

**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: CA14/70

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority (“the CRA”) has considered an application submitted by William Anthony Shaw Kilvington and Sandra Atkinson (“the Applicants”) to amend the register to record an historic apportionment of a right of common concerning the right to graze (a) 300 ewes with their unweaned lambs and 100 hogs or 40 head of cattle, or sheep and cattle together on the basis of 1 beast to 10 sheep, (b) 3 horses with their foals and (c) 12 pigs over the whole of the land comprised in register units No CL94 and CL93 (“the Right”). The Right was originally recorded as attached to land at Daisy Farm, Outhgill, Mallerstang, Westmorland at entry 17 of CL94 and at entry 23 of CL93 comprising O.S. plots numbered 139, 140, 143, 144, 145, 157, 158, 159, 160, 164, 166, 167, 167a, 168, 176, 213 and 220 on the O.S. Map (Edition of 1915) of the parish of Mallerstang, Westmorland and the Applicants aimed to show that as a result of a Transfer made on 18th April 1998 the right to graze (a) 300 ewes with their unweaned lambs and 100 hogs or 40 head of cattle, or sheep and cattle together on the basis of 1 beast to 10 sheep and (c) the right to graze 12 pigs were transferred along with field O.S. 220, and as a result of an application made in May 1998 all of the above sheep and pig rights were shown as attached to O.S. 220 at entry 43 of CL94 and at entry 66 of CL93. The remaining right to graze (b) 3 horses with their foals was shown as attached to the rest of the dominant tenement at entry 67 of CL93 and entry 44 of CL94.

The application was made in conjunction with application CA14/69 to record an historic severance of the part of the Right (“the Primary Application”)

Decision

The CRA resolved to accept the application to amend the register by registering the apportionment for part of the Right associated with the application made in May 1998 showing the proportion of the Right attached to plots numbered 139, 140, 143, 144, 145, 157, 158, 159, 160, 164, 166, 167, 167a, 168, 176 and 213 as having been apportioned in line with the Applicants’ calculations of the rights for 229.36 ewes, 76.45 hogs or 30.58 cattle and 9.17 pigs being severed, leaving 70.63 ewes, 23.54 hogs or 9.41 cattle and 2.82 pigs attached to land.

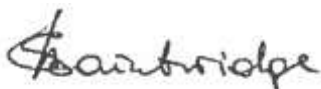
Reasons

The Commons Registration Officer assessed the application and found it to be duly made under the criteria prescribed by the relevant regulations and guidance. No objections were received to the application.

The Primary Application was accepted by the CRA.

The registers for CL93 North and East Mallerstang and CL94 Western Mallerstang Common south of Friths have been amended to show the proportion of the Right which was previously attached to the plots as being apportioned from the land in line with the Applicants’ calculations (before subsequently being severed from the land and held in gross), and the remainder of the Right as attached to the rest of the dominant tenement.

Signed



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Svetlana Bainbridge – Commons Registration Officer

Dated: 4th February 2019