

Commons Act 2006 - Schedule 3

Application to amend the register to record an historic event – historic apportionment of a right of common.

NOTICE OF DETERMINATION

Application Number: CA14/56

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 14th November 2018 considered an application submitted by Askham Bryan College to amend the register to record an historic apportionment of a right of common concerning the right to graze 40 ewes and 12 ewe hogs on Bowscale Fell, which is registered at entry 19 of register unit CL60 as attached to O.S field numbers 57, 58, 56, 95, 96, 97, 98, 99, 100, 125, 102, 103, 94, 131, 132, 133, 130, 129, 128, 134, 126, 127, 136, 202, 205, 142, 143, 145, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 189, 190, 245, 244, 246, 247, 241, 243, 694, 693, 695pt, 690, 677 and 676 (“the Right”). The application was made in conjunction with application CA14/55 to record an historic severance of part of the Right (“the Primary Application”)

Decision

The Committee resolved to accept the application to amend the register by registering the apportionment for the part of the Right associated with the Transfer dated 5th March 1996 (“the Transfer”).

Reasons

The Committee took into account a report written by the Commons Registration Officer (“the Officer”). The Officer’s report made a recommendation to the Committee to accept the application on the grounds that, on the balance of probabilities, there is sufficient evidence that the proportion of the Right attached to O.S. fields numbered 133, 130 and 131 was severed from the land by the Transfer, and that that proportion equates to 0.52 ewes and 0.16 ewe hogs. The Primary Application was accepted by the Council’s Development Control and Regulation Committee at the same meeting.

The register for CL60 Carrock Fell and Mungrisdale Fell has been amended to show the Right as apportioned with the proportion of the Right which was previously attached to the land conveyed in the Transfer as severed from the land and held in gross, and the remainder of the Right as attached to the rest of the Dominant Tenement.

Documentation

Minutes of the meeting providing the Committee’s decision and the Officer’s report are available at: <http://councilportal.cumbria.gov.uk/ieListMeetings.aspx?Committeeld=124>

Signed

A handwritten signature in blue ink that reads "A Jones". The letter "A" is large and stylized, with a loop at the top. The word "Jones" is written in a cursive, lowercase style.

Angela Jones – Assistant Director Economy and Environment
Dated: 16 November 2018