

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 CA14/87

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 Applicant aimed to show that, based upon the Right being spread evenly over the entire Dominant Tenement, the portion of the Right attributed to the land not conveyed on 13 April 2000, amounted to 104.35 sheep and followers or 10.44 cattle, and the portion of the Right attributed to the land which was transferred, was 195.65 sheep and followers or 19.56 cattle.

The application was made in conjunction with application CA14/86 to record an historic severance of part of the Right (“the Primary Application”).

Decision

The CRA resolved to accept the application to amend the register by registering the apportionment of the Right in line with the Applicant’s calculations.

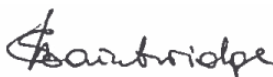
Reasons

No objections were received. The Commons Officer concluded that the Applicant’s calculations and assertions were correct. The Primary Application was also accepted.

Outcome

The register for CL68 Birkby Fell has been amended to show the Right as having been apportioned in line with the Applicant’s agreed calculations. The 104.35 sheep rights shown to be associated with the land to which the Right was originally attached which was not transferred by the 2000 conveyance were subsequently severed from the land by the Primary Application and are now recorded in the register as being held in gross.

Signed:



Svetlana Bainbridge, Commons Registration Officer

Dated: 1 November 2024



Working for Cumberland Council and
Westmorland & Furness Council