 46 $\frac{1}{2}$ acres: nil fence.

NDS and JM:- 234 sheep and lamb formula: over whole (Applied for and registered: ... 355 sheep over part ...).

Decision:- as in Fourth Schedule hereto.

No. 11

William Allen Bailey; Upper House, Pantygelli.

Objection: SCA66.

Agreement JM/7:- 8 October 1982; 405 sheep, 65 acres, 1,000 yards fence: signed M Herring as present owner.

NDS and JM:- 405 sheep with lamb formula; over whole (Applied for and registered ... 495 sheep ... over part).

Decision:- as in Fourth Schedule hereto.

No. 12

Thomas Cecil Powell; Great Gott Farm, Llantilio Pertholey.

Objection: SCA66.

Agreement JM/8:- 10 September 1982; 846 sheep, 165 acres, 300 yards fence; signed D J Powell as present owner.

NDS and JM:- 846 sheep and lamb formula over whole (Applied for and registered 1,185 sheep ... over part).

Decision:- as in Fourth Schedule.



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No. 13

George Eric Smith; Tynywern Farm, Llantilio, Pertholey.

Objection: SCA66.

Agreement JM/9:- 15 October 1982; 375 sheep, 75 acres, nil fence.

NDS and JM:- Confirmation of this registration should be refused (Applied for "... graze sheep as follows: 75 acres of enclosed land @ 7 per acre = 525 sheep ..."; registered "graze as follows, 75 acres of enclosed land @ 7 per acre (sheep ...)". Later (27 June): SCA now abandoned suggestion made this morning that confirmation should be refused: having regard to JM/9 should be: 375 sheep, lamb formula over whole.

Decision: as in Fourth Schedule hereto.

No. 14

Denver John Green; Ty-Pant, Forest Coal Pit.

Objection: none particularly.

NDS and JM:- 40 sheep and lamb formula; bracken formula (application and registration to this effect).

Decision:- as in Fourth Schedule hereto.

No. 15

Charles Thomas Price; Blaen Awe Betws.

Objection; none particularly.

NDS and JM:- 650 sheep and lamb formula. Committee at their meeting last night (25 June) justified increase on acreage (application and registration was for 600 sheep) as to increase see No. 19 below.

Decision:- as in Fourth Schedule hereto.



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No. 16

Fred Lewis Rees; Lyndhurst, Forest Coalpit.

Objection: none particularly.

NDS and JM:- 35 sheep and lamb formula; Committee last night (25 June) justified increase on acreage (Applied for and registered: "... 20 sheep"). As to increase see No. 19 below.

Decision:- as in Fourth Schedule hereto.

No. 17

Thomas Haynes; Ty Canol Farm, Forest Coalpit.

Objection: none particularly.

NDS and JM:- 500 sheep and lamb formula; Committee last night (25 June) justified increase on acreage (Applied for and registered "... 225 sheep"). As to increase see No. 19 below.

Decision: as in Fourth Schedule hereto.

No. 18

Geoffrey Brandon Taylor; Ty'n-y-Fro, Llangenny.

Objection: none particularly.

NDS and JM:- 30 sheep, cattle-horses formula; estovers (Applied for and registered: "... 80 sheep, 20 cattle or 20 horses ... estovers ...").

Decision:- as in Fourth Schedule hereto.



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No. 19

Reginald Thomas Lewis; Ty Mawr Farm, Llangenny.

Objection: none particularly.

NDS and JM:- Committee last night increased to 300 sheep. The only way to get agreement at the meeting was to up some of the numbers following the formula 5 to the acre (as had been agreed with others). (Applied for and registered: "... 120 sheep").

Decision:- as in Fourth Schedule hereto.

No. 20

Jack Hughes; Pengilfach, Llangenny.

Objection: none particularly.

NDS and JM:- 450 sheep and cattle-horses formula (Applied for and registered: "... 230 sheep or 46 cattle or 46 horses ..."). As to increase see No. 19 above.

Decision:- as in Fourth Schedule hereto.

