

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: CA14/66

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 apportionment of a right of common concerning 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”).

The application was made in conjunction with application CA14/65 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 3rd November 1997 and 15th May 1998 (“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. 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 was severed from the land by the Transfers, and that that proportion equates to 134.10 ewes, 44.70 hogs or 17.88 cattle, 1.79 horses and 5.36 pigs. The Primary Application was accepted by the Council’s Development Control and Regulation Committee at the same meeting.

The registers for CL93 North and East Mallerstang and CL94 Western Mallerstang Common have been amended to show the Right as apportioned with the proportion of the Right which was previously attached to the land conveyed in the Transfers 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 signature is written in a cursive, slightly slanted style.

Angela Jones – Executive Director - Economy and Infrastructure
Dated: 21st January 2019