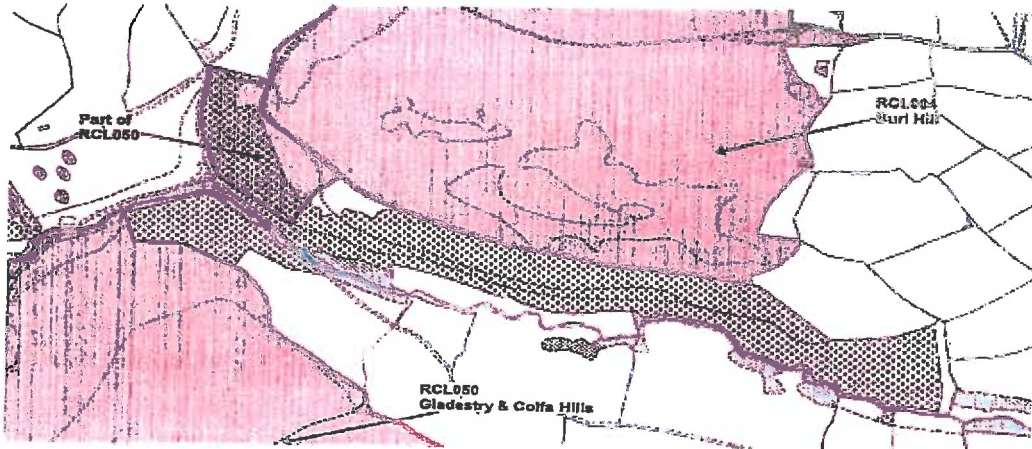


Report on RCL 050 Registered Common: Land At Gilwerne, Redwood Kington

1. Requirement. Knights were asked to advise on the effect of the Property as shown on the plan to the Agents' Particulars [REDACTED] (Redwood) being registered Common Land under the Commons Registration Act 1965 and the Commons Act 2006.
2. Search. The search of the Local Authority (Powys County Council) conducted by PSG [REDACTED] confirms that the western part of the Property is registered as Common Land. This search is important as it can be relied upon for the information provided. The Local Authority confirms that part only of Redwood (about 10 acres) was registered as Common Land by Radnorshire County Council in 1968 and known as the Gladestry & Colva Hills Unit No RCL50. An extract of the location plan is below.



3. The Commons Register: Review of RCL50

3.1. The Register, held by Powys County Council, comes in 3 parts and I comment on each below.

3.2. Lands Section [REDACTED].

3.2.1. The Lands Section records the extent of 3320 acres originally registered on the map as Common Land but this was reduced to 2451.532 acres in 1983.

3.2.2. The Commons Commission dealt with a number of objections in 1982 and hence sections of the Commons Registers (see below) were amended. In short much of the extent of what was registered in 1968 was deregistered and removed from RCL50. The extent of the land removed is shown on the plan Sheet no. SO 15 NE [REDACTED] but it does not concern Redwood. There seems to be no alteration to the Rights Section (which still permits up to 570 sheep units to graze on the reduced areas).

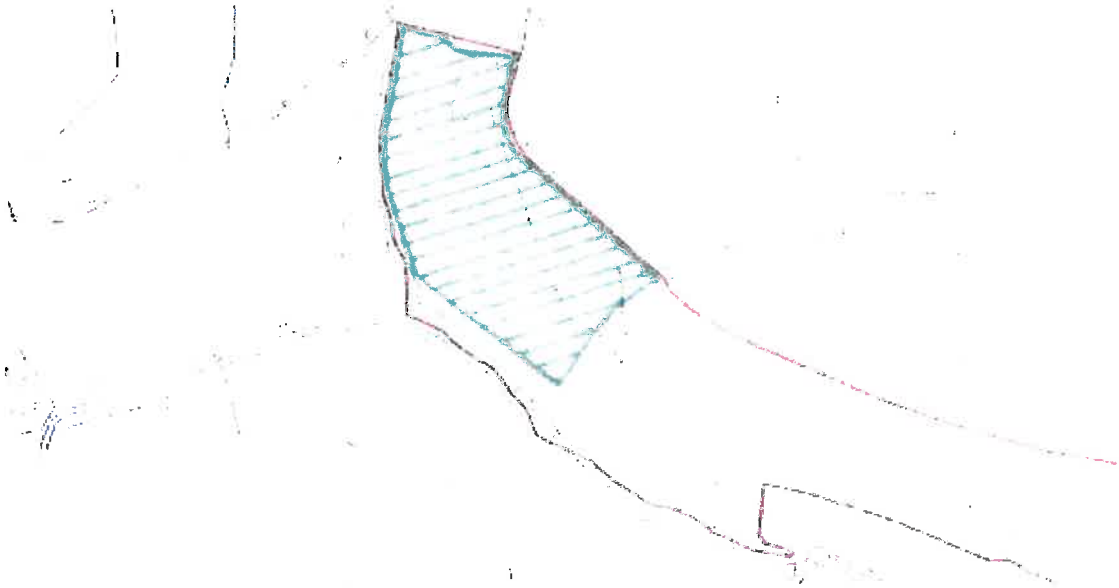
3.3. Ownership Section [REDACTED].

