

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: CA14/37

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 Elizabeth Ann and Gordon Moore to amend the register to record an historic apportionment of a right of common concerning the right to graze 147 sheep or the equivalent number of cattle on Aughtertree and Uldale Fells, which was registered at entry 61 of register unit CL46 Uldale Fells as attached to O.S. field numbered 103, 104, 105, 106, 107, 113, 114, 15, 116, 117, 119, 120, 121, 122, 123, 125, 127, 128, 129, 253, 254, 255, 257, 262 (“the Right”). The application was made in conjunction with application CA14/26 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 Transfers dated 4th and 7th April 2005 (“the Transfers”).

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 115, 116, 117, 119, 120, 121, and 125 was severed from the land by the Transfers and that that proportion equates to 38 sheep rights.

The Primary Application was accepted by the Council’s Development Control and Regulation Committee at the same meeting.

The register for CL46 Uldale Fells 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?CommitteeId=124>

Signed



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