
Application by RWE Renewables UK Swindon Limited for consent
to deregister and exchange common land and to carry out
works on common land at Pen March in the County Boroughs
of Caerphilly, and Merthyr Tydfil, Mid Glamorgan.

Report on Common Land

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Appendix 1 – CL38 – Summary of Common Land Register

REPORT BY CHRISTOPHER HADLEY BSc (Hons) Agric. FBIAC

1 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Christopher Hadley and I hold a Bachelor of Science degree (Honours Agriculture) from the University College of North Wales Bangor. I am a Fellow of the British Institute of Agricultural Consultants and a member of the Scottish Agricultural Arbiters and Valuers Association.
- 1.2 I am a Director with Savills and a senior consultant in their Agribusiness Department. I practice from Savills' office at, Earn House, Lamberkine Drive, Perth, PH1 1RA. Savills merged with Smiths Gore in June 2015. Having originally joined Smiths Gore's Edinburgh office in 1990, to deliver farm business consultancy advice throughout Northumberland and all regions of Scotland, I continue to do so following the merger.
- 1.3 Prior to joining Smiths Gore I worked for 12 years as a Farms and Estate Manager on private agricultural businesses in Shropshire and Nottinghamshire. The practical, hands-on roles combined with my consultancy experience have given me considerable exposure to all aspects of agriculture, both livestock and arable, in a wide range of geographical areas.
- 1.4 In my present position I advise on a wide range of agricultural enterprises including lowland and upland livestock. I have given agricultural expert witness opinion at eight previous wind farm application public inquiries concerning agricultural and common land issues (Scout Moor, Whinash, Crook Hill, Reaps Moss, Todmorden and Mynydd y Gwair first, second and third Applications).

2 INTRODUCTION

- 2.1 I am instructed by RWE Renewables UK Swindon Limited, (hereafter referred to as the "Applicant"), to consider the proposals for a wind farm development (the "Proposed Scheme") predominately situated on registered common land at Pen March on Gelligaer and Merthyr Common (Common Land Unit 38) (the "Common"), in the local administrative areas of Merthyr Tydfil, and Caerphilly, from an agricultural perspective in connection with Section 16 and Section 38 applications under the Commons Act 2006 (the "Act"), to release land from, and carry out restricted works on, the Common to facilitate the construction of the wind farm.
- 2.2 This Report considers the impacts on the Common arising from the Proposed Scheme as set out in the Commons Act 2006 including the agricultural aspects of the Common and the interests of the commoners with regard to these applications.
- 2.3 I visited the Common on Wednesday 28th July 2021 and had opportunity to walk over the Common and see the proposed locations of the six 180m maximum tip height wind

turbines and view both the proposed Release and Replacement Land, together with the wider area of the Common. I made additional visits to the Common on 20th and 21st October 2021 when a further walkover was taken in addition to meeting and speaking to some of the active common land graziers.

- 2.4 The opinions and views which I have prepared and provide in this Report in support of the common land applications are my true and professional opinions.

3 THE LEGAL FRAMEWORK

- 3.1 The Commons Act 2006, together with other legislation relating to common land, enables the Welsh Government to safeguard commons for the current and future generations to use and enjoy, ensure that the open and unenclosed nature of common land is reserved, and where applicable increase the number of Sites of Special Scientific Interest in favourable condition.

- 3.2 In order for the Proposed Scheme to be carried out, which will result in a lasting change to the Common, an application under Section 16 of the Act is required to deregister and release land from the Common.

- 3.3 The common land to be deregistered is called “Release Land”. If the Release Land is more than 200sqm then the application may include a proposal to register Replacement Land in exchange of the Release Land. To construct the Proposed Scheme, more than 200sqm of Release Land will be required from the Common, so Replacement Land will be provided.

- 3.4 In addition, consent is required pursuant to section 38 of the Act to undertake “Restricted Works”. Restricted Works are those which have the effect of preventing or impeding access to or over any land to which this section applies and/or works for the resurfacing of land. This includes examples such as the trenching in of a power cable or temporary fencing around an area of habitat restoration, which will not result in a lasting change on the Common.

- 3.5 Section 38 applications do not require the provision of Replacement Land.

- 3.6 The Development of National Significance regime, under which the Proposed Scheme will be consented, amends the Regulations governing the procedure for the making and determination of applications under Sections 16 and 38 of the Act. While the procedure has been amended to align with the determination of the planning application, the tests which must be taken into account when determining the common land application remain unchanged.

- 3.7 In August 2014 the Welsh Government published guidance for the determination of common land applications, entitled *Common Land Consents Guidance* (the “Guidance”).

The Guidance explains that the Welsh Ministers and Planning Inspectorate Wales (now Planning and Environment Decisions Wales) will follow the Guidance in processing and determining applications under Section 16 and Section 38 of the Act.

3.8 Section 3 of the Guidance headed: *Protecting commons-our policy objectives*, explains why the Welsh Government wishes to protect common land in recognition of its importance to a number of its strategic objectives.

3.9 To achieve these goals the Welsh Government has a consent/approval process in place which must be applied to any application to undertake works on common land to ensure that:

- (a) the stock of common land is not diminished. Ensuring that on balance any deregistration of registered land is balanced by the registration of other land of at least equal benefit;
- (b) works only take place on common land when they maintain or improve the condition of the common or, in exceptional circumstances, where they confer some wider public benefit and are either temporary in duration or have no lasting impact: and
- (c) any use of common land is consistent with its status as common land.

3.10 Whether the application should be a section 16 or section 38 application is one for the applicant to determine and there is no exhaustive list of works that are restricted. However, the Guidance at paragraphs 4.12 and 4.13 states:

4.12 *Some proposed works on common land do not benefit the common but nevertheless there is a potential underlying public benefit, for example works for the generation of sustainable energy (wind farms).*

4.13 *The Welsh Government wishes to promote sustainable energy generation in an appropriate setting but, equally, its policy is to ensure that the stock of commons is not diminished, that works on common land must maintain or improve the condition of the common, and the use must be consistent with its status as common land. To balance these issues the August 2014 Welsh Government's expectation is that applications for such infrastructure projects on common land are more likely to be successful under section 16 of the Act, so that an exchange of land is proposed and can be taken into account. An application for consent to such works under section 38 will rarely be granted unless there are convincing reasons why an application under section 16 cannot be pursued.*

- 3.11 Sections 16(1) and 39(1) of the Act set out the criteria to which the Welsh Ministers must have regard when assessing an application. Section 3 paragraph 3.9 sets out each of the criteria with some of the considerations that should be taken into account:

3.9.1, the interests of persons having rights in relation to, or occupying the land (and in particular persons exercising rights of common over it);

- (i) What effect will the proposals have on the ability of commoners or other rights holders (including the landowner) to exercise their rights?*
- (ii) What alternatives have been explored that might reduce the impact of the proposals on the exercise of commoners' rights?*
- (iii) What effect will the proposals have on other rights holders, such as those with rights of access across the land?*

3.9.2, the interests of the neighbourhood

- (i) Does the proposed replacement land or outcome intended by the proposed works add something that will positively benefit the neighbourhood?*
- (ii) Does the loss of the release land or the construction of the works mean that local people will be prevented from using the common or green in the way that they are used to?*
- (iii) Does the construction of the works or, in relation to any exchange, will the removal of the release land from its status as common land or green, interfere with future use and enjoyment (whether by commoners, the public or others) of the land as a whole? Is it likely or possible that the release land could cease to be available as a means of access between other part of the land as a whole?*

3.9.3, the public interest

- (i) What effect will the proposals have on those wishing to use the common for recreation and access?*
- (ii) Are there potential benefits to nature conservation from carrying out the proposals? Does Natural Resources Wales or any other competent person agree with the assessment of any proposed benefit?*
- (iii) In relation to any exchange, what will be the impact of the replacement land in relation to nature conservation compared with the release land?*

Does Natural Resources Wales or any other competent person agree with the assessment?

- (iv) What will be the impact on the landscape if the proposals proceed? Is the landscape in a specially designated area, such as a National Park or Area of Outstanding Natural Beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common or green? What consideration has been given to minimising any impact by good design?*
- (v) Will the proposals help protect archaeological remains and features of historic interest?*
- (vi) How do the proposals fit into the historical context?*

3.9.4, any other matter considered to be relevant.

- 3.12 In this supporting Report I cover in detail the considerations set out in detail in these paragraphs drawing upon my agricultural qualification, experience and expertise.

4 STRUCTURE OF THIS REPORT

- 4.1 Section 5 of this Report introduces the common land unit involved and details the grazing rights as recorded on the Common Land Registers and discusses the actual current use of the common by those rights holders that are active graziers.
- 4.2 Section 6 outlines the proposed scheme, covers the background to the common land applications including the legal framework within which it is made.
- 4.3 Section 7 considers the Section 16 application against the Welsh Government's tests.
- 4.4 Section 8 considers the Section 38 application.
- 4.5 Section 9 outlines the informal consultation undertaken by the Applicant in respect of the common land applications.
- 4.6 Section 10 sets out my overall summary and conclusions.

5 THE COMMON

5.1 Description of the Common

- 5.2 While the Common crosses the administrative boundaries of Merthyr Tydfil, Caerphilly and Powys County Borough Councils, the Commons Registration Authority for the whole of the common is Merthyr Tydfil County Borough Council (the "Commons Registrations Authority").

- 5.3 Prior to the reorganisation of local government in 1974, the Common was within the area of an Urban District Council meaning the land is classified as urban common (confirmed recently by the Commons Registration Authority).
- 5.4 The Common extends in total to approximately 6,543 acres, or 2,647.97 hectares and lies between the settlements of Merthyr Tydfil and Rhymney in Mid Glamorgan. It is bounded by the outskirts of Rhymney and New Tredegar to the East, the outskirts of Merthyr Tydfil to the West, common land unit CL 80 to the North and enclosed land to the South. The Common is dissected West to East by the A465 Heads of the Valleys (the “A465”), main trunk road (see Figure 2: Section 16 Application Plan).
- 5.5 The A465 was not in existence as a main trunk road when the Common was originally designated. The improvement and upgrading of the road over time has created, in effect, two distinct areas of common land. One to the North of the A465 (hereafter referred to as the “Northern Section”) which covers approximately 543 hectares and a distinct area to the South of the A465 (hereafter referred to as the “Southern Section”) amounting to approximately 2104.97 hectares.
- 5.6 The Northern Section is a compact contiguous block of land which is crossed by the Common Road and has limited adjoining industrial land and buildings to the West.
- 5.7 On part of the Eastern boundary of the Northern Section adjacent to and adjoining the Common, is an area of land that is not registered as common land (the “NC Land”). Whilst separated on its own Eastern boundary by stockproof fencing and/or stone walls from other enclosed fields, its Western boundary with the Common is unfenced.
- 5.8 The Southern Section is much less compact than the Northern Section. It is long and narrow, spread-out in several ‘fingers’ of land, bisected by public tarmac roads, and with some segmented areas interspersed with non-common enclosed fields, residential settlements and/or industrial land. In the past, opencast mining has taken place on parts of this Southern Section, although this is now all restored to pasture.
- 5.9 There is no direct connection for grazing animals to move freely between the Northern Section and Southern Section due to the severance caused by the A465. This means that the two sections, in practical terms, function independently from one another although there are a small number of commoners who may transport their animals in order to utilise both Sections.
- 5.10 The Interests of Persons having Rights to or Occupying the Common**
- 5.11 The Common Land Register (the “Register”) provide a record of landownership and the rights registered over the Common, including grazing rights.

- 5.12 Common Land Registers are not automatically kept updated as agricultural land and holdings with attached rights change hands. Therefore, the information available regarding landownership and the number of rights over a common, is limited to the records available.
- 5.13 Communication (14/10/22) with the Commons Registration Authority confirms that the Register for the Common has not been updated recently, nor is it in the process of being updated or planned to be so in the immediate future. Therefore, the Register and Plans (document references CL38 Register, CL38 Register – additional entries_231 and 232, CL38 plan(i)-(iii)) are the most up to date information that is available.
- 5.14 The latest version of the Register and maps does not incorporate the Order made on 26 March 2021 by the Welsh Ministers to deregister and secure replacement land on the Northern Section. However, the Applicant, has included this in the application maps, plans and drawings that it has produced.
- 5.15 The Landowner**
- 5.16 The freehold of the Common belongs to the Dowlais Top Investment Company Limited.
- 5.17 The Commoners**
- 5.18 Whilst the Register records grazing and non-grazing rights, it does not indicate whether these rights are actively used by the registered commoners.
- 5.19 A summary of the Register (Appendix 1) shows that, in addition to grazing rights for sheep, cattle and horses, commoners have other non-grazing rights which include the right to cut and take fern for bedding, rushes for thatching, and take stone for the maintenance of roads, and/or boundary and/or other walls.
- 5.20 The detail on the Register is given in terms of the number of sheep, cattle and horses that identified common land graziers are permitted to graze on the Common. In most cases a commoner can graze a stated number of sheep or cattle or horses or any combination of these animals pro rata as set out on the register. Where horses are to be grazed there is a limit on the total number of horses that a rights holder can graze. This is generally limited to no more than 25 horses being permitted in respect of any particular right. The conversion rate between sheep and cattle on the Register reflects the fact that approximately five sheep will consume the forage that one cow will consume, and one horse will consume, the forage of ten sheep or two cows. To consider and comment on the grazing rights it is simpler to refer to 'sheep equivalents' based on these conversion rates. The Register shows that the grazing rights are over the whole Common, (all entries are stated to be over the whole area of the land making up the Common: both the Southern Section and the Northern Section), There are a total of 55,533 registered sheep equivalent grazing rights distributed between over 80 rights holders.

- 5.21 If all the registered rights equating to 55,533 sheep equivalents were simultaneously utilised, it would equate to a stocking density of 21 ewes per hectare over the whole Common. The stocking density that any grazing land can carry is determined by the amount of dry matter that the herbage upon the ground can provide over the year and thus is available for animals to consume. On low ground improved grassland situated on much better soils a typical stocking density would be approximately 14 ewes per hectare. This demonstrates that 21 ewes per hectare is not a realistic stocking density for upland grazing.
- 5.22 The grassland and moorland on Pen March is typical of upland common land grazing in South Wales: it includes marshy grassland, acid grassland, heath, flush and degraded bog. The anticipated stocking density on upland grazing of this type in South Wales could be expected to be approximately 2.5 ewes per hectare.
- 5.23 On my walkovers of the Northern Section during summer and autumn 2021, there was no evidence that the number of livestock currently using the Northern Section married up with the level of grazing rights that are recorded on the Register.
- 5.24 Relatively few sheep were seen grazing the Northern Section with the exception of 20 or so located on the South Western boundary, next to the meat processing facility and close alongside the public road and an unlocked field gate which gives access to the Common, tempted there by the public providing vegetable and garden waste over the fence for them to eat.
- 5.25 On the July visit, a herd of approximately 20 suckler cows and their offspring were seen on the South Western boundary of the Northern Section, but further away from the road.
- 5.26 Typical annual pattern of Sheep Husbandry on Common land**
- 5.27 Most if not all farmers who exercise their grazing rights on common land do so in conjunction with their home farm units which predominantly adjoin the common land directly at some point. Part of the reason for this is that supplemental feeding is not permitted on common land.
- 5.28 It is likely that each home farm unit has some improved grassland, or in byelands, which will be more productive than the Common. Livestock can be held on the home farm unit at critical times of the season such as tupping, (mating of ewes with a ram or tup) in the autumn and lambing in the spring. In addition, silage and or hay may be conserved from these improved fields during the summer for wintertime fodder.
- 5.29 Thus, the extensive common land grazings which are attached to farms mainly surrounding the Common provide the opportunity for more livestock to be carried than could be accommodated solely on the home farm unit.

