

**Commons Act 2006 - Schedule 2 (Paragraph 7)
Application to correct non-registration or mistaken registration**

NOTICE OF DETERMINATION

Application Number: CA13/29

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority (“the CRA”), has at a meeting of its Development Control and Regulation Committee (“the Committee”) on the 28th June 2021, considered an application submitted by Gordon Watson to correct the mistaken registration of land registered as part of CL20 Caldbeck Common. The applicant sought to remove approximately 0.082 acres of land (hereinafter referred to as “the Application Land”) from the register of common land.

Decision

The Committee resolved to accept the application and remove the Application Land from common land register unit CL20, Caldbeck Common.

Reasons

The Committee took into account a report written by the Commons Officer (“the Officer”). The Officer’s report made a recommendation to the Committee to accept the application, on the grounds that there is sufficient evidence that, on the balance of probabilities, the provisional registration of the Application Land was not referred to a Commons Commissioner, and at the time of provisional registration the land was not subject to rights of common, nor waste land of the manor, nor a town or village green, nor land of a description specified in section 11 of the Inclosure Act 1845. The Officer’s further outlined that, in the Officer’s view, the application satisfies all of the criteria set out in Schedule 2 paragraph 7 to the Commons Act 2006, as well as the requirements of the Commons Registration (England) Regulations 2014.

Outcome

The Commons Registration Authority has given effect to the determination by deregistering the Application Land, which entailed the addition of a register amendment entry confirming the removal of the Application Land from register unit CL20 Caldbeck Common, and the preparation of a fresh edition of the register map showing the Application Land as having been removed from register unit CL20.

Documentation

Minutes of the meeting providing the Committee’s decision, the Officer’s report and a plan of the Application Land are available at:

<https://councilportal.cumbria.gov.uk/ieListDocuments.aspx?CId=124&MId=11907&Ver=4>

Signed



Allan Harty – Acting Assistant Director Environment & Enterprise
Dated: 29th June 2021