

**Commons Act 2006 – Schedule 3:
Application to amend the register to record an historic event – historic severance of a
right of common**

**Commons Registration Act 1965 – Section 13:
Application for the amendment of a register in relation to a right of common**

NOTICE OF DETERMINATION

Application Numbers: CA14/52 and CR19, number 1353

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority, has at a meeting of its Development Control and Regulation Committee (“the Committee”) on 19th January 2021, considered applications submitted by Gillian Margaret Hedworth to amend the register to record an historic severance of part of a right of common. The right of common was originally registered at entry 5 of CL3 Eastern Martindale Common (Hallin Fell, Swarth Fells, Fusedale) (“CL3”) and the part against which the applications are made, amounting to the grazing rights for 135 sheep, is now recorded at entry 31.

Decision

The Committee resolved to refuse each application and not register a severance of the grazing rights.

Reasons

The Committee took into account a report written by the Commons Officer (“the Officer”). The Officer’s report recommended that the Committee refuse the applications, on the basis that the statutory criteria for each application had not been met; that criteria being listed at Section 13(c) of the Commons Registration Act 1965 for application CR19 number 1353, and at Schedule 3, Paragraph 2 of the Commons Act 2006 for application CA14/52. The Committee resolved to reject each application for the reasons outlined within the Officer’s report.

Outcome

Entry 31 of register unit CL3 will remain unaltered with the common rights still being shown as being attached to the land described in column 5 of that register entry.

Documentation

Minutes of the meeting providing the Committee’s decision and the Officer’s report are available at:

<http://councilportal.cumbria.gov.uk/ieListDocuments.aspx?CId=124&MId=10599&Ver=4>

Signed:



Allan Harty – Acting Assistant Director Economy and Environment
Dated: 21st January 2021