No. 21

Cyril John Hughes: Little Pengilfach, Llangenny.

Objection: none particularly.

NDS and JM:- 450 sheep, cattle-horses formula, over whole (Applied for and registered: "... 160 sheep or 32 cattle or 32 horses ..."). As to increase, see No. 19 above.

Decision: as in Fourth Schedule hereto.



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No. 22

Kenneth Norberth Davies, the Rock Bungalow, Llwynddu.

Objection: SCA66.

Agreement (JM/10):- 6 September 1982; 20 sheep, 2 acres, 140 yards fence: signed Bryn H Watkins as present owner.

NDS and JM:- 20 sheep, cattle-horses formula, and estovers; but out "whinberries" etc and "mistletoe" etc (Applied for and registered: "... 12 sheep or 2 cattle or 2 horses ... estovers ... Whinberries ... moss, mistletoe, holly ... timber for fencing ... bean poles ...").

Decision: as in Fourth Schedule hereto.

No. 23

George Howell Howells, Upper House, Llanwenarth Citra.

Objection: none particularly.

NDS and JM:- 40 sheep, lamb formula, estovers, bracken formula (Applied for and registered: "... 40 sheep, bracken ("estovers") ...").

Decision: as in Fourth Schedule hereto.

No. 24

Dorothy Williams; Lower Cefn Minog, Fforest Coalpit.

Objection: none particularly.

NDS and JM:- 24 sheep, cattle-horses formula, estovers, bracken formula (Applied for and registered: "... 24 sheep and 4 cattle ... material for repairing roadway ... cut bedding ... firewood ...").

Decision: Avoid repairing, bedding and firewood; so as in Fourth Schedule hereto.



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No. 25

Thomas and Olive Gertrud Beynon; Penyrheol Farm.

Objection: SCA66.

NDS and JM:- 100 sheep, cattle-horses formula, (Applied for and registered: "... 100 sheep, 10 cattle ...").

Decision: as in Fourth Schedule hereto.

No. 26

Gwenith Mary Hargest & Joan Hein Hargest; the Studio, Llanbedr, Crickhowell.

Objection: none particularly.

Letter dated 24 Feb 87, from Stephen and Gillian Williams: they are the owners.

NDS and JM:- No grazing right registered, therefore estovers only (Applied for "... estovers ... gather moss ... whinberries and leafmould ..."; registered "To graze - Common of estovers, to gather moss, whinberries ... leafmould ...").

Decision: as in Fourth Schedule hereto.

No. 27

Eustace Lawson Pugh; Brynheulwen, Llangenny, Crickhowell.

Objection:- none particularly.

DJS and JM:- Committee have no knowledge of this land (4.057 acres); suggest 20 sheep, lamb formula, estovers (Applied for and registered: "... 20 sheep ... estovers ... gather moss, watercress ... blackberries and other wild fruit ...").

Decision:- Avoid moss etc; as in Fourth Schedule hereto.



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No. 28

William Gordon Lewis: Great Llwyngwyn Farm and Pendwyn Lands, Llanvihangel Crucorney and Llantilio Pertholey.

Objection:- none particularly.

NDS and JM:- Last night (26 June) SCA Committee agreed the formula of 5 sheep for every acre of inby land, which gives the number 835 sheep; therefore should be, 835 sheep, cattle-horses formula, bracken formula (Applied for and registered: "... 250 sheep or 20 ponies or 20 cattle ... cut and take bracken ..."). As to increase, see No. 19 above.

Decision: as in Fourth Schedule hereto.

No. 29

Mary Margaretta Harris; Tyrwen Farm, Llwyndu.

Objection: SCA 66.

NDS and JM:- 710 sheep, lamb formula, estovers, bracken formula (Applied for and registered: "... 710 sheep ... bracken ... estovers ...").

Decision: as in Fourth Schedule hereto.

No. 30

Colin Stafford Smith, Penygraig Farm and Llyweddreg Farm, Llanwenarth Citra.

Objection: none particularly.

