



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

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**Adroddiad**

Ymweliad â safle a wnaed ar 4/9/18

**gan Vicki Hirst BA(Hons) PG Dip TP  
MA MRTPI**

**Arolygydd a benodir gan Weinidogion  
Cymru**

**Dyddiad: 22.10.2018**

**Report**

Site visit made on 4/9/18

**by Vicki Hirst BA(Hons) PG Dip TP MA  
MRTPI**

**an Inspector appointed by the Welsh  
Ministers**

**Date: 22.10.2018**

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COMMONS ACT 2006

APPLICATION TO DEREGISTER PART OF PARC COMMON, MACHYNLLETH, POWYS,  
(MCL032) AND PROVIDE REPLACEMENT LAND

Cyf ffeil/File ref: COM/3197870

**File Ref: COM/3197870**

**Site Address: Parc Common, Machynlleth, Powys**

**Register Unit: MCL032**

**Registration Authority: Powys County Council**

- The application, dated 28 February 2018 is made under Section 16 of the Commons Act 2006 to deregister and exchange land registered as common land.
- The application is made by Natural Resources Wales (on behalf of the Welsh Ministers), Machynlleth Golf Club and Powys County Council (as Highways Authority).
- The Release Land comprises 0.54 hectares of land, situated to the north of the A489, East of Machynlleth and part of Parc Common, Machynlleth, Powys.
- The Replacement Land comprises 2.59 hectares of land located south of the A489, adjacent to the southern extent of Parc Common, Machynlleth, Powys.
- The application is made to enable the provision of a gypsy and traveller site on the Release Land.

**Recommendation: That the application be granted and a Deregistration and Exchange Order be made.**

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### **Procedural Matters**

1. Section 16 of the Commons Act 2006 (the 2006 Act) provides, amongst other things, that the owner of any land registered as common land may apply for the land (the Release Land) to cease to be so registered. If the area of the Release Land is greater than 200m<sup>2</sup> a proposal must be made to replace it with other land to be registered as common land (the Replacement Land).
2. The application, the subject of this report, is made under Section 16 of the 2006 Act and was advertised in the County Times on 16 March 2018 and the Cambrian News on 15 March 2018. Notices were posted at the main entries to the lands and sent to various consultees. Relevant documentation was deposited at Machynlleth Library, Heol Maengwyn, Machynlleth, Powys. Copies were also sent to all registered commoners and other relevant parties<sup>1</sup>.
3. The Replacement Land is crossed by a public footpath. Where any land is crossed by a publicly maintainable right of way the relevant Highways Authority should be a joint signatory to the application as a landowner for the purposes of section 61 (3) of the 2006 Act. The application was amended during its processing and after the public consultation had been carried out to include Powys County Council (the relevant Highways Authority) as a party to the application<sup>2</sup>. The application was not altered or changed as a result of this inclusion and all relevant parties were informed. I find no injustice to any party results from this change and I have made my recommendations on the basis that the Council as Highways Authority is a party to the application.

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<sup>1</sup> Email from Birchill Access Consultancy dated 22 March 2018

<sup>2</sup> Email from Powys County Council dated 7 September 2018

4. I undertook an accompanied site visit on 4 September 2018 to both the Release and Replacement Lands. The Replacement Land was heavily overgrown with undergrowth at the time of my visit. As such I was unable to access much of the land. Nonetheless I am satisfied that from the evidence before me and from my observations on site from both the public footpath, the wider common and those parts of the land that were more accessible that I have sufficient information to enable me to make recommendations.
5. There was some uncertainty at the site visit as to the exact extent and dimensions of the Replacement Land. Following the visit clarification was provided in an amended plan and with a detailed description of the land<sup>3</sup>. As the uncertainty related to the precise boundaries of the land and does not alter the general area of land concerned I find no injustice would arise to any party by taking the revised plan into account and I have done so in making my recommendations.

### **The Site and Surroundings**

6. The overall common land unit (MCL032) amounts to some 79.244 hectares. The common comprises predominantly rolling upland moorland. It rises steeply to the south east of the town of Machynlleth with a portion of the lower slopes to the east of the town containing a golf course. The common is subject to rights for the grazing of sheep distributed between four rights holders. Two rights holders also have rights for the taking of litter. In addition the public have a right of access to the common for air and exercise under Section 193 of the Law of Property Act 1925. There is a scheme of management for the common with byelaws in place<sup>4</sup>. These, amongst other things, regulate horse riding and other activities such as games to be played and other means of recreation on the common and to prohibit and regulate any act or thing that interferes with the use by the public for the purposes of exercise and recreation.

