

**Commons Act 2006
Section 19
Proposal to correct the register**

NOTICE OF DETERMINATION

Application Number: CCC/P/3

Background

Please see attached Proposal which outlines the case.

Legislative Requirements

Section 19(2)(a) specifically allows for a commons registration authority to amend its registers of common land to correct a mistake made by the commons registration authority in making or amending an entry in the register.

The Proposal confirms that the rights were incorrectly apportioned as recorded in column 4 of entries 104 and 105 of Register Unit CL81 Dufton Fell and 181 and 182 of Register Unit CL82 Dufton Fell (disputed area) when the register was updated in February 2018.

Representations

No representations were received.

Decision

The Proposal is approved and entries 104 and 105 of Register Unit CL81 Dufton Fell and 181 and 182 of Register Unit CL82 Dufton Fell (disputed area) have been deleted and replaced with four new entries, with the rights correctly apportioned.

Signed



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Svetlana Bainbridge – Commons Registration Officer

Dated: 5th July 2018

**A Proposal by Cumbria County Council
Section 19 of the Commons Act 2006
Correction of the Register
Apportionment incorrectly calculated**

In accordance with paragraph 18(1) of The Commons Registration (England) Regulations 2014 please find below a statement in writing describing the proposal and the justification behind it.

Description of the proposal:

It has become apparent that an error was made by the Commons Registration Authority when updating the commons registers for CL81 Dufton Fell and CL82 Dufton Fell (disputed area) in 2018 to record an apportionment of rights. The apportionment was based upon an incorrect acreage for field number 750 on the O.S. Map (Edition of 1915).

Justification for the proposal:

The Commons Registration Authority believe that correcting this mistake, and therefore ensuring the accuracy of the commons register would be in the public interest, particularly as the remaining rights are likely to be apportioned further.

Official notice of proposal to follow

A Proposal by Cumbria County Council Section 19 of the Commons Act 2006 Correction of the Register

Notice is hereby given that a proposal has been made by **Cumbria County Council** ("the Proposer") as the Commons Registration Authority, under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The proposal relates to register units CL81 Dufton Fell and CL82 Dufton Fell (disputed area).

A summary of the effect of the application is as follows: An application for the amendment of register entries 87 and 105 CL81 and register entries 142 and 182 CL82 to record an apportionment was made on 11th September 2017 ('the 2017 Application'). The 2017 Application resulted in the apportioned rights of 36.95 ewes and followers and 34.04 hogs being recorded at entries 104 CL81 and 181 CL82, and the remaining rights of 39.05 ewes and followers and 35.06 hogs being recorded at entries 105 CL81 and 182 CL82. The correct apportionment at entries 104 CL81 and 181 CL82 should have been recorded as 38.56 ewes and followers and 35.52 hogs. The acreage of O.S. field number 750 was incorrectly transposed as 7.384 acres when the true figure is 3.784 acres. The Proposer seeks by this proposal to correct that mistake.

If the proposal is granted the Commons Registration Authority will give effect to the determination by deleting current entries 104 CL81 and 181 CL82 (making reference to the new corresponding entries), and making a new entry in the register showing the correct apportionment.

Any person wishing to make representations:

- must quote the Proposal No. **CCC/P/3**
- must state the name and postal address of the person making them, and the nature of that person's interest (if any) in any land affected by the proposal and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Commons Registration Service, Lady Gillford's House, Petheril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: Commons.Registration@cumbria.gov.uk

Any representations made will not be treated as confidential. To determine the proposal it will be necessary for the Commons Registration Authority to disclose information received to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public (Data Protection Act 1998). Representations may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of information Act 2000.

The date on which the period for making representations expires is **5pm** on 2nd July 2018.

Documents relating to the proposal are not available online; these are only available for inspection at the Commons Registration Service at the above address, strictly by appointment only. Please contact the Commons Registration Team on (01228) 221026 to arrange an appointment

The Notice and accompanying plan can also be viewed by accessing Cumbria County Council's website, Commons Registration page: <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>

Signed:



Dated: 21st May 2018

Svetlana Bainbridge - Commons Registration Officer