Agreement (JM/12) about rights attached to Cwmcegyr Farm, Llangenny relates, see Entry No. 37 below.

NDS and JM:- Should be 1497 sheep, cattle-horses formula, whole (Applied for and registered: "... 1960 ewes or equivalent of cattle over part of land described in the registered unit coloured green"). See No. 37 below.

Decision: as in Fourth Schedule hereto.



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No. 31

Lewis Stephen Bradley; East View, The Deri.

Objection: none particularly.

NDS and JM:- 24 sheep, cattle-horses formula, estovers (applied for and registered: "24 sheep or 6 cattle or 6 horses ... gather moss, whimberries ... estovers ...").

Decisions: Avoid moss etc; as in Fourth Schedule hereto.

No. 32

Rumsey Watkin Rumsey; Gobpwalla, Llangenny, Crickhowell.

Objection:- none particularly.

NDS and JM:- SCA Committee on acreage calculated number should be 105 sheep, therefore 105 sheep, cattle-horses formula (Applied for and registered:- "70 sheep or 14 cattle or 14 horses ...").

As to increase see No. 19 above.

Decision as in Fourth Schedule hereto.

No. 33

Rumsey Watkin Rumsey, Gellyrhydd, Llangenny, Crickhowell.

Objection: none particularly.

NDJ and JM:- Same applicant as No. 32 but a different farm. SCA Committee last night (25 June) increase numbers having regard to acreage 625 sheep; cattle-horses formula applicable (Applied for and registered: "... 400 sheep or 80 cattle or 80 horses ...").

Decision as in Fourth Schedule hereto.



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No. 34.

David Charles Thomas Nicholls; Hall Farm, Llangenny, Crickhowell.

Objection:- none particularly.

NDS and JM:- SCA Committee last night on acreage basis suggest 900 sheep; cattle-horses formula applicable (Applied for and registered: "... 540 sheep or 90 cattle or 90 ponies ...").

As to increase, see No. 19 above.

Decision as in Fourth Schedule hereto.

No. 35

William Edward Jackson; Upper Cefn Mainog, Llantilio Pertholey.

Objection: none particularly.

NDS and JM:- 73 sheep, cattle-horses formula, whole (Applied for and registered: "... 73 sheep ... over part of the land coloured green").

Decision as in Fourth Schedule hereto.

No. 36 (see No. 5 above)

Lemuel Lewis, Porth-y-Parc, Rholben and Coed-y-Person.

Objection, SCA 161.

Agreement (JM/11):- June 13 1982. 259 sheep, 35 acres, 1250 yards fence: signed S L Lewis as present owner.

NDS and JM:- 1982 Mr S L Lewis (successor of his father L Lewis who died 1969) agreed with SCA the number 259 for Porth-y-Parc and Rholben. This morning (26 June) it was agreed between SCA and Mr Parsons (see under Entry No. 5 above) 145 sheep for Coed-y-Person (making 404 altogether). Therefore if the Commissioner is concerned only with the date of registration the number should be 404 sheep (Applied for and registered: "80 sheep ... geese and goats ... bracken ..."). Exclude geese and goats but include bracken formula.

Decision: Avoid geese and goats, as in Fourth Schedule hereto.



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No. 37

Arthur William Webb: Cwmcegyr Farm, Llangenny.

Objection: none particularly.

Agreement (JM/12): March 7 1972: CL4, amend "attached to Cwm Cegyr Farm ..." (Entry No. 37 column 4 "to graze 165 sheep or part equivalent - cattle over part of the land described in this register unit and coloured green"; "and attach to Penygraig and Llyweddrog Farms, Entry No. 30 column 4 to read: "To graze 1497 ewes or equivalent of cattle over part of the land described in this register unit coloured green".

NDS and JM:- Should be 165 sheep with cattle-horses formula, over whole (Applied for and registered: "... 217 sheep or part equivalent in cattle over part of the land ... coloured green").

Decision: as in Fourth Schedule hereto.