#### *The Release Land*

7. The Release Land comprises 0.54 hectares of the overall common although it is not contiguous with it. It fronts, and has direct vehicular access onto, the A489 Newtown Road on its southern boundary. It lies close to the outskirts of Machynlleth which is located a short distance to the west. It comprises two main portions. The western side is partly made up with hardcore and is used for parking. It is surrounded by grassy scrub and small trees. The eastern side is in use as a gypsy and traveller site. At the time of my visit there was evidence of one occupied pitch, and further caravans, portaloos, a shed and fencing on the wider site. This part of the site is also bordered by grassy scrub and trees and I observed evidence of some drainage works at the eastern end of the site at my site visit.
8. The northern, eastern and western sides are fenced. The southern side to the road is currently unfenced with the road somewhat elevated above the site. The land is not crossed by any public rights of way although I noted on my site visit that there is gated access into the cemetery that lies to the north and a path leads from the cemetery to the pavement to the northern side of the A489 and provides pedestrian access into Machynlleth.

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<sup>3</sup> Email from Birchill Access Consultancy dated 11 September 2018

<sup>4</sup> Appendix 11, Application Documents

9. The cemetery and open fields are located outside the Release Land to the north and a further field, river and public right of way lie to the east. None of the surrounding land is within the common with the main common being located on the southern side of the A489.

### *The Replacement Land*

10. The Replacement Land is adjacent to the far southern extent of the common. It comprises 2.59 hectares of land which is fenced on three sides and contained by a stone wall on its eastern boundary. The open common lies to the north and west with a conifer plantation to the east and fields laid to pasture and a lake located to the south.
11. The land comprises predominantly low level bracken, bramble, scrub, small deciduous trees (most of which are birch) and coniferous trees. A public footpath is located on the eastern side of the land and has kissing gates at its northern and southern ends. The land is open access land under the provisions of the Countryside and Rights of Way Act 2000 (the CROW Act).
12. It is intended that the existing fencing on the three boundaries will be removed and some minor scrub cleared to allow for grazing. Further fencing may be provided on the eastern boundary if the stone wall is not stock proof. However, such works are not before me (and may require consent under Section 38 of the 2006 Act). Accordingly I have not had regard to possible future works in making my recommendations.

### **The Proposal**

13. The deregistration is proposed to enable Powys County Council (the Council) to provide a permanent gypsy and traveller site on the Release Land. Planning permission has been granted for such a site for five families and to include the erection of 3 buildings to house welfare facility units, improvements to the existing vehicular access shared with the cemetery, formation of a footway link and internal roadway, installation of a sewage treatment plant and all associated works<sup>5</sup>.

### **The Statutory Requirements and Guidance**

14. Section 16(6) of the 2006 Act requires that in determining this application regard should be had to the following:
- a) the interests of persons having rights in relation to, or occupying, the Release Land;
  - b) the interests of the neighbourhood;
  - c) the public interest<sup>6</sup>;
  - d) any other matter considered to be relevant.
15. The Welsh Government has published guidance for the Welsh Ministers, the Planning Inspectorate Wales, commons registration authorities and applicants for consent (the

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<sup>5</sup> LPA Ref: P/2016/1227, Appendix 8, Application Documents

<sup>6</sup> Section 16 (8) of the 2006 Act provides that the 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.

Guidance). It provides advice in relation to the determination of casework in relation to common land in Wales and, amongst other things, seeks to ensure that the stock of common land is not diminished and that any deregistration of registered land is balanced by the registration of other land of at least equal benefit<sup>7</sup>. I have taken it into account in making my recommendations.

16. Whilst planning permission has been granted for a gypsy and traveller site on the Release Land, I have no evidence before me that the works that have taken place on the Release Land are lawfully permitted as works on a common. In such circumstances the Guidance states that in considering an application under Section 16 the Welsh Ministers will assume that where the release land is occupied by buildings or other works, that such works are unlawful (unless the contrary is shown such as by reason of a consent granted under section 194 of the Law of Property Act 1925). Where works are considered to be unlawful the Ministers will consider the proposed exchange as if the Release Land were an integral part of the common and properly available to the public<sup>8</sup>.

