



**Application to deregister and exchange common land
or town or village greens**

Commons Act 2006: Section 16

Return completed application to:

Planning Inspectorate Wales
Cathays Park
Cardiff
CF10 3NQ

Phone: 029 20823866

Fax: 029 20825150

E-mail: wales@pins.gsi.gov.uk

Application to deregister and exchange common land

- Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer.
- Refer to the separate “Notes for completing an application to deregister and exchange common land or town or village greens” (the “Notes”) when applying.
- Consult informally and widely about your ideas before developing a formal proposal.
- References throughout this form to ‘Common Land’ apply equally to ‘town or village green’
- From 1st April 2013, the Countryside Council for Wales ceased to operate in Wales, and its functions were taken over by Natural Resources Wales.

SECTION A – The common land (or village green) – to be deregistered – the “release land”
(see Notes 1, 2, 3, 4 and 5)

SECTION A1 – The Common:

1. Name of Common CL/AG No.
2. Located in the:
- (a) Community/Town of
- (b) Borough/County Borough/City/County of
3. Commons Registration Authority

Section A2 – The owner (see Note 1):

4. Title (e.g. Mr/Mrs/Miss/Ms/Dr)
- (a) Forename (s)
- (b) Surname
- (c) Position/Organisation (if appropriate)

5. Full Postal Address

Postcode

Telephone number

Mobile No

Fax Number

E-mail address

I prefer to be contacted by

Email

Post

Please note that unless you tell us otherwise, we will send all correspondence to the person named above – not to the owner of the replacement land shown in Section B2.

Please tick as appropriate:

Please send all correspondence to the owner above in question 4.....

Please copy all correspondence to the person named in question 15...

Section A3 – Area of common and common rights:

6. What is the total area of common as registered?
(see Note 2)

927.1 ha ACCORDING TO REGISTER.

7. What common rights, if any, are registered (e.g. number and type)? If the land is a town or village green, to what recreational use is it put?

RIGHTS TO GRAZE LIVESTOCK

8. If common rights are registered, are they ever exercised?.

Yes

No

9. If **Yes**, to what extent (e.g. which commoners are active, which rights are exercised, and how frequently)?

THE ACTIVE COMMONERS ARE THE CAE GURWEN AND PENLLERFEDWEN COMMONERS ASSOCIATION.

Section A4 – Other rights over the common:

10. Give details of any relevant leaseholders, other occupiers, or those holding any relevant charges over the release land (see Note 4) and enclose copies of their written consent to this application (see Note 3).

Section A5 – Description of the release land:

11. Area of release land (m² or hectares)

12. Description (including location) of release land (see Note 5)

- LAND WITHIN OR IN CLOSE PROXIMITY OF THE OPERATIONAL BOUNDARY OF THE LAKES AT RHOSAMMAN SURFACE MINE.
- LAND AT NEW ROAD, TAIRGWAITH AND GWAVN CAE GURWEN.
- LAND AT TWYNREFAIL PLACE, GWAVN CAE GURWEN.
- LAND AT PENYBRYN AND BRYN ROAD, CWMMLYNFELL.
- LAND AT BRYNAMMAN ROAD, LOWER BRYNAMMAN.
- LAND AT AMMAN ROAD, LOWER BRYNAMMAN

Section B – The land to be given in exchange – the ‘replacement land’ (see Notes 6,7,8 and 9)

13. Are you proposing to provide replacement land in exchange for the release land?

Yes No

If **Yes**, go to question 14. If **No**, please explain here why you are not providing replacement land (see note 6) and then go to Question 22

Section B1 – Location of the replacement land:

14. Name, if any of the replacement land

The replacement land is located in the:

(a) Community/Town of

(b) Borough/County Borough/City/County of

Section B2 – The owner of the replacement land (see Note 1)

15. Title (e.g. Mr/Mrs/Miss/Ms/Dr)

(a) Forename (s)

(b) Surname

(c) Position/Organisation
(if appropriate)

16. Full Postal Address

Postcode

Telephone number

Mobile No

Fax Number

E-mail address

I prefer to be contacted by E-mail Post

Please note that unless you tell us otherwise, we will send all correspondence to the person shown in Section A2.

Section B3 – Description of replacement land:

17. Area of land proposed as replacement land (hectares)

18. Description (including location) of land proposed as replacement land (see Note 5)

19. Please confirm that the proposed replacement land is not already registered as common land or town or village green (See Note 7)

20. Is the proposed replacement land subject to any other formal designation (for example, as public open space)? (See Note 8) Yes No

If Yes, give full details:

21. Give details of any relevant leaseholders, or other occupiers, or those holding any relevant charges over the replacement land: (see Note 9).

SECTION C – Access arrangements and current features of the lands (see Notes 10, 11 and 12)

For questions 22 to 28 complete both parts of each question if replacement land is being provided. If no replacement land is being provided, complete part (a) of each question.

