

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 CA14/86

Notice is hereby given that Cumberland Council, as the Commons Registration Authority (“the CRA”), has considered an application submitted by Mark Thornton (“the Applicant”). The application relates to a right of common to graze 300 sheep and followers, or 30 cattle on Birkby Fell (“the Right”), which is currently recorded at entry 4 of register unit CL68. The application sought to amend the register to record an historic severance of part of the Right, that part amounting to 104.35 sheep and followers or 10.44 cattle. The Right is currently recorded as being attached to a total of 16 O.S. parcel numbers (“the Dominant Tenement”), as described in column 5 of entry 4.

The application was made as a primary application in conjunction with secondary application CA14/87.

Decision

The CRA resolved to accept the application to amend the register by registering severance of part of the Right amounting to 104.35 sheep and followers or 10.44 cattle, those being the rights attributed to the part of the Dominant Tenement not transferred by the conveyance dated 13 April 2000, which expressly transferred all of the Right.

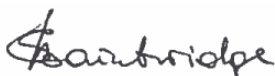
Reasons

No objections were received. The Commons Officer concluded that there was sufficient evidence that severance of part of the Right occurred on 13 April 2000 when the entire Right was transferred with only part of the land to which the Right attached.

Outcome

The register for CL68 Birkby Fell has been amended to show a portion of the Right as having been severed from the land and held in gross in the names of the purchasers listed on the 2000 conveyance.

Signed:



Svetlana Bainbridge, Commons Registration Officer

Dated: 1 November 2024



Working for Cumberland Council and
Westmorland & Furness Council