## **Representations**

17. Four representations were received as a result of the published notices of the application. The Open Spaces Society (OSS) objects on the grounds that the Council has a duty to enforce against the encroachment onto the Release Land but has not done so. The OSS states that Ministers should view the Release Land as if it is still available for use by the public.
18. The OSS considers the Replacement Land to not be an adequate substitute for the Release Land being some 2km distant over hilly country and a long way from the local community. It considers that the Replacement Land is already accessible being managed for forestry by Natural Resources Wales (NRW). It states that there would be a conflict between the management responsibilities conferred on the Council as Commons Registration Authority and those applied to NRW under section 3 of the Forestry Act 1967 and consideration should be given to who would manage the land after exchange.
19. Confirmation is also sought as to whether the individual applicant on behalf of Machynlleth Golf Club has authority to sign as owner and whether the Highway Authority should join in the application as there is a public footpath across the Replacement Land.
20. A letter of objection from a local resident states that the Replacement Land does not have the same degree of accessibility to the town's inhabitants as the Release Land. It is stated that the occupation of the Release Land by the travelling community is immaterial and it remains as common land. The proposed Replacement Land is not accessible to the elderly generation or those suffering from a physical mobility ailment. There are numerous similar areas to the Replacement Land which provide public access and the public benefit of the Release Land has not been regarded. This view is given irrespective of any alternative use of the Release Land as it remains as one of the only areas of common land on the periphery of Machynlleth which is wholly accessible. The

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<sup>7</sup> Paragraph 3.4, Welsh Government Common Land Consents Guidance, August 2014

<sup>8</sup> Paragraph 4.4, Welsh Government Common Land Consents Guidance, August 2014

golf course does not provide the same degree of amenity given its use for leisure pursuits.

21. Cadw has confirmed that the exchange will not impact on the nearby Plas Machynlleth Historic Park and Garden or any other designated historic assets in the near vicinity. The Machynlleth ward County Councillor supports the exchange as the Council will be able to develop a permanent gypsy and traveller site after a need was identified following a Gypsy and Traveller accommodation assessment in 2016. As such the Council will be able to fulfil its legal requirement under Part 3 of the Housing Act 2014. He states that the site has been occupied as an unofficial gypsy and traveller site for at least ten years and the creation of an official site will bring in revenue and is in reasonable distance of services. Notwithstanding, he considers that the Replacement Land will need to be brought in keeping with Parc Common.

### **Assessment**

#### ***The interests of persons having rights in relation to, or occupying the Release Land.***

22. The overall Common is subject to grazing rights and rights to take litter. The applicants contend that the grazing rights are not exercised on the Release Land. This is unsurprising given that the Release Land is currently partly occupied by travellers and partly used as a hardcore car park.
23. Notwithstanding, I have no evidence before me that the Release Land would be actively grazed or that litter would be taken from it if it were available. The registered graziers and the Parc Common Grazing Association were consulted on the application and no representations on their behalf were received.
24. I have considered the Release Land as if it were a part of the Common and available for use in line with the Guidance. I noted on my site visit that the land is not currently fully fenced. It is a relatively small area of land amounting to only 0.54 hectares and which, even if it was returned to a natural state and fenced, would provide minimal grazing opportunities. Furthermore it is not connected or contiguous with the wider common being segregated from it by the busy A489. If livestock were allowed to freely roam between the Release Land and the wider common this would be a potential hazard to users of the highway and to the livestock.
25. On the evidence before me I consider that it is unlikely that the registered common rights would be exercised on the Release Land even if it were available for such uses.
26. At the time the application before me was submitted, the Replacement Land was registered as being part of one of the Dominant Tenements with grazing rights that are exercisable over the whole common (albeit the Replacement Land not being part of the common itself). During the processing of this application the Council has determined an application to bring the legal register up to date on the basis that an historic severance of rights has taken place. The Council has updated the Register of Common Land to clarify that no commoners' rights are now attached to the Replacement Land<sup>9</sup>.