3.3.1. This section registers a claim to ownership of the land subject to the Commons and is not evidence of the legal title to the land. Land Registry titles provide that information.

3.3.2. Redwood is registered with title number CYM736017 [REDACTED]. There is (predictably) no reference to the Common Land.

3.3.3. The entry that relates to Redwood is entry No 7. This entry does not reflect the Land Registry details and should be updated.

3.3.4. My interpretation of the registered land that is subject to Commoners' Rights (Common Land) is shown below with the boundary of your property edged red and the Common Land edged and hatched in green:



3.4. Rights Section [REDACTED].

3.4.1. A right of common can be defined as the right for someone to use the product of another man's land in common with the owner of the soil. Rights holders are often referred to as Commoners or Graziers. Common Land is usually less cultivated than the surrounding farmland and forms an important resource for nature conservation, recreation and agriculture.

3.4.2. There were 82 entries detailing those claiming rights to the Common Land RCL50. Not all Commoners have the same rights to all the Common Land. In fact I have discovered that the plan OS numbers referred to relate to a 1948 OS map as was used in a 1956 Conveyance of Red Wood. Your land within RCL50 is OS Part No 314. Only 2 entries in the Rights Section relate to Redwood and they are entries 9 & 27 [REDACTED].

3.4.3. The rights are for the grazing of sheep units (which includes cattle and horses) and the taking of bracken. A sheep unit is explained in the Rights Section.

3.4.4. Exercise of the rights is a different matter to possession of the rights. The owners of the lands in column 3 of the Rights Section (rather than the named people) can exercise the rights provided the rights have been transferred to them and they have access to the Commons. Only a highways search of the local authority will reveal the actual public rights of way to Redwood and even then only a road or BOAT (Bridleway Open to All Traffic) will permit access with vehicles and animals to the Property. Private rights of access should be registered in the property and charges registers of CYM736017. [REDACTED] states "The land has the benefit of any legal easements granted by a Conveyance of the land in this title and other land dated 31 August 1956 made between (1) The Right Honourable John Arthur Charles Baron Ormathwaite and (2) William Simon Wilson but is subject to any rights that are as mentioned in the said deed and affect the registered land". Examination of that Conveyance [REDACTED] identifies a right for ... "the owners or occupiers for the time being of Trewern Farm aforesaid to pass over the said Property [Redwood] to and from Pentre Tump and of taking water....[etc]" As the Owners of Trewern Farm are identified at item 27 of the Rights Section, it is arguable that they can gain access to the Common Land for the purposes of exercising their Commoners Rights for 570 Sheep Units of grazing. You will know better than me whether this right has been exercised or is still exercised, and how.

4. CROW Act 2000. The Countryside and Rights of Way Act 2000 (CROW Act) normally gives the public right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered Common Land. These areas are known as 'open access land'.

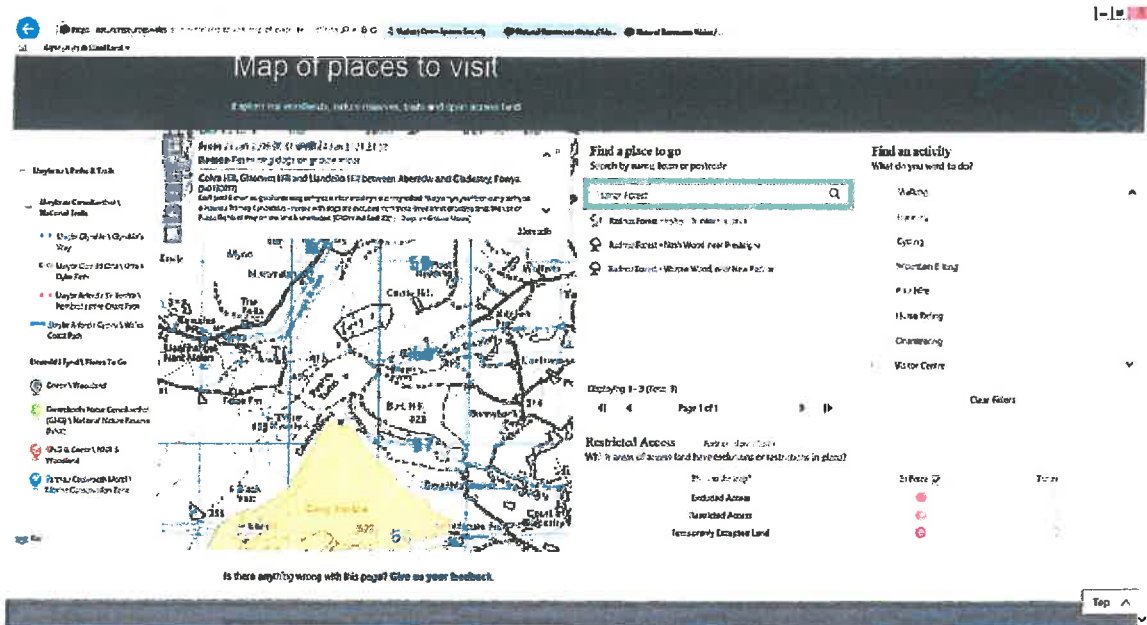
4.1. People can normally access your open access land on foot. As there are no public paths to RCL50, access can only be via RCL004. They can walk, sightsee, bird-watch, climb and run.

