

**P-04-343 Prevent the destruction of amenities on common land - Anglesey -  
Correspondence from the petitioner to the Chair, 03.04.13**

Dear Mr Powell AC/AM

Thank you for requesting an update on the situation at Marian Common, Llangoed, to help aid your consideration of the petition.

The land is still being driven over occasionally by large machinery, and the residents' offer to the Llangoed Community Council to set up a management scheme, or to initiate tree planting, has been turned down.

We have had a lot of support from our councillor, the local MP and the AM. Environmental and wildlife organizations have been sympathetic, but there has been no action in terms of providing additional protection for this common land.

I asked for responses to your letter from local residents, and the overwhelming response is that there should be some sort of higher protection afforded to common land in general, as we feel totally impotent against this. One of the major concerns is that, if machinery is driven over this land on a regular basis, in a few years time, the perpetrator will be able to argue that he has a legal right to this land, and all common rights will then be invalidated. This would inevitably lead to the tracks becoming permanent roadways.

I include a couple of written responses from residents below (names and addresses supplied):

1. "We feel that all Common Land is in a very vulnerable situation. The Marian is a good example of this. Better protection needs to be given to all Common land to prevent the invidious erosion of the general public's right to access and enjoyment. The situation re The Marian remains unresolved as heavy vehicles are still crossing it and the Local Authority & Community Council are reluctant to take any action against the perpetrator. Why should local residents be forced to afford legal action themselves? These rights should be enshrined by law and one individual should not be able to hold local residents to ransom. As our M.P. & A.M have been involved and supported the local community, do you know if they are aware of this latest development."

2. "Simply Tom.....that nobody locally, individually or institutionally, has the resources to confront the perpetrator of the common's clearance through the courts and we all cling to the hope that our representatives in the Welsh Assembly will help us.

By popular local agreement there has been a clear breach of use of this land. We have owned the closest house to this outrage for the last 20 years. Where there was once a public footpath through gorse, there is now a 10-12 foot earth road. The sudden appearance of this road by an earthmover was carried out in a covert manner without application to the

Community Council and may contravene laws of trespass and the rights of users of the Marian to enjoy this land. We are presenting the Welsh Assembly with the opportunity to set a precedent and get firm control on all such common land in Wales.

In practical terms a mud bath has developed at the bottom of the new track, on the lane leading to our house over the wet winter and this a direct and foreseeable result of the ground clearance. There is clear evidence from tyre ruts that vehicles attempting to turn round are getting bogged down at the point where the new track meets the lane. The CC, whilst sympathetic, do not have the resources to lay hard core here and appear reluctant to ask for the work to be carried out and paid for by the individual who commissioned the original clearance.”

I hope that this information is of help to the committee and that you are able to find a way forward for all of us.

Please let me know if I can be of any further assistance.

Yours sincerely

Tom Pollock