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<sup>9</sup> Register of Common Land, Entries 7 & 8, 25 July 2018

27. The commoners' rights would be transferred to the Replacement Land. It is larger in area than the Release Land and is contiguous with the main common area. It contains habitats comprising mixed semi-natural woodland and semi-improved acid grassland<sup>10</sup>.
28. From my own observations on site the current condition of the Replacement Land renders it unsuitable for grazing due to the thick undergrowth and wooded nature of the land. It is also inaccessible from the wider common due to fencing.
29. I note the applicants' intention to remove fencing on three sides and clear some minor scrub. I find that those with commoners' rights would benefit from the proposal in that a more suitable and larger area for, in particular, grazing would be provided on land contiguous with the overall common. The proposed scrub clearance and removal of fencing would substantially increase the likelihood of the land being grazed and would provide more potential for exercising commoners' rights than the Release Land. As such I conclude that the proposal would provide some benefits to the graziers and would not unacceptably interfere with the interests of those having rights over the land or exercising their rights of common over it.

### ***The interests of the neighbourhood***

30. There is no definition of neighbourhood in the 2006 Act. However, it is evident that the Release Land is located a short distance to the east of the town of Machynlleth and its inhabitants and who would be a substantial part of the neighbourhood. The overall common extends to the south east of the town with the Replacement Land at its most southern point.
31. A consideration in relation to the neighbourhood is the ability of local people to use the common now and in the future in the way they are used to<sup>11</sup>. Objections have been received at the loss of the availability of the Release Land which it is contended is easily accessible from the town and provides an area of common for use by those less able.
32. I agree that the Release Land is located close to the town and is relatively easily accessible to local residents via a pavement connecting the town with a path leading to the cemetery. A gated access is evident from the cemetery into the Release Land. The nature of the path is such that it is useable by those with mobility vehicles or otherwise physically impaired.
33. Notwithstanding, I have not been provided with any evidence as to how and to what extent the Release Land has been used by the public in the past and prior to its occupation by travellers. To this extent I am unable to reach a conclusion as to whether its loss would affect the ability of local people to use the common in the way that they are used to.
34. I have drawn my own conclusions on its likely future use from my observations on site. I consider the Release Land would offer relatively minor benefits to the neighbourhood if available for use given its small size and segregation from the wider common. Whilst there is access into it from the cemetery, it does not form a link to other parts of the common or any wider network of rights of way with the closest right of way divorced from the site across a field. As such I do not consider its loss would

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<sup>10</sup> Land at Parc Common, Machynlleth, Preliminary Ecological Appraisal, Mid Wales Ecology, May 2017, Appendix 9, Application Documents

<sup>11</sup> Paragraph 3.9.2, Welsh Government Common Land Consents Guidance, August 2014

interfere with the future use and enjoyment of the land as a whole. Notwithstanding, the proposal would clearly remove an area of common close to the town that is accessible to all users.

35. The Replacement Land, in comparison is some distance from the main town and is accessed via an extensive tract of unsurfaced, rough terrain of varying gradients. It is not accessible by users of mobility vehicles or those with physical impairments. In my assessment the Replacement Land does not provide the neighbourhood with a comparative area of land that is accessible to those less able.
36. The loss of the Release Land for use by those less able does weigh against the proposal and needs to be considered in the overall balance. I conclude that there would be a minor negative impact on the interests of the neighbourhood arising from the removal of the Release Land from the common.

### ***The Public Interest***

#### ***Nature Conservation***

37. Neither the Release nor Replacement Land are located in or near any statutorily designated sites for their nature conservation interest. The application was accompanied by a Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey) in respect of the Replacement Land<sup>12</sup>. However, no comparable assessment or other information in respect of nature conservation was provided for the Release Land.
38. Whilst I acknowledge that the Release Land is partly laid to hardcore and is currently used as a travellers' site, I am required to consider the land as if it is still part of the common. I noted on my site visit that the land has a perimeter of grassy scrub and trees, not dissimilar to the immediate habitat within the common to the south of the A489. In my assessment it is likely that in the absence of any works/development on the Release Land, and as grazing is unlikely to occur for the reasons given above, this type of habitat would naturally regenerate. It would over time provide semi natural broadleaf woodland and an associated benefit to nature conservation through the resulting habitat. Nonetheless, in the absence of any detailed ecological assessment in relation to the application before me I am unable to reach a definitive view of the potential value of the Release Land in nature conservation terms.
39. The Replacement Land already contains semi-natural woodland habitat derived from its natural regeneration following felling of the former forestry plantation. The applicants' ecological assessment identifies the land as being of moderate biodiversity value. The assessment states that as the woodland matures it will increase its value but the potential for protected species is low. I note that the assessment makes recommendations and biodiversity enhancements which include the removal of rhododendron bushes and sitka spruce to maintain the richer broad leaved woodland biodiversity. It also recommends that the fence itself needs maintenance to ensure it continues to be stock proof.
40. The recommendations appear to seek to ensure that the Replacement Land remains fenced to enhance its nature conservation value. Inevitably the removal of fencing and the exercise of grazing rights would reduce the woodland cover and over time could