- 5.30 The grazing rights on common land offer extensive grazing at certain times of the year to allow any improved land at home to be rested from stock pressure and thus to grow some forage for conservation as winter fodder, and to improve lambs etc.
- 5.31 Generally, the integration of the common land grazings and in bye land involves running the ewes with the ram or tup on the fenced in bye fields in November/December. The ram is removed around the end of December and the ewes are turned onto the common land until early March.
- 5.32 In early March, the in-lamb ewes are brought onto the in-bye fields for lambing in late March/April. Once lambed ewes with single lambs and strong twins are put back to the common in early May to summer out and take advantage of the extensive summer grass. Any ewes with weaker lambs may be kept back a little longer on the in-bye land before being turned out to the open common.
- 5.33 Lambs are brought off the common in late summer to wean them from their mothers.
- 5.34 Female lambs for replacements to enter the breeding flock are selected and of the remaining lambs those that are finished in terms of condition would be sold immediately into the fat market. Less mature lambs may benefit briefly from silage or hay aftermath grazing before being sold as store lambs.
- 5.35 Depending upon the amount of clean grazing available on the aftermaths, lambs may either be sold as stores immediately or allowed to put on some condition before sale, however much will depend upon the individual farmer's situation and the availability of improved grass resources.
- 5.36 The majority are likely to be sold as store lambs to be finished on lowland farms elsewhere, which will have more favourable grass pastures and possibly forage crops grown on arable land specifically intended for finishing store lambs.
- 5.37 The ewes are returned to the common to dry off, (that is to encourage them to cease producing milk), and brought back in by in mid-October, after the lambs have been sold.
- 5.38 Once back on the better quality in bye land the ewes will pick up in condition (flush) and be in improving condition to better take the ram again in November and thus the annual cycle commences again.
- 5.39 Ponies Grazing on the Common**
- 5.40 On both the July and October 2021 visits approximately 15 horses/ponies were noted grazing across the lower part of the Northern Section.

- 5.41 The Register confirms the registered rights relating to horses and ponies. Often common rights are stated as for sheep or cattle or horses/ponies with a horse or pony being equivalent to 2 cattle or 10 sheep in a pro rata manner.
- 5.42 It is not clear whether all the horses/ponies currently on the Common are grazing there legally in accordance with the register as there are a series of makeshift stables on the Western boundary of the Northern Section.
- 5.43 However, through direct conversation with one of the active graziers listed on the register, the Applicant was advised that the Dowlais Pony Improvement Society exercise their rights in respect of the common land and semi feral ponies.
- 5.44 By way of background, the Pony Improvement Societies (including Dowlais) are charitable organisations which sit under the umbrella of the Welsh Pony and Cob Society (WPCS). The individual societies are run in accordance with the rules and regulations of the WPCS and appear to have members with grazing rights, which include grazing rights for their ponies.
- 5.45 There are 26 Welsh Pony Improvement Societies which benefit from a derogation in respect of the requirement for equines to have both a passport and microchip under the Equine Identification (Wales) Regulations 2019. Each pony benefiting from the derogation must be owned by a member of a Society who has grazing rights on the relevant common.
- 5.46 The Pony Improvement Societies also benefit from the provisions of the Commons Act 1908 which enable them to manage and control entire (uncastrated) animals on the common land.
- 5.47 It has not been possible to conclusively identify who owns the horses/ponies grazing the lower part of the Northern Section of CL 38 and whether they are part of the Dowlais Pony Improvement Society or whether they are owned by people potentially without rights of common.
- 5.48 The Applicant will continue to try and establish the position but until it has done so this report assumes all ponies and horses on the Common are there lawfully and therefore they have been considered in the assessment of the common lands capacity for supporting this grazing.
- 5.49 The Public**
- 5.50 The general public has the right to take air and exercise over the Release Land due to its status as urban common pursuant to Section 193 of the Law of Property Act 1925.

5.51 The Replacement Land is currently public access land under the Countryside and Rights of Way Act 2000 (CRoW Act). This is considered further in Section 7 of this Report.

6 THE PROPOSED SCHEME

6.1 The Proposed Scheme is illustrated on Figure 3: Infrastructure Layout Plan, and will consist of the following principal components:

- Up to six three-bladed horizontal axis wind turbines up to 180m to blade tip height. Each turbine has an internal transformer and aviation lighting.
- Wind turbine foundations and hardstanding areas which will include crane hardstanding areas and laydown / storage areas.
- An electrical and control building compound with battery storage facilities
- New site access off the Common Road and associated bell mouth junction.
- On-site access tracks, passing places, and turning heads.
- Two gas pipeline crossings and two watercourse crossings.
- Underground power cables (and fibre optic communication cables) linking the wind turbines and the on-site electrical compound including a control building.
- A main temporary construction and storage compound with associated lay down areas near to the site entrance.
- Construction working areas associated with turbine locations and access tracks which will be restored after construction is complete.
- Off-site works to enable the movement of abnormal loads during construction (such as the creation of a new slip track from A465 and temporary modifications to street furniture etc).
- Habitat Management Area.

6.2 Five of the proposed six wind turbines, the electrical compound, battery storage and approximately 89% of the proposed tracks involve construction works on common land. One turbine ("Turbine 4"), its associated hard standing and a short length of access track involve construction on non-common land which adjoins and is adjacent to the existing common land.

6.3 Part of the remaining NC Land will be offered as Replacement Land in exchange for the Release Land.

- 6.4 The majority of the construction works required on the Common will result in a change on the Common for the lifecycle of the Proposed Scheme by the continued existence of hard-core/stoned tracks, wind turbines and electrical compound. Some of the works will not cause any lasting change to the Common as they will be restricted and temporary in nature.
- 6.5 Any temporary fencing required for health and safety considerations around deep construction areas particularly at turbine sites will only be erected after the deregistering of the Release Land and will be erected therefore upon land which is not common land so no further consent will be required.
- 6.6 The Proposed Works Required on the Release Land to Construct and Operate the Proposed Scheme**
- 6.7 An overview of the Proposed Scheme and the extent to which it extends onto the Common and details of the proposed works on the Release Land are shown on Figure 1: Common Land, Release and Replacement Land – Overview, Figure 2: Section 16 Application Plan and Figure 3: Infrastructure Layout Plan.
- 6.8 In order to commence the construction works, an access route with a bell mouth entrance will be created to allow access off the Common Road onto the Northern Section for construction traffic.
- 6.9 After the creation of stoned access tracks over the Release Land to Turbines 1, 2, 3, 5 and 6, construction of the 180m maximum tip-height wind turbines with attendant crane hard standings, and the permanent electrical compound will be able to progress.
- 6.10 The stoned track network will link with the final length of stoned track leading to Turbine 4.
- 6.11 Turbine 4 and its associated crane hard standing and final section of track to the turbine will be situated on non-common land (NC Land), therefore for the area of land required to construct Turbine 4 and its final section of track the provision of Replacement Land will not be required.
- 6.12 The construction techniques deployed will be the same for all turbines.

7 THE SECTION 16 APPLICATION

- 7.1 Section 16 applications under the Act involve releasing land from a common and offering Replacement Land in exchange. The following terms will be used throughout this section of the Report which considers the Section 16 application in greater detail:
- (a) The “Release Land” is the land that will be removed from the Common to facilitate the construction and operation of the Proposed Scheme. The area of Release

Land will be the same during the construction and operational phases of Proposed Scheme in absolute terms.

- (b) The “Replacement Land” is the land offered in exchange for the Release Land. This land will become part of the Common with the same registered rights attached to it as were attached to the Release Land.
- (c) The “Loss of Grazing Land” is the area within the Release Land that will not provide grazing for animals that use the Common after the Proposed Scheme has been constructed. Specifically, the stoned tracks themselves and the areas alongside access tracks and turbine sites that have not revegetated. This is the area taken up by the turbine towers, access tracks (needed for maintenance, including swept paths at junctions) and electrical compound.

7.2 The nature of wind farm construction requires a larger area of land to be released from a common to facilitate the construction phase than is required during the 35-year operational phase. For example, to create an access track with a finished running width of 5.5 metres a working width of 20 meters is required.

7.3 Micro siting tolerances to allow a degree of flexibility to a scheme’s design for the location of the wind turbine bases and their associated infrastructure are included in the application. It is not possible until detailed design, including intrusive ground investigation surveys, to be certain about the exact location of the turbines. However, the micro siting areas have been limited to land that can reasonably be expected to be considered. For example, where there are other constraints that would prevent a turbine being micro sited in an area this land has been excluded from the micro siting tolerance.

7.4 The Release Land

7.5 In this case, to allow for the ability to micro site Turbines 1, 2, 3, 5 and 6, the Release Land must be greater than the area that will be used to construct and operate the turbines.

7.6 To minimise surface disturbance on the Release Land at each of the five turbine sites, once micro siting has established the optimal site for the turbine bases only the area actually needed to construct the turbines at their confirmed optimal locations will be disturbed.

7.7 There is no intention to strip all surface vegetation on all the Release Land at each turbine location. Once the exact location of each turbine within its specific area of Release Land is established, the actual area required for the construction phase will be considerably less than the area released. The Applicant will make every endeavour to minimise the area of land physically disturbed.

- 7.8 It has been calculated that in order to construct and operate the Proposed Scheme, it is necessary to release 34.72 hectares from the Common. In exchange, 34.72 hectares of Replacement Land will be offered for registration, meaning all the Release Land will be replaced, thus ensuring that the overall stock of the Common is not at any time diminished and will remain at 2647.97 hectares.
- 7.9 The Replacement Land will be immediately adjacent to and adjoining the Northern Section and relatively close to where the turbines (and hence where the land will be released from the Common to allow construction) will be located. The Replacement Land is shown on Figure 2: Section 16 Application Plan.
- 7.10 The Release Land is open common grassland/moorland with grass species typically found on extensively grazed upland in South Wales. As the Replacement Land is adjacent and adjoining the Common, it is of a similar botanical composition.
- 7.11 The Replacement Land is unimproved grassland and has been grazed in the past in a similar manner to the Common and currently there is no fencing on the boundary between the Common and the Replacement Land.
- 7.12 The Replacement Land identified by the Applicant is suitable and physically adjacent to ensure that commoners with grazing rights are not disadvantaged in terms of the area and type of grazing available to them and their grazing livestock. This is shown pictorially in Figure 2: Section 16 Application Plan.
- 7.13 Once the Proposed Scheme has been constructed, the intention is that the Applicant will grant grazing and access rights over that part of the Release Land not required for physical infrastructure during the operational phase.
- 7.14 The granting of rights will be delivered via a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (the "TCPA"). The rights will be similar to those that existed prior to the land being released from the Common and, in practice, use will be indistinguishable from the surrounding common land.
- 7.15 Neither the Release Land nor the Replacement Land lies within any designated or protected landscape, nor does either contain any rare landscape features or elements.
- 7.16 Neither the Release or Replacement land contain any recorded heritage assets and there are no recorded archaeological remains. The potential for archaeological remains are considered in the Environmental Statement, Chapter 11: Cultural Heritage.
- 7.17 In all respects: convenience, land quality, herbage cover, recorded heritage assets and archaeological remains, the Replacement Land and the Release Land are very similar, thus ensuring there will be no impact upon the public interest in archaeological remains

and features of historic interest arising from the provision of Replacement Land to replace land released from common.

7.18 Post-Exchange

Grazing

- 7.19 In terms of Loss of Grazing Land, those parts of the Common required during the construction phase will be reinstated and therefore the actual Loss of Grazing Land will be much less than the 34.72 hectares of Release Land.
- 7.20 It is anticipated that of the 34.72 hectares of Release Land, approximately 11.65 hectares will not be disturbed and therefore surface cover (and thus grazing potential) will not be lost on 33.6% of the Release Land once the exact site of the turbine bases has been established. However, any land disturbed by the construction process will be reinstated to minimise the disruption to the exercise of the rights of common.
- 7.21 Furthermore, after construction, reinstatement and regeneration of track sides and the working areas not taken up with hardcore tracks and/or infrastructure, the Loss of Grazing Land will be approximately 3.54 hectares on the Release Land. This represents approximately 0.65% of the 543 hectares that make up the Northern Section and 0.14% of the whole Common.
- 7.22 Although there will be a Loss of Grazing Land of 3.54 hectares of the Release Land, the regranting of grazing and access rights over the Replacement Land will ensure that the graziers have access to an additional 31.18 hectares of grazing land.

Access

- 7.23 Once the Proposed Scheme is constructed, the only areas that the registered commoners and public will not have rights of access over on the Release Land and the Replacement Land are the areas where infrastructure physically prevents access being available i.e. the actual turbine towers and the fenced permanent electrical control room and battery storage compound.
- 7.24 Each turbine tower will prevent access to an area of just 0.0028 hectares at five locations in an irregular pattern over the Common. The electrical control room and battery storage compound prevents access to 0.50 hectares at one location separate and away from the turbine locations. Thus, the loss of land to which the public will not have access due to physical constraints amounts to 0.51 hectares. Due to the infrastructure being located at several places over the Common, walking access will not be materially impeded. At Turbine 4 the loss of CRow Act access land will be just 0.0028 hectares

- 7.25 Whilst there will be an actual loss of CRoW Act access land, of 0.512 hectares when this loss is assessed against the backdrop of the total area of the Common (2,647.97 hectares), Bannau Brycheiniog National Park to the North, adjoining common land units and CRoW Act land to the West, the loss of 0.512 hectares could be considered to be de minimis.
- 7.26 In terms of access rights, the replacement of 100% of the Release Land and the regranting of rights after construction over the Release Land not taken up with infrastructure will ensure that the public have the same area of common land to take access over.
- 7.27 There will be a very small reduction in the amount of CRoW access land (0.512 hectares spread over more than 543 hectares) over which they have access in the immediate vicinity of the Common.
- 7.28 Decommissioning**
- 7.29 Post-decommissioning, the Applicant will endeavour to secure that the rights granted under the Unilateral Undertaking over the Release Land will continue and that the same rights will be granted over that part of the Release Land where infrastructure was in place during the operational phase.
- 7.30 In any event the overall stock of common land post decommissioning will not be less than is currently registered.
- 7.31 The Public Interest, Interests of the Neighbourhood and Any Other Matters Considered Relevant**
- 7.32 Throughout the whole planning and common land applications process, the Applicant has considered the relevant criteria set out in the Guidance.
- 7.33 The registered commoners and the public will be able to use and enjoy the Common as they do now. Their use will not be negatively impacted by the Proposed Scheme. In fact, the existence of access tracks will make it easier for the graziers to access their livestock and provide improved access over the Common for walkers, which may offer the opportunity of access for the less abled.
- 7.34 Except for the permanent fencing around the electrical control room and battery storage compound there will be no new permanent fences erected on the Common during the construction or operational phases of the Proposed Scheme. Nor will there be partitioning of the Common which would make any areas of the Common inaccessible. During operation there will be nothing to detract from the feeling of space and openness that the Common currently provides.

- 7.35 There will be turbines on the Common that are not present now, which may be regarded as creating an ‘industrial feel on the Common’, however; the Common has already been subject to industrial disturbance and impact in the past most obviously by being bisected by the A465, open cast mining on the Southern Section and stone quarrying on the Northern Section.
- 7.36 With the exception of looking North towards Bannau Brycheiniog National Park views are generally of the A465, past industrial use on common land, habitation and industrial buildings in the distance and a large meat processing facility and retail outlet park, virtually adjacent to the Common to the West.
- 7.37 The proposal to include an area of approximately 22.60 hectares of Heathland Habitat Restoration Improvement and Management close to the North Eastern boundary the Common, as detailed in the planning application, (ES Ch7, appendix 7.6, figure 1 – Proposed Heathland Restoration and Management Area) will ensure that the public interest in nature conservation will not be diminished. In fact, there will be some local nature conservation gain provided by the enhanced biodiversity and important heathland habitat restoration that the Habitat Management Plan will deliver.
- 7.38 The construction of the Proposed Scheme will offer a wider public benefit over its operational lifetime of up to 35 years. It is estimated that the average annual generation of clean renewable energy from the Proposed Scheme could be equivalent to the approximate domestic needs of around 24,500 average UK households¹. Consequently, it will positively contribute to the Welsh Government’s policy of increasing renewable energy production to contribute towards its own, and the United Kingdom’s wider, targets to reduce reliance on other non-renewable energy sources, and will contribute to reducing the effects of climate change caused by CO2 emissions from other means of fossil-fuelled energy production.