No. 38

Edward Phillips; Golden Grove, Llangenny, Crickhowell.

Objection: SCA 161.

Agreement (JM/13):- June 13 1982: 35 sheep, 7 acres, fence nil yards.

NDS and JM:- Should be 35 sheep and lamb formula, estovers (Applied for and registered: "... 50 sheep or 10 cattle ... estovers ... whimberries ... moss ...").

Decision:- Avoid whimberries etc, so as in Fourth Schedule hereto.

No. 39

Mary Louise Lysaght; Pentwyn Farm, formerly Danycefn Farm and Pentwyn land, Llangenny.

Objection: None particularly.

NDS and JM:- The area of these lands given in the application for the registration is 165.920 acres. The SCA Committee accept this, so the number (5 to the acre) should be 830 sheep; suggest 830 sheep, cattle-horses formula, bracken formula, estovers (Applied for and registered "... 830 sheep ... 207 cattle ... 207 ponies ... cut and take bracken (estovers)").

Decision: as in Fourth Schedule hereto.



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No. 40

William Hanbury Evans and Jean Elizabeth Evans: The Nook, Llwyndu.

Objection: none particularly.

NDS and JM:- The land comprises 2 acres. Suggest 10 sheep, cattle-horses formula, over whole (Applied for and registered: "Common of pasturage ... 6 sheep or 2 ponies over the Deri Mountain being part ... Register Unit").

Decision: as in Fourth Schedule hereto.

No. 41 replaced by Nos 51 and 52

(41) The Director, Triley Court Estates Ltd; Triley Court Farm. (51) K A Wiltshire (graze 35 sheep); Triley Court Farm. (52) R Smith (graze 115 sheep), Triley Court Farm.

Objection: none particularly.

NDS and JM:- No. 51 for 35 sheep, is attached to 7 acres formerly part of Triley Court Farm, and known as the Gardener's Cottage, Pantygelli. No. 52 for 115 sheep, is attached to 60 acres being the remainder of what was, and the whole of what is Triley Court Farm. Mr R Smith was the father (now deceased) of Mr N D Smith (Applied for and registered in 1969 as "No. 41: "... graze 45 sheep ..." attached to "Triley Court Farm". MS Register alteration to 150 sheep. Registration at Nos 51 and 52, dated 15-4-86 as above). Suggest column 5 of No. 51 be corrected to "Gardener's Cottage, Pantygelli"; otherwise 150 sheep for No. 41 should be replaced by 335 sheep, and 35 and 115 sheep for Nos 51 and 52 replaced by 35 and 300 sheep.

Decision: as in Fourth Schedule hereto.

No. 42

William Morgan; Cap Glace, Llantilio Pertholey.

Objection: none particularly.

NDS and JM:- It is 9 acres, therefore 45 sheep, lamb formula, bracken formula (Applied for and registered: "... 22 sheep and to cut fern ...").

Decision: as in Fourth Schedule hereto.



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No. 43 (see No. 5 above)

Charles Vaughan; Hill Farm, known as Cwm Farm, Llangenny.

Objection: none particularly.

NDS and JM:- 400 sheep, lamb formula (Applied for and registered: "... 170 ewes ...").

Decision:- I have no note of being told acreage but infer 80 acres from the figure 400 which I did note. So as in Fourth Schedule hereto.

No. 44

Herbert Kenneth Bromwell, Tyerwen Farm, Llanwenarth Citra.

Objection: none particularly.

NDS and JM:- 455 sheep, lamb formula, bracken formula (Applied for and registered "... 150 sheep ..."; "Tyerwen Farm ... 91.195 acres ...").

Decision: as in Fourth Schedule hereto.

No. 45

D Williams: Little Llwynfranc Farm, Llanvihangel Crucorney.

Objection: SCA 160.

Oral evidence against registration by Mrs G M Herring and Mr S L Lewis. Document against registration, SLCA/1. Document possibly for registration specified in Part VIII of Second Schedule hereto.

Decision:- See under heading: Rights Section. Confirmation REFUSED, as in Fourth Schedule hereto.