4.2. There's a general rule that visitors using their open access rights must keep dogs on a short lead of no more than 2 metres between 1 March and 31 July each year and at all times near livestock.

4.3. In some circumstances you can exclude people with dogs completely from small lambing fields and grouse moors (see restrictions for people with dogs below on grouse moors).

4.4. The CROW Act has a list of general restrictions that limit what people using their open access rights may do, unless you give them permission to do something on the list, or the right to do something already exists. For instance they cannot: ride a horse or bicycle, drive a vehicle (unless it is an invalid carriage), bring an animal other than a dog, camp, play organised games, hang-glide or paraglide, use a metal detector.

4.5. It is possible to apply for open access land to have restriction of use applied. A search of Natural Resources Wales reveals no restrictions are applicable to Redwood but neighbouring Common Land is restricted (to exclude people with dogs on grouse moors) as shown on the screenshot below:



4.6. Commercial activities are not permitted on the land such as: trade or sell, charge other visitors for things they do on your land, film, photograph or make maps, remove, damage, or destroy any plant, shrub, tree or root, light cause or risk a fire, damage hedges, fences, walls, crops or anything else on the land, leave gates open, that are not propped or fastened open nor leave litter, disturb livestock, wildlife or habitats nor post any notices.

5. Insurance and Liability. Unless you set out to create a risk, or are reckless about whether a risk is created, you're not liable for any injury caused by: any natural feature of the landscape including any tree, shrub, plant, river or stream, any ditch or pond, whether natural or not people passing over, under or through a wall, fence or gate, except if they're making proper use of a gate or stile.

6. Management and Development on your land.

6.1. You can manage your land subject to normal farming forestry practices and, on approval from your local planning authority, develop it as permitted.

6.2. As the Property is forested, and was so before the date of registration, you are at liberty to harvest the timber subject to reasonable precautions notifying the public of the dangers they may face. You may even consider an exclusion order from the Council to ensure people are kept away if felling is likely to injure anyone. Normally sensible use of informal measures such as signage or legal restrictions to manage public access to avoid conflict with your land management activities and the public are sufficient. Signs or verbal requests can be used and put in place at short notice. They do not require advanced notice or approval and can be used in all situations where they're useful. Do note that your occupier's liability still applies unless legal restrictions are in place to ban the public from access to the Property.

6.3. You cannot charge visitors for access but you can charge for goods, services and facilities, for example parking and entry to attractions.

6.4. You (and other graziers) can use common land grazing rights to support your BPS claim if you have a legal right to graze stock on the common land.

7. Registration Legislation. The Welsh Government has brought into force certain provisions in Part 1 of the Commons Act 2006, which provide for applications and proposals to amend the registers of Common Land and town or village greens held by your authority. These applications and proposals may be made under section 19 of, and paragraphs 2 to 9 of Schedule 2 to the 2006 Act and enable people to apply to register 'lost' commons or to deregister certain wrongly registered land. In my opinion however, the history of deregistration (as shown by the lands hatched black on the plan [REDACTED]) would suggest that significant new evidence would need to be provided to support any application for deregistration on grounds of wrongful registration.

8. Summary. Only 10 or so acres of Redwood is registered Common Land under RCL50. That land was not reconsidered in the 1980s when other parts of RLC50 were deregistered. 2 commoners have grazing rights for up to a total of 820 sheep units but it would appear that, unless others have access over RCL004, only the owners and occupiers of Trewern Farm would have a right of access to the Common Land at Redwood. The Property is subject to open access land rights under the CROW Act 2000 and does not benefit from any restriction of use other than the public have no means of access to the Property, except via RCL004. In all other respects, RCL50 is subject to all normal statutory provisions concerning Commons Registration Act 1965 (as amended) and CROW Act 2000 and Commons Act 2006 as applicable to Wales.



Knights plc