

## 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: CA14/61

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 14<sup>th</sup> November 2018 considered an application submitted by Dennis Henry Strong to amend the register to record an historic apportionment of a right of common concerning the right to graze 100 ewes, 50 hogs and 100 lambs on West Fell, which was originally registered at entry 92 of register unit CL20 Caldbeck Common. The rights were recorded as attached to land at Scalerigg House comprising of O.S. field numbers 167, 168, 166, 161, 160, 162, 165, 157, 159, 163, 164, 106, 105, 104 and 103 (“the Right”). The application was made in conjunction with application CA14/60 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 9<sup>th</sup> February 2001 (“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. field numbers 167, 168, 166, 161, 160, 162, 165, 157, 159, 163 and 164 was severed from the land by the Transfer, and that that proportion equates to 20.45 ewes, 10.23 hogs and 20.45 lambs. The Primary Application was accepted by the Council’s Development Control and Regulation Committee at the same meeting.

The register for CL20 Caldbeck Common 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