



COMMONS REGISTRATION ACT 1965

Reference Nos 50/D/2

In the Matter of Land known
as Traeth-y-Foryd in the
Parish of Llanwnda

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. C.L.95 in the Register of Common Land maintained by the Caernarvonshire County Council and is occasioned by Objection No. 9 made by the Crown Estate Commissioners and noted in the Register on 5th May 1969.

I held a hearing for the purpose of inquiring into the dispute at Bangor on 5th December 1972. The hearing was attended by Mr. W.H. Jones, Clerk to Llanwnda Parish Council; Mr. R.G. Woolley (instructed by the Treasury Solicitor) on behalf of the objector; and Mr. C.C. Wright, the owner of Penrhyn Farm.

It is plain that the whole of the land comprised in Register Unit No. C.L.95 (except a relatively small portion at the northern end, which is the subject of the Object No. 23 made by the Public Trustee, and a small portion at the southern end mentioned below) consists of foreshore and riverbed below high-water mark. In my view, the registration of this land as common land was made without a shadow of justification, and the present clerk to Llanwnda Parish Council in effect admitted that this was so. I also consider that the Parish Council failed to make it clear to the Treasury Solicitor, in sufficient time before the hearing, that the Parish Council accepted that the objection made by the Crown Estate Commissioners was well-founded.

It also appeared that a small portion of the land comprised in Register Unit No. C.L.95, situated at the southern end, was in the occupation of Mr. C.C. Wright, the owner of Penrhyn Farm. The Parish Council made no attempt at the hearing to establish that this portion was common land.

For these reasons and for the reasons appearing from my decision under the reference No. 50/D/1 I refuse to confirm the registration.

shall
I order Llanwnda Parish Council to pay on the County Court Scale 2 the costs incurred by the Crown Estate Commissioners in respect of these proceedings.

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 24 day of January 1973

A.E. Francis

Commons Commissioner