7.39 Potential Disturbance and Proposed Mitigation Measures

Vehicular Access

- 7.40 During informal consultation meetings, the active graziers expressed concern that construction of the bell mouthed access route necessary for construction traffic lorries to deliver the wind turbine parts increased the potential for fly tipping on the side of the Common and the creation of an easy access point leading to hard tracks over the Common could attract illegal off-road vehicle use and compromise security. The bell-mouthed access route will be constructed in a manner that takes account of these legitimate concerns.

¹ Equivalent homes supplied is based on an annual electricity consumption per home of 3748 kWh. This figure is supported and published by Renewables UK based on the most recent statistics from Department of Business, Energy and Industrial Strategy, showing that annual GB average domestic household consumption is 3748kWh.

- 7.41 There will need to be an unimpeded wider entrance to the Common during the construction phase, and during the operational phase to allow the passage of long delivery vehicles hence the bell mouth design. During the construction phase contractors will be on site to monitor vehicles arriving meaning the likelihood of illegal fly-tipping will be minimised.
- 7.42 During the operational phase, the entrance (whilst retaining the potential to occasionally accept exceptional loads such as replacement turbine blades), will be modified by the inclusion of temporary barriers to reduce the available area directly accessible from the road. Secure gates will be fitted to prevent illegal access.
- 7.43 There is an existing gate off the Common Road to the Northern Section which is currently unlocked. No evidence of illegal joy riding or off-roading has been noted during visits and walkovers on the Common. A new gate forming part of the access route will lead to hard tracks so the off-roading or joy riding risk may be considered to be greater than that represented by the existing gate.
- 7.44 Unauthorised access by vehicles on common land is ultimately a matter for the police and legal enforcement. However, the Applicant is aware that the tracks servicing the Proposed Scheme will represent not only better access for graziers to get to their livestock in the middle of the Common but also a temptation to others.
- 7.45 That said, in mitigation of the potential for the increased risk of unauthorised access restriction measures will be employed where the access track meets the public road. These will include locked barriers, earth berms and heavy weight blocks moveable only with substantial machinery.
- 7.46 Apart from when a major component requires replacement, when a larger team and specialist equipment is likely to be on site, during the 35-year operational life of the Proposed Scheme only technicians will periodically be on site for carrying out monitoring and maintenance. They will only require access with standard service vehicles or vans.

Access to Livestock and the Public

- 7.47 There will be some disturbance to livestock and the public using the Common during the construction and decommissioning phases of the Proposed Scheme. Minimal disturbance, if any, is envisaged during the operational phase.
- 7.48 Some temporary fencing will be required to serve health and safety requirements during the construction phase, particularly protecting deep excavations when the turbine bases are being constructed.

- 7.49 The Applicant will minimise the amount of fencing used to avoid severing the Common and temporarily restricting the movement of grazier's livestock. Public access will only be restricted when health and safety regulations dictate.
- 7.50 The Applicant, whilst mindful of not wishing to impede the general movements of livestock around the Common, recognises the need for ensuring safety and security of livestock during the construction phase. Livestock security and safety will be provided by the use and installation of limited construction fencing, gates and grids at the bell mouthed access point to prevent livestock walking on to the public road.
- 7.51 The temporary fencing required during the construction phase will be located on Release Land and no fencing will be situated on common land. For the avoidance of doubt, with the exception of the electrical control room and battery storage compound there will be no new permanent fencing over the Common during the construction or operational phases of the Proposed Scheme.
- 7.52 Initially during informal consultation, the active graziers on the Northern Section did not raise concerns in connection with how their grazing animals would be able to use the Common during the construction or operational phases of the wind farm.
- 7.53 It was discussed that there would be a requirement to have some temporary fencing around deep excavations for health and safety reasons and that there was no intention to fence the whole of the works during construction. At the time, the commoners did not express that any minor disruption that may occur would materially affect how they currently exercise their grazing rights over the Common.
- 7.54 However, following the end of the Pre Application Consultation period, the Gelligaer and Merthyr Commoners Association (the "GMCA") queried whether the turbines will unsettle stock and hinder gathering and whether this will persist throughout the period the turbines are in operation.
- 7.55 Experience on established wind farm sites shows that livestock are not unsettled during the operational phase. They graze close to and under the turbines and in fact make use of the shade provided by the turbine columns during fine weather, seek shelter provided by the turbine towers during high winds, lie on the hard tracks when it is wet and use the tracks to move over the Common.
- 7.56 In terms of hindering gathering, this may be a legitimate concern during the construction phase as the sheep using the Common will be used to the Common as it is now, however as time passes during operation the sheep utilising the Common will become another generation of breeding stock which will have grown up on the Common with the turbines and tracks in situ and hence they will likely flock together and move over the Common according to the terrain that they have grown up with and have become accustomed to.

- 7.57 Similarly at the decommissioning phase, for those sheep utilising the Common during the latter stages of the operational phase, what has become the normal terrain for them will change again.
- 7.58 The Applicant, having had experience of constructing the Mynydd y Gwair Wind Farm in 2017-2019 is aware that there may be limited disturbance to livestock movements over the Common during the construction phase, and possibly at the decommissioning phase, which in turn may increase shepherding costs for the active graziers.
- 7.59 In order to mitigate this and to assist with the management of livestock on the Common the Applicant will provide a Shepherding Fund for the construction and decommissioning phases. This commitment will be secured by way of a Unilateral Undertaking under Section 106 of the TCPA.
- 7.60 The Applicant is committed to working with the GMCA during the construction phase and throughout the operational life of the Proposed Scheme to minimise disruption to their normal practices.

7.61 Financial Support

- 7.62 In addition to receiving income from rearing and selling livestock, farmers receive financial assistance in the form of agricultural and environmental support payments from the Welsh Government which have evolved over a period of time and form an important part of their annual income.
- 7.63 Initially, the support mechanisms rewarded farmers simply for the number of certain categories of livestock kept on their farms each year, often referred to as 'headage payments', which encouraged the keeping of ever-increasing numbers of livestock and over-production.
- 7.64 This mechanism evolved to the provision of decoupled payments that farmers were paid, whether they kept livestock or not, based upon the historic headage retained and claimed for on farms during a three-year base period.
- 7.65 In May 2015, the reformed decoupled but area-based flat rate payment delivered via the Basic Payment Scheme (BPS) was introduced and became fully implemented in 2019.
- 7.66 This system is due to be reformed again in 2024. Whilst there are currently very few details confirmed for the potential new scheme, it is likely that support will place heavy emphasis on sustainable farming systems with the improvement of the environment as a paramount objective. Due to the lack of information, it is difficult to establish how the support will interact with the Proposed Scheme.

- 7.67 Agri-environmental schemes, such as Glastir, also deliver Welsh Government support to farmers for operating their farms and adopting livestock stocking densities that are sympathetic to environmental improvement objectives. It is understood from conversation with one of the active graziers that a Glastir scheme is in place over part if not the whole of the Northern Section.
- 7.68 Against this background, and in order to ensure that no active graziers suffer financial loss, the Applicant proposes to make available an Agricultural and Environmental Support Scheme Shortfall Sum (the “Support Scheme”) that will be secured by way of a Unilateral Undertaking under Section 106 of the TCPA.
- 7.69 Only claims brought by active rights holders for actual financial loss of Agricultural and/or Environmental Support Scheme Payments due to a reduction in the available common land because of the Proposed Scheme will be eligible.

8 THE SECTION 38 APPLICATION

- 8.1 The Proposed Scheme includes the installation of a short section of underground power cable between Turbines 4 and 5. Part of the cable will be laid beneath the Common, with that part of the cable to Turbine 4 being installed under the NC Land which will become common as Replacement Land.
- 8.2 The restricted works will be undertaken during the construction of the wind farm and will last for a short duration with the surface being reinstated. The land affected by the restricted works is small and is shown on Figure 4(a & b) Section 38 Application Plan. It is not anticipated that there will be any impacts on any users of the common land that would not occur as a result of the section 16 application being granted and the Proposed Scheme constructed and that have been set out above.

