



Ein cyf/Our ref: CAS-04319-T7H4Z2

Mr Kevin John Lindsell,



16 March 2026

COMMONS ACT 2006- APPLICATION BY MR KEVIN JOHN LINDSELL UNDER SECTION 16 OF THE COMMONS ACT 2006 IN RESPECT OF COMMON LAND AT SUTTON MOUNTAIN COMMON

1. Following your application reference CAS-04319-T7H4Z2 made under section 16 of the Commons Act 2006 (the 2006 Act) for the deregistration and exchange of common land at Sutton Mountain Common (047), I have received the report by the Inspector, Vicki Hirst BA(Hons) PG Dip TP MRTPI, from Planning and Environmental Decisions Wales (PEDW).

Summary of decision

2. The formal decision is detailed at paragraph 18. The application is granted.

Procedural matters

3. Welsh Ministers have appointed PEDW to undertake the processing of section 16 applications on their behalf, including the making of recommendations to Welsh Ministers on whether an application should be granted.
4. In considering an application to exchange land it is necessary for the proposals to be advertised to allow those with private interests and third party rights the opportunity to make representations on the application. The Inspector's report notes the application

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

was advertised in the Western Telegraph on 13 August 2025. Notices were posted at the site and sent to relevant parties.

5. I note two representations were received by Camorse Community council and Open Spaces Society details of which are contained in paragraph 7 and 8 of the Inspector's Report.

Considerations

6. The Welsh Government has issued guidance on 'Common Land Consents'. Welsh Ministers seek to adhere to the guidance in processing and determining applications. I note every application must be considered on its own merits and a determination may, in exceptional circumstances, depart from the guidance if it appears appropriate to do so.
7. Section 16(1) of the 2006 Act provides the owner of any land registered as common land may apply for the land (Release Land) to cease to be so registered. If the area of Release Land is greater than 200m² a proposal must be made to replace it with other land to be registered as common land (Replacement Land).
8. In determining this application, regard is to be had to:
 - i) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);
 - ii) the interests of the neighbourhood;
 - iii) the public interest;
 - iv) any other matter considered to be relevant.
9. Section 16(8) of the 2006 Act sets out that 'public interest' includes the public interest in nature conservation, the conservation of the landscape, the protection of public rights of access to any area of land, and the protection of archaeological remains and features of historic interest.
10. Welsh Government's aim is to protect common land as part of its strategic objectives in relation to biodiversity and for the sustainable use of natural resources to improve the benefits to local communities, the economy and the environment. The 2006 Act provides for the safeguarding of commons for current and future generations, helping the Welsh Government to ensure the stock of common land is not diminished.

Inspector's Report

11. Consideration has been given to the Inspector's report. The Inspector's conclusion is set out at paragraph 32 of her report which is enclosed. The Inspector at paragraph 34 of the report, recommends 'the application to deregister and exchange land at Sutton Mountain Common, Portfield Gate, Pembrokeshire is approved and that an Order pursuant to Section 17 of the 2006 Act be made'
12. The Inspector in making her recommendation considered a range of issues: statutory requirements, policy guidance issued by the Welsh Government and the representations received as a result.

Conclusions reached by the Inspector

13. In considering the application the Inspector applies the statutory tests under section 16(6) of the 2006 Act, and I consider these below.
14. Section 16(6)(a) requires me to have regard to the interests of persons having rights in relation to, or occupying, the release land (and in particular, persons exercising rights of common over it). I note the Inspector believes the proposed deregistration would not unacceptably interfere with the interest of those having rights over the land. I note the Inspector's view the fencing will prevent any stock from wandering onto private land or onto the common. To address concerns about access I note the applicant will ensure there will be signs stating the land is available for public access. I note the replacement land holds a more central position and this will allow for the connection of two areas of common; I believe this to be an improvement to the common. I am therefore satisfied that the exchange is not to the detriment of those with rights of common and public access
15. When considering the interests of the neighbourhood (section 16(6)(b)) the Inspector considers the proposal to not negatively affect the use of the common for recreation and enjoyment. I note the applicant states the local residents' association would like to extend the footpaths from the east to the west side of the common and the location of the replacement land would make this easier. As such, I am content the proposal will not detrimentally impact the neighbourhood.
16. When considering the public interest as required by section 16(6)(c) the Inspector concludes there will not be a negative impact in nature conservation terms nor on the conservation of landscape. With regard to the protection of public rights of access, I believe it will be improved as the replacement land links parts of the common. Furthermore, it may aid the proposal for a local footpath. The Inspector is also satisfied there is no evidence of archaeological remains and features of historical interest will be affected, and I note Cadw did not object to the proposal. As such I believe the public interest will not be harmed by the proposal.
17. I have considered the report and the issues considered by the Inspector and agree with her conclusion the application should be granted and an Order of Exchange should be made. I believe the considerations in section 16(6) of the 2006 Act support this conclusion.

Formal Decision

18. I have considered the Inspector's Report and noted the case for the applicant, the representations and the Inspector's conclusions. In conclusion, for the reasons given above, and in exercise of my authority as Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers, I hereby grant the application () to deregister common land at Sutton Mountain Common, and provide replacement land, in accordance with the terms of the application CAS-04319-T7H4Z2 dated 21 May 2025 and the plans submitted therewith and an Order pursuant to Section 17 of the 2006 Act shall be made.

19. I enclose a copy of the Inspector's Report and a copy of the Order made under Section 17(1) and 17(2) of the 2006 Act, which has today been sent Pembrokeshire County Council
20. The Welsh Ministers' decision on this application will be published as required by regulation 19 of the Deregistration and Exchange of Common land and Greens (Procedure) (Wales) Regulations 2012.
21. This letter does not convey any approval or consent which may be required under any enactment, by-law, order, regulation or private agreement other than sections 16 and 17 of the 2006 Act.

Yours sincerely,



Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs