

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

NOTICE OF DETERMINATION

Application Number: CA13/12

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 23rd August 2018, considered an application submitted by R & J Baxter to correct mistaken registration of land known as Near Raypot Haws (hereinafter referred to as "the Application Land") as registered common land.

Decision

The Committee resolved to accept the application to correct the register and remove the Application Land from the common land register unit no. CL155 Blawith Common.

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 there is sufficient evidence that on the balance of probabilities immediately before its provisional registration the Application Land was not subject to rights of common, waste land of the manor, a town or village green within the meaning of the 1965 Act as originally enacted or land of a description specified in section 11 of the Inclosure Act 1845(C.118) and therefore the statutory criteria contained at Schedule 2 paragraph 7 to the Commons Act 2006 is satisfied.

Outcome

The CRA has given effect to the determination by deregistering the Application Land which entailed the addition of a register amendment entry confirming deregistration of the part and amendment of the register map showing the Application Land marked as deregistered.

Documentation

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

<http://councilportal.cumbria.gov.uk/ieListMeetings.aspx?CId=124&Year=0>

Signed



Angela Jones – Assistant Director Environment and Regulatory Services
Dated: 24th August 2018