9 INFORMAL CONSULTATION

- 9.1 Throughout the evolution of the Proposed Scheme the Applicant has sought to engage with the registered commoners and the GMCA.

9.2 The Registered Commoners and the GMCA

- 9.3 In order to gain more knowledge of the actual active usage of grazing rights over the whole of the Common, the Applicant sent letters to all the registered commoners at the addresses recorded on the Register. The letters outlined the Proposed Scheme and asked for confirmation from the registered commoners what rights they held and whether they were actively using those rights on the Common.
- 9.4 Few replies were received with many letters returned unopened as the postal address was out of date.

9.5 To obtain more information about the use of the Common, the Applicant also contacted and met with representatives of the GMCA on a number of occasions to explain the Proposed Scheme and to seek their input on the active graziers that may be using the Northern Section and the general use of the whole Common.

9.6 Aided by the information from the GMCA, local contacts and graziers, the Applicant held separate meetings with individual commoners identified as actively using their grazing rights on the Northern Section to explain the outline of the Proposed Scheme and canvass for their views on how their use of the Common may be affected.

9.7 Outcome of Informal Consultation

9.8 Speaking individually with some of the registered commoners who actively graze, including the Dowlais Pony Improvement Society, on the Northern Section, in conjunction with the records and knowledge of the representatives of the GMCA, the Applicant has been able to establish that during 2021/2022 there were approximately six active graziers using or likely to use the Northern Section.

9.9 The Applicant will continue to engage with the commoners, the GMCA, the Dowlais Pony Improvement Society and those with an interest in the common as part of the DNS application process.

10 SUMMARY AND CONCLUSIONS

10.1 In my opinion, the Applicant has considered the use of the Common and interests of the commoners throughout the design of the Proposed Scheme and in the preparation of the Section 16 and Section 38 applications.

10.2 The Applicant has sought to consult with the active graziers to understand their views and any concerns they may have for the continued use of the Common during the construction and operational phases of the Proposed Scheme.

10.3 The Applicant has presented their proposals to the GMCA and those commoners identified as actively using the Northern Section, seeking feedback upon the proposed release of land from Common and the suitability of the Replacement Land to be provided in exchange.

10.4 The area of Replacement Land provided is the same size as the Release Land so the overall stock of the Common will be maintained.

10.5 Through the re-granting of rights over the majority of the Release Land post-construction, those persons who have rights in relation to, or occupying the Common will not be disadvantaged by the operation of the Proposed Scheme. Following the deregistration and replacement, those persons will be able to continue using the Common as they

currently do. Post construction when the additional rights are granted over the Release Land that is not physically occupied by infrastructure those same persons will benefit from the formal rights to use the release land.

- 10.6 For the public, the access tracks will improve walking access onto the Common and, due to the provision of Replacement Land equal in area and quality to the Release Land, they will continue to enjoy access for air and exercise over an equivalent area of common land as they currently do.
- 10.7 For all the reasons cited in this Report, I conclude that the Applicant has identified the relevant interests and activities on the Common and ensured that the commoners and the public will not be disadvantaged by of the Proposed Scheme.

Appendix 1

CL38 – Summary of Common Land Register

			Sheep, Cattle and Horses (S = horses substituted to the number of one instead of 2 cattle or 10 sheep, provided no more than 25 horses are grazed at any one time)							
Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
129	Thomas Charles Williams	Owner	712	or	142		Yes	S	Tyr Capel Farm and Penfyd Farm, Tirphil, Glamorgan	Tyr Capel Farm, Tirphil, Brithdir, New Tredegar NP24 6JZ
130	Frederick Prosser	Tenant	226	or	45	or	yes	23	Blaen- Nantwen Farm	Blaen Nantwen Farm, Bedlinog, CF46
131	Frederick Prosser and Evan Llewellyn Prosser	Owner	171	or	34	or	Yes	17	Lan Uchaf Farm	Lan Uchaf Farm, Bedlinog
132	Levi and George Lewis Griffiths	Owner	315	or	or		Yes	S	Blaen Morlais Farm	41 Blaen dowlais Street, Dowlais, Merthyr Tydfil, CF48 3RB / Blaen Morlais Farm, Dowlais, Merthyr Tydfil, CF48 2TH
133	David Bridges	Owner	17	or	3	or	Yes	2	Tyrewen Farm	Tyrewen Farm, Bedlinog
134	Geraint Ingram	Owner	584	or	117		Yes	S	Bryncoch Farm	Bryncoch Farm, Deri, Bargoed, CF81 9GF
135	Percy Jenkins	Owner	525	or	105		Yes	S	Twyngiden Farm	Twyngiden Farm, Bedlinog, Treharris, Mid Glamorgan, CF46 6SW
137	Isaac Clifford Morgan	Owner	424	or	85		Yes	S	Pendducae Fach Farm	Pendducae Fach Farm, Treharris, Merthyr Tydfil CF46 6UE
138	Harold Williams	Owner	203	or	40	or	Yes	S	Twyn Yr Arain Farm	Twyn Yr Arian Farm, Llechryd, Rhymney, Tredegar, NP22 5QZ
139	Hywel Evan and Alwyn Howells	Owner	21	or	4	or	Yes	2	Gatehouse, Butetown, Rhymney Bridge	Gatehouse, Butetown, Rhymney Bridge
140	John Daniel Edgar Watkins	Owner	448	or	90		Yes	S	Llwyn Goleu Farm	Llwyn Goleu, Gelligaer, Hengoed, CF82 8FU
141	William Charles Pritchard	Owner	105	or	21	or	Yes	11	Caeracca Farm, Pant	Caeracca Farm, Pant, Dowlais, Merthyr

			Sheep, Cattle and Horses (S = horses substituted to the number of one instead of 2 cattle or 10 sheep, provided no more than 25 horses are grazed at any one time)							
Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
142	James Lewis Williams	Owner	63	or	13	or	Yes	6	Pen-Y-Graig Farm	Pen-Y-Graig Farm Pontlottyn, Bargoed
143	Mrs Ann Davies	Owner	1540	or	308		Yes	S	morlais Castell Farm	Ysgwyddgwyn Uchaf Farm, Deri, Bargoed, CF81 9NT
144	Mrs O. Wilson	Owner	665	or	133		Yes	S	Maerdy Farm	Dyllas Farm, Llwydcoed, Aberdare, CF44 0LJ / Maerdy Farm, Deri, Bargoed, CF81 9NT
146	John Derrick Gittoes	Tenant	1750	or	350		Yes	S	Morlais Castell Farm	Morlais Castell Farm, Pant, Merthyr Tydfil
147	Mrs Annie Thomas	Tenant	375	or	75		Yes	S	Gwerthonor Uchaf Farm	Gwerthoner-Ganol Farm Lane, Gilfach, Bargoed CF81 8PY
148	Emlyn John Thomas	Tenant	772	or	154		Yes	S	Pen-Y-Garreg Farm	Pen-Y-Garreg Farm, Bargoed CF81 9GF, UK
149	Thomas Powell	Tenant	630	or	126		Yes	S	Rhos-Yr-Yrfa, Gelligaer, Hengoed	Rhos-Yr-Yrfa, Gelligaer, Hengoed
150	Gwynfor Davies Lewis	Owner	420	or	84		Yes	S	Pentre Porth Farm, Gelligaer	Pentre Porth Farm, Heol Adam, Gelligaer, Hengoed, CF82 8FU
151	Allen Isaac	Owner	413	or	83		Yes	S	Tir Adam Uchaf Farm, Gelligaer	Hendai Farm, Heol Adam, Gelligaer, Hengoed, CF82 8FU
152	Thomas Albert Williams	Owner	644	or	129		Yes	S	Cefn Bach Farm, Tirphil, New Tredegar	Cefn bach farm, Cefn Road, Bargoed, CF81 9GL
153	John Parfitt and Thomas Elwyn Parfitt	Owner	93	or	19		Yes	S	Part of Upper Cwm Carno Farm, nr. Dowlais	Swyn-Yr-Afon, Rhymney Bridge, Tredegar, NP22 5HT / Cwm Carno Farm, Llechryd, Rhymney, Tredegar, NP22 5QY

