

Commons Act 2006
Section 19
Proposal to correct the register

NOTICE OF DETERMINATION

Application Number: CCC/P/4

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 particulars of the land to which the rights are attached, as described in column 5 of entries 74 and 75 of register unit CL29 Coniston Fell, Dunnerdale Fell, Seathwaite Fell, Torver High Common, was a result of an application for apportionment of entry 13 dated 27th July 2003, splitting the dominant tenement. Amongst others, part field 46 was recorded at entry 74. This should have resulted in remaining part field 46 being recorded at entry 75 but due to a mistake by the commons registration authority part field 46 was omitted from entry 75.

Representations

No representations were received.

Decision

The Proposal is approved and entry 75 of Register Unit CL29 has been deleted and replaced with a new entry to include part field 46.

Signed



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Svetlana Bainbridge – Commons Registration Officer

Dated: 6th February 2019

**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 register for CL29 Coniston Fell, Dunnerdale Fell, Seathwaite Fell, Torver High Common in 2003 to record an apportionment of rights. Following an apportionment of a dominant tenement, which included all of O.S. field 46, part field 46 was recorded at entry 74 and the remaining part field 46 was mistakenly omitted from entry 75.

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 unit CL29 Coniston Fell, Dunnerdale Fell, Seathwaite Fell, Torver High Common.

A summary of the effect of the application is as follows: Rights were registered at entry 13 and shown as attached to land at Low Jackson Ground Farm, Dunnerdale, Broughton-in-Furness, Lancashire, comprising O.S. Nos. 30, 31, 32, 39, 41, 44, 46, 47, 48, 49, 56, 57, 59, 62, 64, 65, 69, 70, 79, 80, 81, 82, 83, 90 and 101 on the O.S. Map (Edition of 1913) of the Parish of Dunnerdale-with-Seathwaite, Lancashire and also O.S. Nos. 12, 15, 16, 20, 28 and 150 on the O.S. Map (Edition of 1913) of the Parish of Broughton West, Lancashire.

As a result of an application made on 27th July 2003 the rights were apportioned and the dominant tenement split between entries 74 and 75. Amongst others, part field 46 was recorded at entry 74. This should have resulted in the remaining part field 46 being recorded at entry 75 but due to a mistake by the commons registration authority part field 46 was omitted from entry 75.

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 entry 75 (making reference to the new corresponding entries), and making a new entry in the register to include part field 46.

Any person wishing to make representations:

- must quote the Proposal No. **CCC/PI4**
- 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, Petteril 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 1st February 2019.

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: 17th December 2018

Svetlana Bainbridge - Commons Registration Officer