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<sup>12</sup> Appendix 9, Application Documents



return the site to a similar grazed upland grassland character as evidenced over much of the surrounding common. Therefore it seems to me that the benefits arising from the semi-natural woodland in nature conservation terms would decline over time if the land was registered as common with grazing rights transferred to the Replacement Land. I have no evidence before me as to the comparative benefits to nature conservation of a woodland or grazed upland grassland habitat.

41. The purpose of section 16 of the 2006 Act is to enable registered land to be released in exchange for replacement land of at least equal benefit<sup>13</sup>. Nonetheless, it is open to the Welsh Ministers to register the Replacement Land without the transfer of grazing rights under Section 17 (7)(a) of the 2006 Act.
42. In this respect whilst I have found that the Release Land is unlikely to be used for grazing, there remains the ability for those with rights to exercise them. In my assessment it is important that those rights are protected through the exchange by providing land of at least an equal value. I have found above that the Replacement Land would provide that value in respect of commoners' rights and I find that those rights should be transferred to the Replacement Land.
43. Due to the lack of information before me it is difficult to reach a view as to the comparative value of the Replacement Land with the Release Land in nature conservation terms whether it is grazed or not. However, the Replacement Land whether grazed or not is considerably larger than the Release Land and contiguous with the wider common providing better wildlife connection than the Release Land. No evidence of protected species was found. On balance, I find that the Replacement Land as woodland or grazed offers land of at least equal benefit in nature conservation terms. As such I conclude that there would not be an impact on the public interest in these terms.

#### Conservation of the Landscape

44. The sites do not lie within a specially designated landscape. The Release Land is divorced from the main common by a main road and is situated at a lower level than the public highway. It is largely screened, particularly when the trees are in leaf, from public views and from views from the common on the southern side of the road. I note that the planning permission contains conditions requiring a Tree and Hedgerow Protection Plan to be submitted and implemented and maintained as approved and for a Biodiversity Enhancement Plan to include a species list for landscape planting<sup>14</sup>. In my assessment the development of the Release Land would not have any particular adverse effect on enjoyment of the remaining part of the common in landscape terms given its relative position to the wider common, the substantial screening in place and the requirements of the planning permission.
45. The Replacement Land is located in a very exposed part of the landscape and is highly visible from the wider common and other public rights of way including the Glyndwr Way National Trail. Much of the common is typically grassland and the Replacement Land comprising semi-natural woodland is somewhat of an anomaly in this context. Nonetheless, it does not appear out of place in the overall landscape beyond the common which has some woodland cover, and in my assessment its inclusion in the

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<sup>13</sup> Paragraph 3.4, Welsh Government Common Land Consents Guidance, August 2014

<sup>14</sup> Appendix 8, Application Documents

common would not give rise to any harmful landscape effects whether it is grazed or not. As such I do not find that there would be any harm to the public interest in landscape terms.

Protection of public rights of access

46. The public have rights of access to the Release Land and as set out above can access the land from the cemetery or from the A489. The proposal would remove the public's right of access onto the land and as I have found above would remove an area of land close to the town that provides access to all and which would not be compensated for by a comparative area of land.
47. Furthermore, the Replacement Land is already accessible by the public through the provisions of the CROW Act as open access land. A public footpath also follows its eastern boundary and connects to a wider network of public rights of way including the Glyndwr Way National Trail. Nonetheless, the undergrowth presently on the land makes it very difficult to traverse with it being impenetrable in places. The proposal to clear scrub and to remove fencing would result in the land becoming much more accessible and there would be associated benefits to the public resulting from its inclusion as common land. Nonetheless, I find that there would be some harm to the public interest arising from the exchange of land as a result of the loss of public access to the Release Land close to the town.