			Sheep, Cattle and Horses (S = horses substituted to the number of one instead of 2 cattle or 10 sheep, provided no more than 25 horses are grazed at any one time)							
Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
154	Mary Hannah Kinsey	Owner	242	or	48		Yes	S	Part of Upper Cwm Carno Farm, nr. Dowlais	Cwm Carno Farm, Llechryd, Rhymney, Tredegar, NP22 5QY
155	William Thomas Davies	Owner	140	or	28	or	Ys	14	Pond Farm, Butetown, Rhymney	Pond Farm, Butetown, Rhymney
156	Thomas and Oliver Jones	Owner	84	or	17	or	Yes	8	Mount Pleasant Farm, Rhymney Bridgfe	Mount Pleasant Farm, Top of the Birch Lane, New Tredegar, NP24 6PL
158	Ronald Edward Thomas	Owner	1180	or	236		Yes	S	Penrhiw and Pengraig Fargoed Farms	Penrhiw Farm, Trelewis, Treharris, CF46 6BD
160	William Guy Thomas	Owner	1092	or	218		Yes	S	Duffryn Farm, Pontlottyn	Duffryn Farm, Pontlottyn, Bargoed, CF81 9RN
161	Ronald William Prosser	Owner	1253	or	251		Yes	S	Troedrhiw Fuwch Farm, New Tredegar	Troedrhiw Fuwch Farm, New Tredegar, NP24 6LW
163	Morgan Thomas	Tenant	154	or	31	or	Yes	15	Gwaunarlwyddes Uchaf Farm, Penpedairheol, Hengoed	Gwaun Arlwyddes Uchaf Farm, Hospital Road, Penpedairheol, Hengoed, CF82 8DG
164	David Benjamin Wigley	Owner	308	or	62		Yes	S	Cwm Blacks Farm, Merthyr Tydfil	Cwm Blacks Farm, Mertyhr Tydfil, Mid Glamorgan, CF48 4AJ
165	Edward Lewis	Tenant	448	or	90		Yes	S	Clwydtrawscae Farm, Bedlinog	Clwydtrawscae Farm, Bedlinog, CF46 6SW
166	Sydney Morris	Owner	560	or	112		Yes	S	Tip-Yr-Cayi Farm, Merthyr Tydfil	Bedlinog Farm, Bedlinog, Treharris, CF46
167	Lydric and Winifred Lillian Jenkins	Owner	840	or	168		Yes	S	Heol Ddu Uchaf Farm, Bargoed	Heolddu Uchaf farm, Bargoed, Mid Glamorgan, CF81 9GF
168	William Clive and Avril Evans	Owner	45	or	9	or	Yes	4	Tynewydd Farm, Pontlottyn	Tynewydd Farm, Heol-Y-Waun, Pontlottyn, Bargoed, CF81 9RU

			Sheep, Cattle and Horses (S = horses substituted to the number of one instead of 2 cattle or 10 sheep, provided no more than 25 horses are grazed at any one time)							
Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
169	Mrs B Morgan	Owner	100	or	20	or	Yes	10	Penwaungoch Farm	Penwaungoch, Farm Road, Pontlottyn, Bargoed, CF81 9QG
170	Thomas Merlyn Clayton	Owner	516	or	103		Yes	S	Garth Farm, Cae Dwr, and Chursh Fields, Pant	Garth Farm, Pant, Merthyr Tydfil, CF48 2UY
171	Garfield Francis Jones	Tenant	153	or	31	or	Yes	15	Waun Newydd Farm, Rhymney Bridge	Waun Newydd Farm, Rhymney Bridge
172	National Coal Board	Owner	140	or	28	or	Yes	14		Cambrian Buildings, Mountstuart Square, Cardiff, CF10 5FL
173	John Malcolm and William Brychan Morris	Owner	840	or	168		Yes	S	Bedlinog Farm, Bedlinog	45 Summer Hill, Newport, NP19 8FQ / Bedlinog Farm, Bedlinog, Treharris, CF46
174	David R Jones	Owner	420	or	84		Yes	S	Coly Uchaf Farm, Bedlinog	Coly Uchaf Farm, Bedlinog, Treharris, CF46 6SL
175	Secretary of State for Wales/FCW	Owner	840	or	168		Yes	S	Coly Uchaf Farm, Bedlinog	Churchill House, Churchill Way, Cardiff, CF10, / Coly Uchaf Farm, Bedlinog, Treharris, CF46 6SL
176	William Ivor Isaac	Owner	1050	or	210		Yes	S	Hendai Farm, Gelligaer	Hendai Farm, Heol Adam, Gelligaer, Hengoed, CF82 8FU
177	Percival Jenkyn Williams	Owner	952	or	190		Yes	S	Gilfachmaen Isaf and Tir William Morgan Farm	Gilfach Maen Isaf Farm, Mean Gilfach, Trelewis, Treharris, CF46 6BG
179	Reginald Williams	Owner	368	or	74		Yes	S	Pen Heol Adam Farm, Gelligaer	Pen Heol Adam Farm, Heol Adam, Gelligaer Hengoed, Mid Glamorgan, CF82 8FU

			Sheep, Cattle and Horses (S = horses substituted to the number of one instead of 2 cattle or 10 sheep, provided no more than 25 horses are grazed at any one time)							
Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
180	J.T. Miles and Sons	Owner	1400	or	280		Yes	S	Gilfach-Maen Uchaf Farm, Trelewis	Gilfach Maen Uchaf Farm, Trelewis, Treharris, CF46 6TA
181	Idris Thomas and Edward John Davies	Owner	434	or	87		Yes	S	Pencaedrain Farm, Bargoed	Pencaedrain Farm, Bargoed, CF81 9GF
182	Rowland James Cumbes	Owner	259	or	52		Yes	S	Pen Mount Farm, Bedlinog	Pen Mount Farmhouse, Treharris, CF46 6SW
183	Henry Goddard	Tenant	262	or	53		Yes	S	Aber Nant Wen Farm, Bedlinog	Aber Nant Wen Farm, Bedlinog
184	JMM and G Edwards	Tenant	1148	or	230		Yes	S	Groesfaen Farm, Bargoed	Groesfaen Farm, Deri, Bargoed, CF81 9GH
185	William and John Price	Owner	1393	or	279		Yes	S	Gwaelod Y Brithdir and Brithdir Ganol Farms	Gwaelod-y-brithdir Farm, New Tredegar NP24 6JZ
186	Tegwyn Olwern Heath	Owner	399	or	80		Yes	S	Garthgynydd and Gwaun-Clwyd Farms, Bedlinog	Garthgynydd Farm, Treharris Bedlinog, Merthyr Tydfil, CF46 6TH
187	John Richard Edwards	Owner	483	or	97		Yes	S	Tyla Glas Farm, Bedlinog	Dan-Y-Pentre, Gelligaer, Hengoed, CF82
188	John Davies	Owner	497	or	99		Yes	S	Bryn Rhae Farm, Deri, Bargoed	Bryn Rhae Farm, Deri, Bargoed
189	Mrs EM Webb	Owner	630	or	126		Yes	S	Colli Isaf Farm, Bedlinog	Coly Uchaaf Farm, Bedlinog, Treharris, CF46 6SL
190	Thomas Edward Howells	Owner	193	or	39	or	Yes	19	Ffoes-Yr-Hebog Farm, Deri, Bargoed	Ffos-Yr-Hebog Farm, Deri, Bargoed, CF81 9NT
191	Isaac Morgan Rees	Owner	644	or	129		Yes	S	Troedrhijestyn and Deri Newydd Farms	Troed Y Rhiw Jestyn Farm, Bargoed, CF81 9JA
192	Melville Wood Richards	Tenant	1162	or	232		Yes	S	Blaenllwynau Farm, Bedlinog	Blaen llwynau Farm, Bedlinog