Section C1 – Access to the lands:

22. To what extent is there public access over the lands to be exchanged?

(a) The release land

MUCH OF THE RELEASE LAND THAT IS WITHIN THE SURFACE MINE BOUNDARY HAS NOT HAD THE BENEFIT OF PUBLIC ACCESS RIGHTS SINCE THE START OF LARGE SCALE SURFACE MINING ON THE COMMON IN THE 1960s. THAT OUTSIDE OF THE SURFACE MINE HAS BEEN SUBJECT TO PUBLIC ACCESS UNDER THE CROW ACT.

(b) The replacement land

PUBLIC FOOTPATHS WERE REGISTERED.

23. What will the access arrangements be after the exchange?

(a) The release land

PUBLIC FOOTPATHS WERE REGISTERED.

(b) The replacement land

PUBLIC ACCESS UNDER THE COUNTRYSIDE AND RIGHTS OF WAY ACT.

Section C2 – Current condition of the lands:

24. Describe the current condition and use of the:

(a) release land

IN PART SURFACE MINE WHICH INCLUDES WORKING AREA, CAR PARK, OFFICES, WORKSHOP AND YARD AND RESTORED GRASSLAND.
IN PART PERMANENT PASTURE AND SCRUBLAND.

(b) replacement land

PASTURE LAND AND SOME WETLAND AREAS.

25. What structures, (e.g. buildings, bridleways, footpaths, walls, fences or other constructions currently exist on the:

(a) release land

OFFICES, WORKSHOP AND STOCK FENCING.

(b) replacement land

- STOCK FENCING TO BOUNDARY.
- SOME INTERNAL FENCES.

26. What boundary features e.g. fences, hedges, walls (and access points such as stiles and gates) currently exist on (or on land immediately adjoining) the:

(a) release land

GENERALLY ONLY STOCK FENCING WHERE SUCH LAND ADJOINS THE PUBLIC HIGHWAY.

(b) replacement land

STOCK FENCING IN PART.

27. What, if any, boundary features are proposed to be removed or erected as part of the exchange?

(a) release land

STOCK FENCING

(b) replacement land

PERIMETER FENCES TO BE REMOVED TO ALLOW INTERGRATION INTO COMMON.

28. Are any works or other things to be done by any party as part of the exchange?

.....

.....Yes No



If Yes, give details

(a) release land

(b) replacement land

29. Are any of the lands subject to any other rights or easements not already mentioned on this form?.....Yes No



If Yes, give full details:

SOME OF THE RELEASE LAND IS SUBJECT TO PRESCRIPTIVE EASEMENTS ENJOYED BY PROPERTY OCCUPIERS. THESE WILL NOT BE INTERFERED WITH.

SECTION D – Details of the exchange or deregistration, and any informal consultations (see Notes 13, 14 and 15)

30. What are the reasons for the exchange or deregistration and the circumstances surrounding it?

PLEASE SEE ATTACHED SHEET.

31. It is strongly recommended that you consult informally on your proposals at an early stage in their development see 'Common Land Guidance – General Overview' note. What **informal**

consultation (e.g. with local inhabitants) have you carried out? Give details below and provide written evidence.

WE SENT OUR PROPOSALS FOR PRE-APPLICATION COMMENT TO NRW, NEATH PORT TALBOT CBC, CAE GURWEN AND PENLLERFEDWEN COMMONERS ASSOCIATION AND OPEN SPACES SOCIETY. ONLY THE COMMONERS RESPONDED AND WITH A LETTER OF SUPPORT WHICH IS ENCLOSED

SECTION E – Designations (see Notes 16 and 17)

32. Are any of the lands subject to this application in or near a site of Special Scientific Interest (SSSI), a Special Area of conservation (SAC), a Special Protection Area (SPA), or Wetland listed in accordance with the Ramsar Convention? Yes No

If **Yes**, please give details, identify on the map (see section J), and provide evidence of any consultation you have carried out with Natural Resources Wales (see Note 16).

33. Do any of the lands contain a Scheduled Ancient Monument? Yes No

If **Yes**, give details, identify on the map (see section J), and provide evidence of any consultation you have carried out with Cadw (see Note 17)

34. Are any of the lands subject to this application in a National Park or Area of Outstanding Natural Beauty?..... Yes No

If **Yes**, give details any consultation you have carried out with the National Park Authority or Natural Resources Wales.