Protection of archaeological remains and features of historic interest

48. On the evidence before me I am satisfied that any archaeological remains or features of historic interest would not be affected by the proposals.

Public Interest Conclusion

49. Overall, I conclude that in relation to matters of public interest, there would be some harm arising from the proposals in relation to public rights of access.

**Other Relevant Matters**

50. The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of gypsies and travellers are assessed and that the identified need for pitches is met. Local authorities are required to exercise their powers as far as necessary to ensure gypsy and traveller sites are provided for the unmet need.
51. I do not have before me the full information relating to the planning application for the use of the Release Land as a gypsy and traveller site. However, the Council is required by national planning policy to assess the accommodation needs of gypsy families and to have policies for the provision of gypsy sites in its development plan<sup>15</sup>. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise. The Council has granted planning permission for the use of the Release Land as a gypsy and traveller site against this legislative and policy context and I have no evidence before me that the site was not required to meet an identified need or that other more suitable sites were available.

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<sup>15</sup> Paragraph 9.2.21, Planning Policy Wales, Edition 9

52. The gypsy and traveller community should have equal access to appropriate accommodation as all other members of the community. The Release Land provides a site for such accommodation in a relatively sustainable location close to local services and facilities. The provision of a permanent site is in the public interest as it reduces the potential for unauthorised sites and the related costs of enforcement. I give these matters considerable weight in my considerations.
53. Representation has been made that there is the potential for a conflict of management responsibilities between the Council and NRW (acting on behalf of the Welsh Government managing the forestry) in the event that the Replacement Land becomes common (with all provisions applied to it). However I have no reason to believe that the provisions within the management scheme relating to the common<sup>16</sup> and NRW's responsibilities under the Forestry Act would not be compatible and capable of co-existing. This is particularly so as most of the commercial forestry in the Replacement Land has already been felled and has not been re-planted.
54. Matters relating to the need to include the Highways Authority as a party to the application have been addressed. Confirmation has also been received that the individual applicant on behalf of Machynlleth Golf Club has authority to sign the application as owner<sup>17</sup>.
55. Matters relating to the historic lack of action by the Council in relation to the unlawful gypsy and traveller site on the Release Land are not pertinent to considerations in relation to the Section 16 application which should be considered on its own merits.

### **Overall Balance and Conclusion**

56. Section 149 (1) of the Equality Act 2010 places a Public Sector Equality Duty (PSED) on a public authority or person exercising a public function. This requires due regard to be given to the need to eliminate conduct prohibited under the 2010 Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those that do not. Due regard should be had to any impact on any person with a protected characteristic and where there are disbenefits these need to be considered with regard to the overall benefits of the scheme.
57. I have concluded above that the proposal would result in a minor negative impact on the neighbourhood and to the public interest in public access terms as it does not provide land of equal value for those less able. However, I have also found that the Release Land would offer relatively minor benefits to the neighbourhood if available for use given its small size and segregation from the wider common. Furthermore, I have no evidence before me of the extent or likely use of the land if it were available.
58. The proposal would provide a social benefit through the provision of a permanent site to meet gypsy and traveller accommodation needs, to which I give considerable weight. In this instance I find this benefit to be compelling to outweigh the identified harm. In concluding on the balance I am satisfied that my conclusion is in accordance with the requirements of the Equality Act and the PSED with the disbenefits to those less able being outweighed by the overall benefits of the scheme. Overall, the proposal would be

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<sup>16</sup> Appendix 11, Application Documents

<sup>17</sup> Email from Birchill Access Consultancy Ltd, 17 May 2018

in conformity with the Welsh Government's policy objectives and Guidance in relation to the deregistration and exchange of common land.

59. I have had regard to all other matters raised but find none that would lead me to a different conclusion. I conclude that the application should be allowed and that a Deregistration and Exchange Order should be made.

60. In making my recommendations I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015 (WBFG Act). I consider that my recommendations are in accordance with the Act's sustainable development principle through their contribution towards one or more of the Welsh Ministers' well-being objectives as required by Section 8 of the WBFG Act.

### **Recommendation**

61. I recommend that the application to deregister and exchange common land at Parc Common, Machynlleth, Powys is granted in accordance with the terms of the application dated 28 February 2018 and the plans submitted therewith and amended on 11 September 2018 and that an Order pursuant to Section 17 of the 2006 Act be made.

*Vicki Hirst*

INSPECTOR