



**Application for consent to construct works on common land**

**Commons Act 2006: Section 38**

**National Trust Act 1971: Section 23**

Return completed application to:

Planning and Environment Decisions Wales  
2<sup>nd</sup> Floor West  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Tel: 0300 060 4400

E-mail: [PEDW.casework@gov.wales](mailto:PEDW.casework@gov.wales)

## Application for consent to construct works on common land

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- 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 separate **Notes** on completing this form (the "Notes") and the 'Common Land Guidance - General Overview' note before, and when, applying
  - Consult informally and widely about your ideas before developing a formal proposal
- 

**This application is made under** (*tick as applicable*)

Section 38: Commons Act 2006

.....  
(if there is a Scheme of Management or local Act applying to the land, see Section I and 'Common Land Guidance – Special Consent Provisions (other than National Trust Land)' note before applying)

Section 23: National Trust Act 1971

.....  
(see Common Land Guidance – Special Consent Provisions (National Trust Commons)' note before applying))

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### SECTION A – The land (see Notes 1, 2 and 3)

1. Name of Common  CL No.
- (a) Community/Town of
- (b) Borough/County Borough/City of
2. Commons Registration Authority
3. Does owner of common consent to proposals
- 

### SECTION B – The applicant

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

5. Full postal address

The Granary  
Forge Road  
Newport

Postcode

Telephone number  (incl national dialling code)

Mobile number

Fax number  (incl national dialling code)

E-mail address

I prefer to be contacted by E-mail  Post

**Details of Agent (if appropriate)**

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

Contact Name

Organisation

7. Full postal address

Postcode

Telephone number  (incl national dialling code)

Mobile number

Fax number  (incl national dialling code)

E-mail address

**SECTION C – Area of common and common rights (see Note 4)**

8. (a) Is the land on which the works are proposed registered as common land? ..... Yes  No

(b) If **No**, why do you need to apply?

9. (a) What is the total area of the common as registered?

(b) What common right(s); if any, are registered? (e.g. number and type)

A copy of the Common Land Register has been included with the application.

Are they ever exercised? ..... Yes  No

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

There are nine active commoners identified that use the land for grazing between April and December in accordance with a Glastir Agreement (now replaced by the Habitat Scheme for Wales for 12 months until the Sustainable Farm Scheme payments begin in 2025). The numbers being grazed are not consistent throughout the year but overall the common is undergrazed.

**SECTION D – The proposal (see Note 5 and 6)**

10. What works are proposed? (tick **all** that apply)

- (a) fencing
- (b) building/s
- (c) other structure/s
- (d) ditch/es, trench/es, embankments/s .
- (e) other works .

Please specify

11. Area and extent of works

(a) What area will be occupied by the works or enclosed by the fencing?  sq m/ha

(b) What length of works/fencing is proposed?  m

12. Are the proposed works:

(a) permanent?

(b) time-limited? (see Note 7)

(c) a mixture of both (a) and (b)

For time-limited works, how long will they be needed?  weeks/months/  
years

13. Is this application, or any part of it, for works that have already been constructed? (see Note 8) Yes  No

14. Describe the proposed works below

Any temporary work will be related to the delivery of the access road – this could include temporary fencing for safety.

15. Say more about the nature and purpose of the proposal, and explain why the proposed

works are needed on the common (**see Note 9**)

The temporary works are needed to facilitate the delivery of the access road proposed to access Rhyswg wind farm.

16. It is strongly recommended that you consult **informally** on your proposals at an early stage in their development. (**See Note 10 and** 'Common Land Guidance - General Overview' note)

What **informal** consultation have you carried out? Give details below

Consultation on the temporary works is included as part of the statutory planning application consultation (PAC) process.

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**SECTION D1 – Additional questions where proposed works involve fencing**  
(If your proposal does not include fencing, go straight to Section E)

17. Please give details of:

(a) the type(s) of fence proposed

If fencing is required, we propose it to be heras fencing.

(b) the height of fencing

2000mm

18. Please give **full** details of the need for fencing. This should cover: why fencing of this type is needed, what the aim of the fencing is, and why it is the length proposed.

Fencing will only be erected if there are safety concerns or a potential hazard issue. The fencing will be erected around the working area for containment during the construction of the access track.

19.(a) What other measures (i.e. alternatives to fencing) have you considered? Why are these not available to you, or not considered to be practical?

Other measure would be not to use fencing.

(b) Give details of any measures proposed to mitigate the visual effect of the fencing.

On the basis the fencing will be very temporary, no mitigation is proposed.

20.(a) How will you ensure that the public and others with rights (e.g. common rights holders) will have access to the land after the fencing is in place? Give details of the number, type and location of stiles and gates (see also question 17.(b)).

Any fencing will be temporary – there may be some disruption during this time, but after the area will be available for use.

(b) Will the fencing cross any public right of way or road? (See 'Common Land Guidance - General Overview' note) ... Yes  No

If **yes**, has the consent of the highway authority been given for any stile, gate or cattle grid and bypass which may be required? Yes  No

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but consent is needed please give:

Date of Application

Reference Number

Highway Authority Contact: Name

Tel

E-mail

Details of Application and stage reached

**SECTION E – Other consents (see Notes 11 and 12)**

21.(a) Is planning permission needed for your proposal? Yes  No

If **Yes**, has planning permission already been obtained? Yes  No

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but application has been made please give:

Date of Application

Reference Number

Planning Authority Contact: Name

Tel

E-mail

Details of Application and stage reached

(b) Has an Environmental Impact Assessment screening opinion been adopted? (See 'Common Land Guidance - General Overview' note) .... Yes  No

If **Yes**, has a screening application been approved by Welsh Government? Yes  No

.....

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but an opinion is needed, please give details of application:

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## SECTION F – Designations

22.(a) Is the proposal in or near a Site of Special Scientific Interest (SSSI), a

Special Area of Conservation (SAC) a Special Protection Area (SPA), a wetland listed in accordance with the Ramsar convention? (**See Note 13 and General Overview**) ..... Yes  No

If **Yes**, please give details, identify on the map (see Section K), and provide evidence that you have consulted Natural Resources Wales.

(b) Will the proposal affect a Scheduled Ancient Monument (SAM)? ..... Yes  No

If **Yes**, please give details, identify on the map (see Section K), and provide evidence that you have consulted Cadw (**see Note 14**).

(c) Is the proposal in a National Park or Area of Outstanding National Beauty (AONB)? ..... Yes  No

If **Yes**, please give details and provide evidence that you have consulted the National Park Authority or Natural Resources Wales.

**SECTION G – Existing works and adjacent common land (see Note 15)**

23.(a) Are there any existing buildings, roads, fences or other constructions on the common? ..... Yes  No

If **Yes**, give details below (see Section K)

Mynydd Maen common covers a vast area where there are existing roads, tracks and in some areas existing fencing and walls.

(b) Does any area of common land or village green, of a different registration number, adjoin the common on which the works are proposed? ..... Yes  No

If **Yes**, give details and identify the boundaries on the map (see Section K)

Mynydd Maen and Mynydd Llwyd (CL25) borders CL26 (Edlogan Common), 27 (Magna Porta Common) and 28 (Mynydd Henllys Common).

**SECTION H – Public access (see Notes 16, 17 and 18)**

24.(a) Do the public have a right of access to the common for air and exercise under section 193 of the Law of Property Act 1925? Yes  No

(b) Is the common 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 of the Order

A copy of the Order is attached (dated 16 February 1981). Restrictions are in place unless lawful authority has been given to carry out the act.

**SECTION I – Schemes of management and local Acts (see Notes 19 and 20)**

25.(a) Is there a Scheme of Management for the common made under the Commons Act 1899? Yes  No

(b) Is there any other regulatory Scheme or Act for the common? (e.g. a Provisional Order Confirmation Act under the Commons Act 1876) Yes  No

If **Yes** to (a) or (b), give its date and other details, and send us a copy of the Scheme or Act.

**SECTION J – Advertisement and consultation (see Notes 21, 22 and 23)**

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

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

- the owners of the land
- the commons council or association (if there is one)
- all known commoners
- others with a legal interest e.g. tenants, those with easements, or other rights over the land
- any relevant community/town, borough/county borough, city or county council
- Natural Resources Wales
- Cadw
- National Park authority (if the proposal is in a National Park)
- Open Spaces Society (**see Note 24**)

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

TBC

27. Are you the owner of the land? Yes  No

.....

If **No**, does the owner support your application? Yes  No

.....

Provide written evidence of the owner's views. Evidence enclosed

To be provided for final submission

**SECTION K – Maps (see Note 25)**

You must include with your application **two copies** of a map which fully meets the requirements set out in **Note 25**. The map must clearly show what you are proposing to do and where.

28. Two copies of the map that meets the requirements set out in **see Note 25** are enclosed

**SECTION L – Public inquiry or hearing (see Note 26 and ‘Common Land Guidance - General Overview’ note)**

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

This will be coordinated by PEDW as part of the DNS application.

\_\_\_\_\_

Contact Name/Tel Number:

**Checklist** (tick to confirm)

For all applications:

I have read the relevant **Notes** and 'Common Land Guidance - General Overview' note

For section 38 applications only:

- I am satisfied that:  
.....
  - the land is registered as common land or is otherwise within the scope of section 38
  - the proposed works would prevent or impede access

For section 23 applications only:

- I have enclosed a letter from the National Trust confirming its view that the proposed works are "desirable" under section 23(1)

For all applications:

- I have:
  - answered all the questions on this form in full
  - enclosed two copies of the map that meets the requirements of Section K
  - enclosed a copy of the commons register in respect of this common, where registered (i.e. details of land, rights, and ownership, and the register map)
  - enclosed a copy of any document mentioned in answering the questions on this form (e.g. planning permission, scheme of management, written permission of the landowner, letters from informal consultees 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: **\*\* Please see section J, question 26**

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

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

### **SECTION M – Declaration**

I/We\* apply under section 38 of the Commons Act 2006/section 23 of the National Trust Act 1971\* to the Welsh Ministers for CONSENT to construct the works described in Section D of this form.

*\*delete as appropriate*

**Signed**

Name (BLOCK letters)

Position (if applicable)

Organisation (if applicable)

Date

**You must keep a copy of your completed form**

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### **Data Protection Act**

Your application will be in the public domain. As such, all papers associated with it will be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.