			Sheep, Cattle and Horses (S = horses substituted to the number of one instead of 2 cattle or 10 sheep, provided no more than 25 horses are grazed at any one time)							
Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
193	William Henry Winsor Chapman	Owner	512	or	102		Yes	S	Pen-Y-Bank Farm, Fochriw	Pen-y-Bank Farm, Deri, Bargoed, CF81 9NR
194	Evan Lewis Williams	Owner	277	or	55		Yes	S	Graig Rhymney Farm, Tir-Phil	Graig Rhymney Farm, Graig Rhymney, Tirphil, New Tredegar, NP24 6LZ
195	Mrs Susan Lloyd	Owner	497	or	99		Yes	S	Cwm Carno Farm, Rhymney	Cwm Carno Farm, Llechryd, Rhymney, Tredegar, NP22 5QY
196	John Pellard Llewellyn	Owner	858	or	172		Yes	S	Ffynonau Duon Farm, Fochriw	Pentwyn Farm Ffynonau Duon, Pentwyn, Bargoed CF81 9NP
197	Albert James Williams	Owner	119	or	24	or	Yes	12	Blaen Carno Farm, Near Dowlais	Blaen Carno Farm, Merthyr Tydfil, Mid Glamorgan, CF48 4AB
198	Idris Victor Cole	Owner	770	or	154		Yes	S	Gwernllwyna Farm	Gwern Llwyna Farm , Mill Road, Deri, Bargoed, CF81 9NT
199	Coal Authority	Tenant	2345	or	469		Yes	S	Glynmil Farm, Merthyr Tydfil	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA
200	Coal Authority	Owner	152	or	30	or	Yes	15	Cefn Brithdir, New Tredegar	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA
202	Coal Authority		143	or	29	or	Yes	14	Land at Cwm Carno, Rhymney	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA

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Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
203	Coal Authority	Owner	259	or	52	or	Yes	25	Cascade Farm, Hengoed	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA
204	Coal Authority	Owner	532	or	106		Yes	S	Cwmllydrew Farm, Deri, Bargoed	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA
205	Coal Authority	Owner	140	or	28	or	Yes	14	Land at Blaencarno	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA
206	Coal Authority	Tenant	231	or	46		Yes	23	Pencoedcau, Merthyr Tydfil	Coal Authority, 200 Litchfield Lane, Maansfield, Derbyshire, NG18 4RA
207	Church of Wales		560	or	112		Yes	S	Graweth Farm , Abercanaid, Merthyr Tydfil	The Secretary, The Representative Body of the Church in Wales, 39 Cathedral Road, Cardiff, CF1 9XF / Graweth Farm, Cwmtaf, Merthyr Tydfil, CF48
208	Rufus Irving Beard	Tenant	147	or	29	or	Yes	15	Pleasant View Farm, Rhymney Bridge	Pleasant View Farm, Merthyr Road, Llechryd, Rhymney, Tredegar, NP22 5QU
209	David Alwyn Jones	Owner	16	or	3	or	Yes	2	Nant-y-Fedw Farm, Bedlinog	Nant -Y-Fedw Farm, Bedlinog, Treharris, CF46 6UF

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Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
211	DCWW	Owner	1178		236			S (no more than 22 at any one time)	Tyn Y Waun and Pyllau Duon Farms	Dwr Cymru Cyfyngedig, Plas Y ffynon, Cambrian Way, Brecon, Powys, LD3 7HP
212	DCWW	Former Owner	145		29			S (no more than 3 at any one time)	Ref. Field No.s	Dwr Cymru Cyfyngedig, Plas Y ffynon, Cambrian Way, Brecon, Powys, LD3 7HP
213	Colin Thomas	Former Owner	72	or	14		Yes	S	Land at Bryn Pyllog, Rhymney	Ruosbren Farm, Llewellyn St, Dowlas, Merthyr Tydfil, CF48 3SP
214	Celtic Energy Limited - rights now severed from land		1353	or	256		Yes	S	Land at Bryn Pyllog, Rhymney	9 Beodau Way, Castlegate Business Park, Caerphilly, CF83 2AX
216	British Coal Corporation	Owner	4151	or	831		Yes	S	Bryncaerau, Nantyffin and Blaenbargoed Farms	British Coal Corporation, Hobart House, Grosvenor Place, London, SW1X 7AE / Bryn-Caerau Farm, Bogey Road, Mountain Haer, Cwmbargoed, Merthyr Tydfil, CF48 4AQ
217	Mr and Mrs H J Williams	Owner	417	or	83		Yes	S	Numerous	8 Amelia Close, Pant, Merthyr Tydfil, CF48 2BF
218	David John Williams	Owner/Tenant	5883	or	1177		Yes	S	Numerous	Pendducae Fwr Farm, Bedlinog, Treharris, CF46 6UE

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Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
219	Mr Howard R Kinsey	Owner	10	or	10		Yes	S	Parcel of land to the North of Bryncaerau Farm, Nantyffin Farm and Blaenbargoed Farm.	8 Dixon Street, Merthyr Tydfil, CF47 8LH / Bryn-Caerau Farm, Bogey Road, Mountain Haer, Cwmbargoed, Merthyr Tydfil, cf48 4aq
220	Mr Evan T Kinsey	Owner	10	or	10		Yes	S	Parcel of land to the South of Bryncaerau Farm, Nantyffin Farm and Blaenbargoed Farm.	8 Llewellyn Street, Merthyr Tydfil, CF47 8SR / Bryn-Caerau Farm, Bogey Road, Mountain Haer, Cwmbargoed, Merthyr Tydfil, CF48 4AQ
222	Mr John and David Powell	Tenant	305	or	61		Yes	S	Gilfach Fawr Farm, Bargoed.	Rhos Farm, Hospital Road, Penpedairheol, Hengoed, CF82 8DG / Gilfach Fargoed Fawr Farm, Cardiff Road, Bargoed, CF81 8NY
224	Mark Allen and Kim Allen	Owner	77	or	15		Yes	S	Part Gwerthonour Ganol Farm, Gilfach, Bargoed.	The Farmhouse, Gwerthonour Ganol Farm, Gilfach, Bargoed, Caerphill, CF81 8PY
225	Shelley Louise Challoner	Owner	79	or	16		Yes	8	Pentwyn Farm, Rhymney Bridge	Pentwyn Farm, Rhymney Birgdge, Rhymney, Tredegar, NP22 5QG
226	Mark Allen and Kim Allen	Owner	29	or	6		Yes	S	Part Gwerthonour Ganol Farm, Gilfach, Bargoed.	The Farmhouse, Gwerthonour Ganol Farm, Gilfach, Bargoed, Caerphill, CF81 8PY
227	Lewis Bernard John		13	or	3		Yes	S	Part Gwerthonour Ganol Farm, Gilfach, Bargoed.	5 Llywn Drysgol, Radyr, Cardiff, CF15 8DN

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Rights Section Entry No.	Name		S	AND/OR	C	AND/OR	Combination of animals pro-rata	H	Rights attached to:	Address
228	David Davies and Emma Louie Felkin	Owner	180	or	36		Yes	S	Part Gwerthonour Ganol Farm, Gilfach, Bargoed.	Pencoed Fach Farm, Bedwelly, Blackwood, NP12 0BQ / Gwerthonor Ganol Farm Lane, Gilfach, Bargoed, CF81 8PY
229	Mr David Powell	Owner	236	or	47		Yes	S	Part Gwerthonour Ganol Farm, Gilfach, Bargoed.	Rhos Farm, Hospital Road, Penpedairheol, Hengoed, CF82 8DG / Gwerthonor Ganol Farm Lane, Gilfach, Bargoed, CF81 8PY
230	Ms Andrea Fussell and Mr Michael Meredith	Owner	700	or	140		Yes	S	Ysgwyddan Isaf Farm	Ysgwyddgwyn Isaf Farm, Deri, Bargoed, CF81 9NT
231	Gareth Roper	Owner	202	or	40		Yes	S	Part Gwaelod Y Brithdir Farm, New Tredegar	6 Rhodfa Ganol, Fochriw, Bargoed, CF81 9LB / Gwaelod-Y-Brithdir, Brithdir, New Tredegar, NP24
232	William Price and John Price	Owner	1190	or	238		Yes	S	Part Gwaelod Y Brithdir Farm, New Tredegar	Gawelod Y Brithdir Farm, Brithdir, New Tredegar, NP24
	Total		55533		11047					