

Commons Act 2006 - Schedule 3

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

NOTICE OF DETERMINATION

Application Number: CA14/65

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 18th January 2019 considered an application submitted by William Anthony Shaw Kilvington and Sandra Atkinson to amend the register to record an historic severance of part of the right of common relating to the right to graze 150 ewes, 50 hogs or 20 head of cattle, 2 horses and 6 pigs over the whole of the land comprised in register units CL93 North and East Mallerstang and CL94 Western Mallerstang Common. The rights were recorded as attached to land at Shoregill Farm, Mallerstang comprising of O.S. plots numbered 146, 172, 173, part 175, part 180, 192, 198, 201, 204, 206, 207, 208, 209, 210, 211, 212 and 226 all on the O.S. Map (Edition of 1915) of the Parish of Mallerstang, Westmorland and were originally registered at entries 24 and 18 of register units CL93 and CL94 respectively (“the Right”).

Decision

The Committee resolved to accept the application to amend the register by registering the severance of the portion of the Right which was originally attached to O.S. field numbers 146, 192, 198, 201, 204, 206, 207, 208, 209, 211, 212 and 226, as well as part O.S. field numbers 172, 180 and 210.

Reasons

The Committee took into account a report written by the Commons 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 severance of the proportion of the Right has occurred.

The registers for CL93 North and East Mallerstang and CL94 Western Mallerstang Common have been amended to show the proportion of the Right which was previously attached to O.S. field numbers 146, 192, 198, 201, 204, 206, 207, 208, 209, 211, 212 and 226, as well as part O.S. field numbers 172, 180 and 210, as severed from the land and held in gross.

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 – Executive Director - Economy and Infrastructure

Dated: 21st January 2019