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No. 46

Charles Bateman Robert Fetherstonhaugh: Trewescoed, Llantilio Pertholey.

Objection: none particularly.

Agreement (JM/14):- 1 December 1982. "Following sale of land ... 1. Mrs F Fetherstonhaugh ... (96.304 acres plus 700 yards of mountain fence) 72 sheep ...; 2. C Alford (17.462 acres) ...; 3. Miss B Barnes ... (11.655 acres) 56 sheep ...; 4. H Pugh ... (12.115 acres) 61 sheep ...". MS addition "4. R J Morgan, Dolwen, Fforest Coalpit 26 acres: 100 sheep ...". Explanatory letter, December 1 1982 from Hon Sec SCA:- "... Mr C Alford ... wishes now to cancel his rights ... Mr B Taylor ... has now moved to Tynycoed ... rights now attached to Tynycoed".

NDS and JM:- 26 acres is part of the farm. Suggest 815 sheep (that is 5 times 163 acres, being 72 + 56 + 61 - 26 acres), lamb formula, bracken formula (Applied for and registered: "... 750 sheep, 125 cattle, 125 ponies ... bracken ...").

Decision: as in Fourth Schedule hereto.

No. 47

A Morgan; Green Farm and Pentre Farm, Llanwenarth Citra.

Objection: SCA 161.

Agreement (JM/15):- October 27 1982: part: 175 sheep, 28 acres, 500 yards: signed, W D Bevan as present owner of part.

Agreement (JM/16): October 22 1982: part: 250 sheep, 50 acres, nil fence: signed E M Cronk as present owner of part.

NDS and JM:- Suggest 425 sheep for whole Entry (being 175 plus 250), lamb formula ("Applied for and registered "... 7 sheep per acre and 7 sheep per 100 yards of hill fence ...").

Decision:- I am not concerned with the before October 1982 split; although about it on the Register there are some MS additions, there is no formal alteration in the Register; so decision as in Fourth Schedule hereto.



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No. 48

Robert Penry Hamer; Penlan Farm, Llangenny.

Objection:- none particularly.

NDS and JM:- Application was for 170 acres; suggest 850 sheep, cattle-horses formula, bracken formula (Applied for and registered: "... 430 sheep or 86 cattle or 86 horses ... bracken ...").

Decision: as in Fourth Schedule hereto.

No. 49

Rumsey Watkin Rumsey; Ty Canol Farm, Llangenny.

Objection: none particularly.

NDS and JM:- This registration is the same as No. 17 and should therefore be refused.

Decision:- This registration (300 sheep) was made on the application of Mr Rumsey as owner; No. 17 (225 sheep) was made on the application of Mr T Haynes as tenant; they cannot both stand. Confirmation of this registration No. 49 is REFUSED, as stated in Fourth Schedule hereto.

No. 50

Cecily Helena Elizabeth Veale; Duffryn Farm, Llantilio Pertholey and Llanwenarth.

Objection: none particularly.

NDS and JM:- In her application area said to be 150.389 acres; therefore suggest 750 sheep, cattle-horses formula, bracken formula (Applied for and registered: "... 750 sheep or 75 ponies or 75 cattle ... bracken").

Decision as in Fourth Schedule hereto.

Nos. 51 and 52

See No. 41 above.



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FOURTH SCHEDULE (Decision Table)

Part I: Land Section

I CONFIRM the registration at Entry No. 1 with the modification that there be removed from the Register:-

(A) The areas OS Nos 51 and 52 containing 4.061 and 3.219 acres for the purpose of identification on the Park Lodge Decision Plan marked "O.S 51; O.S 52" and thereon bounded on the northwest and southwest sides by a thick black line (here intended to be the same as the boundary of the Unit Land) and on the northeast and southeast by a thin black line.

