



In the Matter of a Tract of Land known as  
Coed Drysiog Llanfihangel, Nantbran

DECISION

This dispute relates to the registration at Entry Nos. 1-6 in the Rights Section of Register Unit No. CL 92 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 705-708 made respectively by Messrs Williams Bros and the Brecknock County Naturalists Trust limited and noted in the Register on 12 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 17 November 1983. The hearing was attended by Mr D L Owens, the applicant at Rights Entry Nos. 1-3 appeared in person and the Brecknock County Naturalists Trust was represented by its Honorary Secretary Mr E C Bartlett.

Mr Owens said that he had occupied the four farms in respect of which the applications were made since 1943, first as tenant and since 1955 as owner. He was no longer the owner of Llwyallwyd Farm. He had exercised the rights claimed regularly since 1943 for maintaining hedges and fences and general purposes on the farms. No one had ever tried to stop him doing this.

In answer to questions by Mr Bartlett, Mr Owens said that he last cut a tree of 18" diameter about four years ago when he repaired a fence near the river. He had some riverside woodland the produce of which he used on his farms. He was not prepared to relinquish his claims. Mr Bartlett said that the Trust had required the Common because of the importance of its wildlife. There were 125 different species and it was registered as a site of Scientific interest.

I was informed that the registration at Rights Entry 4 was no longer disputed and those at Rights Entry Nos. 5 & 6 had been withdrawn.

I saw no reason to doubt Mr Owen's evidence which was not at all shaken in cross-examination.

For these reasons I confirm the registrations at Entry Nos. 1-4 and refuse to confirm the registrations at Entry Nos. 5 & 6.

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

15<sup>th</sup>

day of

December

1983

*George Herbert*

Commons Commissioner