SECTION F – Adjacent Common Land (see Note 18)

35. Does any area of common land or village green, of a different registration number, adjoin the common land or green subject to this application?
..... Yes No

If **Yes**, give details and identify them on the map (see Section J):

SECTION G – Public Access (see Notes 19, 20, and 21)

36. Do the public have a right of access to the release land for air and exercise under section 193 of the Law of Property Yes No

37. Is the release land subject to an Order of Limitation made under section 193? Yes No

If **Yes**, give its date and other details, and send us a copy:

SECTION H – Scheme of management and local Acts (see Note 22)

38. Is there a Scheme of Management for the release land, made under the Metropolitan Commons Act 1866 or the Commons Act 1899? Yes No

39. Is the release land subject to any other regulatory Scheme or Act (e.g. a Provisional Order Confirmation Act made under the Commons Act 1876) ? Yes No

If **Yes**, to either question, give its date and other details below, and send us a copy of the Scheme or Act. Do you wish to seek any special arrangements to be made in relation to any of these provisions?

SECTION I – Advertisement and Consultation (see Notes 23, 24 and 25)

You must advertise your proposal in one main local newspaper and at the main points of entry to the lands within 7 days of making your application. Use the draft notice at Annex B of the Notes.

You must also send a copy of the notice (using the letter at Annex D of the Notes) to the following:

- the commoners council or association (if there is one)
- all known commoners
- others with an interest in the lands e.g. tenants, those with easements or other rights over the lands
- any relevant community/town, borough/county borough, city or county council
- Natural Resources Wales
- Cadw (if applicable)
- National Park Authority (if the lands are in a National Park)
- Open Spaces Society (see Note 25)

40. Which newspaper will the advertisement appear in, and on what date?

SOUTH WALES GUARDIAN ON 16 JUNE 2021

SECTION J – Maps (see Note 26)

You must include with your application two copies of a map which fully meets the requirements set out in Note 26.

41. Two copies of the map that meets the requirements set out in Note 26 are enclosed



SECTION K – Public inquiry or hearing (see Note 27)

42. Give the name and address of a suitable place in the locality for holding a public local inquiry or hearing, should this be needed.

TO BE CONFIRMED

Contact name/Telephone number:

Checklist (tick to confirm)

I have read the **Notes** in full

I have:

- answered all the questions on this form in full
- enclosed two copies of the map that meets the requirements of Section J
- enclosed a copy of the commons register in respect of this common (i.e. details of the land, rights, and ownership, and the register map)
- enclosed a copy of any document mentioned in answering the questions on this form (e.g. scheme of management, written permission of any relevant leaseholders, letters from informal committees etc)
- understood that any of the application papers may be copied to interested parties on request, and have informed people as necessary

I will, within 7 days:

- advertise the proposal in one local newspaper
- post a copy of the notice at the main entry points to the lands
- send a copy of the notice to all those listed in Section 1
- place a copy of the notice, map and application at the inspection point .

I will write to you as soon as possible, using the letter at **Annex D** of the **Notes**, to confirm that the advertising requirements have been met.

SECTION L - Declaration

I/We hereby declare that:

- (a) I/We am/are the owner/s of the land/s to be deregistered/exchanged as detailed in this application.
- (b) No person is a relevant leaseholder, or holds a relevant charge, over any of the land/s to be deregistered/exchanged

Or

I/We enclose the written consent of every person who is a relevant leaseholder, or holds a relevant charge, over any of the lands to be deregistered/exchanged

- (c) The contents of this application are true and complete to the best of my/our knowledge and belief.

Signatures of the parties to the deregistration/exchange:

Release Land:

Signature of owner



Signature of co-owner
(if applicable)

Name
(in BLOCK letters)

ADAM PEARCE FOR + ON BEHALF OF
CELTIC ENERGY LTD


Name of co-owner
(if applicable)

Date 14 JUNE 2021

Date

Replacement Land:

Signature of owner



Signature of co-owner (if applicable)

Name
(in BLOCK letters)

ADAM PEARCE FOR + ON BEHALF
OF CELTIC ENERGY LTD.

Name of co-owner (if applicable)

Date 14 JUNE 2021

Date

You must keep a copy of your completed form

Data Protection Act

To process your application, we may need to disclose information we receive from you to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.

SECTION D – Details of the exchange or deregistration, and any informal consultations

30. What are the reasons for the exchange or deregistration and the circumstances surrounding it.

The exchange is predominantly needed for approved planning permission P2021/1073 to be able to be implemented. In particular, the portion of the approved permission that relates to the construction of a 120-bed hotel, 78 holiday lodges, a campsite with facilities block and a diving centre can only be built, operated, and used if approval of the proposed exchange occurs.

A particularly promising regeneration opportunity will be brought about by the proposed development as lands which for approximately 150 years have been predominately utilised for deep mine, drift and surface coal extraction can be given a chance to provide long-term employment and leisure prospects.

Research undertaken as a part of the aforementioned planning application process found that the proposed development can create in excess of 200 full time local jobs in the long term and deliver a destination tourism project which should economically benefit the Upper Swansea Valley, the Amman Valley and the Brecon Beacons National Park by around £40million per annum.

Therefore, the exchange is required in order to make it possible for an important regenerative development to be delivered.