(B) The area known as Ty-Rholben hatched blue on the plan referred to in Objection No. 74, being the same as OS Nos. 94, 96, 97 and 98 edged with a thin black line and hatched with thin black lines on the Porth-y-Parc Decision Plan; and

(C) The area within the triangle marked PQR on the Yew Tree Cottage Decision Plan, the lines QR and RP being intended to be the same as the boundary of the Unit Land.

Part II: Rights Section

(A) In this Part:-

(i) "the cattle-horses formula" means after words "graze x sheep ..." or any like words continue "... or equivalent (1 head of cattle equals 6 sheep, 1 horse or pony equals 6 sheep, or any combination; one sheep includes one lamb until weaning)".

(ii) "the lamb formula" means after words "graze y sheep" or any like words, continue "..., one sheep includes one lamb until weaning".

(iii) "the bracken formula" means after the preceding words continue "cut and take bracken for the requirements of the holding".

(B) I REFUSE to confirm (i) the Rights Section registration at Entry No. 45, made on the application of D Williams and put wholly in question by SCA Objection No. 160; and (ii) the Rights Section registration at Entry No. 49 made on the application of R W Rumsey and being a duplicate of that made at Entry No. 17 made on the application of T Haynes.

(C) I CONFIRM the Rights Section registrations included in the list at the end of this paragraph with such modification as is necessarily consequential on the removal from the Register of the areas specified in Part I above and with the modification that column 4 shall become as follows:- (1) in every case it shall begin "To graze x sheep", the number x being the number of sheep specified in the said list; (2) if "cattle-horses formula" is specified in the list, column 4 shall continue with the cattle-horses formula in this part before defined, or if "lamb formula" is specified in the list column 4 shall continue with the land formula in this Part before defined; (3) if bracken formula is specified in the list, column 4 shall next continue with the bracken formula in this part before defined; (4) if estovers is specified in the list, column 4 shall then continue with the "Estovers"; (5) in all cases column 4 shall conclude with "over the whole of the land described in this register unit" AND such further modification is any (eg to column 5) as may for any Entry No. in the said list be specified. The list so referred to is:-



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yellow OS. No. 14, 27, 26 ...
(etc to) ... 49a, 104, 104a

- No. 1, J T Smith:- 195 sheep, lamb formula.
- No. 2, G F O'Brien:- 35 sheep, lamb formula. Add at the end of column 5 "as edged red on supplemental map bearing the number of this registration", such map to be prepared by Gwent County Council as registration authority so as to show edged red thereon OS Nos. 904, 905, 906, 907, 909, 910, 911, 912 and 913 as edged with a thick black line on the Cae Drain Decision Plan.
- No. 3, R J Trant Settlement:- 2,800 sheep, cattle-horses formula. In column 5 delete "(edged ~~yellow~~)" and add at the end "edged yellow on supplemental map bearing the number of this registration", such map to be prepared by Gwent County Council as registration authority so as to show edged yellow thereon the land on the Trant Decision Plan edged with a thick black line marked "ABCDEFGH IJ".
- No. 4, N C Tooley:- 70 sheep, lamb formula.
- No. 5, J H T Parsons:- 300 sheep, cattle-horses formula, bracken formula, estovers.
- No. 6, E M G Watkins:- 12 sheep, cattle-horses formula, bracken formula, estovers.
- No. 7, J A Eckley:- 19 sheep, cattle-horses formula, bracken formula, estovers.
- No. 9, G H Pritchard:- 335 sheep, cattle-horses formula, estovers:
- No. 10, G D Watkins:- 234 sheep, lamb formula.
- No. 11, W A Bailey:- 405 sheep, lamb formula.
- No. 12, T C Powell:- 846 sheep, lamb formula.
- No. 13, G E Smith:- 375 sheep, lamb formula.
- No. 14, D J Green:- 40 sheep, lamb formula.
- No. 15, C T Price:- 650 sheep, lamb formula.
- No. 16, F L Rees:- 35 sheep, lamb formula.
- No. 17, T Haynes:- 500 sheep, lamb formula.
- No. 18, G B Taylor:- 80 sheep, cattle-horses formula.
- No. 19, R T Lewis:- 300 sheep, lamb formula.
- No. 20, Jack Hughes:- 450 sheep, cattle-horse formula.
- No. 21, Cyril J Hughes:- 450 sheep, cattle-horses formula.
- No. 22, K N Davies:- 20 sheep, cattle-horses formula, estovers.
- No. 23, G H Howells:- 40 sheep, lamb formula, bracken, estovers.
- No. 24, D Williams:- 24 sheep, cattle-horses formula, bracken, estovers.
- No. 25, T and O G Beynon:- 100 sheep, cattle-horses formula.
- No. 27, E L Pugh:- 20 sheep, lamb formula, estovers.
- No. 28, William Gordon Lewis:- 835 sheep, cattle-horses formula, bracken formula.
- No. 29, M M Harris:- 710 sheep, sheep formula, bracken formula, estovers.
- No. 30, C S Smith:- 1497 sheep, cattle-horses formula.
- No. 31, L S Bradley:- 24 sheep, cattle-horses formula, estovers.
- No. 32, R W Rumsey:- 105 sheep, cattle-horses formula.
- No. 33, R W Rumsey:- 625 sheep, cattle-horses formula.
- No. 34, D C T Nicholls:- 900 sheep, cattle-horses formula.
- No. 35, W E Jackson:- 73 sheep, cattle-horses formula.
- No. 36, L Lewis:- 404 sheep, lamb formula, bracken.
- No. 37, A W Webb:- 165 sheep, cattle-horses formula.
- No. 38, E Phillips:- 35 sheep, cattle-horses formula, estovers.
- No. 8, G E Dann and M P Dann:- 20 sheep, lamb formula.



