

## Commons Act 2006 – Schedule 3

### NOTICE OF APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT – APPORTIONMENT

Notice is hereby given that an application has been made by **Mark Thornton** (“the Applicant”) to Cumberland Council as Commons Registration Authority, under Schedule 3 of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The application relates to common land register unit CL68, Birkby Fell, Muncaster.

The right to graze 300 sheep and followers or 30 cattle on Birkby Fell comprising the whole of the land in the register unit is recorded at entry 4 of register unit CL68 (“the Right”).

The Right is recorded as being attached to land comprising of O.S. field Nos. 524, 529, 530, 531, 523, 533, 532, 539, 542, 528, 552, 549, 548, 535, 570 and 572 (“the Dominant Tenement”).

The Applicant claims that on 13<sup>th</sup> April 2000, severance of part of the Right attached to land at O.S. fields Nos. 524, 529, pt531, pt523, 539, pt542, 528, 552, 548 and 535 (“the Retained Land”) occurred, when the rest of the Dominant Tenement (“the Transferred Land”) was transferred to Robert Charleton Thornton and Ann Thornton, t/as Messrs J.C. Thornton & Son (“the Purchasers”), along with the entirety of the Right.

The Applicant seeks by this application to show that the portion of the Right associated with the Retained Land, for which severance is claimed, amounts to 104.35 sheep and followers or 10.44 cattle.

This secondary application can only be considered if the primary application (CA14/86) is granted. If granted, the registration authority will give effect to the determination by cancelling entry 4 and creating two new entries, one showing the Purchasers as the owner in gross of the part of the Right once attached to the Retained Land (104.35 sheep or 10.44 cattle), and the other showing the remaining portion of the Right attached to the Transferred Land (195.65 sheep or 19.56 cattle).

Any person wishing to make representations:

- must quote the Application No. **CA14/87**,
- 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 application 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@cumberland.gov.uk](mailto:commons.registration@cumberland.gov.uk)

Any representations made will not be treated as confidential, to determine the application it will be necessary for the commons registration authority to disclose information received to others, which will include the Applicant and may include other local authorities, Government Departments, public bodies, other organisations and members of the public (Data Protection Act 1998). Representations may also be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of information Act 2000.

The period for making representations expires at 5pm on **1 October 2024**.



Working for Cumberland Council and  
Westmorland & Furness Council

Documents relating to the application are not available online although they can be provided on request. Requests should be sent directly to the Commons Registration Service using the contact details above.

The notice and accompanying plan (if any) can be viewed online by accessing Cumberland Council's website <https://legacy.cumberland.gov.uk/commons/notices>



Signed:

Dated: 20 August 2024

Svetlana Bainbridge, Commons Registration Officer