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- No. 39, M L Lysaght:- 830 sheep, cattle-horses formula, bracken formula, estovers.
 No. 40, W H Evans and J E Evans:- 10 sheep, cattle-horses formula.
 No. 41, Director Triley Court Estates Ltd:- 335 sheep, lamb formula. Replaced by
 No. 51, K A Wiltshire:- 35 sheep, lamb formula and in column 5 for "Part of
 Triley Court Farm" substitute "The Gardener's Cottage formerly part of the Triley
 Court Estate, Pantygelli"; AND No. 51, R Smith:- 300 sheep, lamb formula; and in
 column 5 for "Part of Triley Court Farm" substitute "Triley Court Farm".
 No. 42, W Morgan:- 45 sheep, lamb formula.
 No. 43, Charles Vaughan:- 400 sheep, lamb formula.
 No. 44, H K Bromwell:- 455 sheep, lamb formula.
 No. 46, C B R Fetherstonhaugh:- 815 sheep, lamb formula, bracken formula.
 No. 47, A Morgan:- 425 sheep, lamb formula.
 No. 48, R B Hamer:- 850 sheep, cattle-horses formula, bracken formula.
 No. 50, C H E Veale:- 750 sheep, cattle-horses formula, bracken formula.

(D) I CONFIRM the Rights Section registration at Entry No. 26 which was made on the application of G M Hargest and J H Hargest and was the only registration which did not include any right to graze, with such modification as is necessarily consequential on the removal from the Register of the areas specified in Part I above and with the modification that column 4 shall become as follows:- "right of estovers over the whole of the land described in this register unit".

Part III: Ownership Section

I CONFIRM the registration (National Trust) at Entry No. 2 without any modification save such if any as is necessarily consequential on the removal from the Register of the areas specified in Part I of this Schedule.

Part III: Liberty to apply

As explained under the heading Final, some parts of this decision are subject to any application which may be made under any liberty in this decision contained to apply to a Commons Commissioner to correct or amend such parts. Any person wanting any such correction or amendment should apply for it within THREE MONTHS of this decision being sent out to those concerned with it and such application should otherwise fulfil the requirements specified under such heading.

Dated this 11th day of April 1988

CORRECTED at page 11 line 6, page 12
 line 13 and page 44 line 8
 A. A. Baden Fuller
 11 January 1989

A. A. Baden Fuller
 Commons Commissioner