

Notice of Determination

Section 19(2)(a) of the Commons Act 2006
Correction of a mistake in the register

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 rights of common as described in column 4 of entry 26 of CL11 Brackenthwaite Fell and entry 24 of CL74 Brackenthwaite Common, Buttermere Common & Hobcarton Crags had been recorded incorrectly, in so far as the registration authority correctly registered the right at entry 1 of register unit CL321 as exercisable over the whole of the land in this register unit and parts of the land in register units CL11 and CL74. However the right was incorrectly registered at entry 26 of register unit CL11 as exercisable only over the whole of CL321 and part of CL11 and in entry 24 of register unit CL74 as exercisable only over the whole of CL321 and part of CL74.

No official representations were received.

Decision

The Proposal is approved and entry 26 of CL11 Brackenthwaite Fell and entry 24 of CL74 Brackenthwaite Common, Buttermere Common & Hobcarton Crags have been deleted and replaced with new entries, with the particulars of the rights of common in column 4 now recorded correctly.



Signed:..... Dated: 13 February 2025

Svetlana Bainbridge - Commons Registration Officer



Working for Cumberland Council and
Westmorland & Furness Council

**A Proposal by Cumberland Council
Section 19(2)(a) of the Commons Act 2006
Correction of the Register
The land over which a right is exercisable is incorrectly recorded**

In accordance with regulation 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 in 1969 when creating entry 26 of the Rights section of commons register unit CL11 Brackenthwaite Fell and entry 24 of the Rights section of commons register unit CL74 Brackenthwaite Common, Buttermere Common & Hobcarton Crags.

The right registered at those entries is exercisable over three commons, parts of the above mentioned CL11 and CL74, as well as the whole of CL321 Newlands Fells. The particulars of the right in column 4 of entry 1 of CL321 reflects this fact correctly. However, the particulars of the right at entry 26 of CL11 describe the right as exercisable only over CL321 and part of CL11, and the particulars of the right at entry 24 of CL74 describe it as exercisable only over CL321 and part of CL74. It is proposed to amend the descriptions of the right in columns 4 of CL11 and CL74 to show the right as exercisable over CL11, CL74 and CL297.

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 above mentioned entries are to be updated by CA15/348-350 – applications to declare an entitlement to exercise a right of common.

Official notice of proposal to follow.

Notice of Proposal

Section 19 of the Commons Act 2006 Correction of the Register

Notice is hereby given that a proposal has been made by **Cumberland 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 units CL11 Brackenthwaite Fell and CL74 Brackenthwaite Common, Buttermere Common & Hobcarton Craggs.

A summary of the effect of the application is as follows: On 29 December 1969 Wilson Clark of Belle View, Wigton submitted an application to register a right of common to graze 150 ewes and followers on Braithwaite Common (“the Right”) and provided with the application a plan marked as outlined in green to show the area over which the right was exercisable. The area covers the whole of the CL321 Newlands Fell and parts of CL11 Brackenthwaite Fell and CL74 Brackenthwaite Common, Buttermere Common & Hobcarton Craggs.

The registration authority correctly registered the Right at entry 1 of register unit CL321 as exercisable over the whole of the land in this register unit and parts of the land in register units CL11 and CL74. However the Right was incorrectly registered at entry 26 of register unit CL11 as exercisable only over the whole of CL321 and part of CL11 and in entry 24 of register unit CL74 as exercisable only over the whole of CL321 and part of CL74.

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:

- a) deleting entry 26 of CL11 (making reference to the new corresponding entry) and making a new entry in the register to show the Right as exercisable over the whole of CL321 and relevant parts of CL11 and CL74, and

- b) deleting entry 24 of CL74 (making reference to the new corresponding entry) and making a new entry in the register to show the Right as exercisable over the whole of CL321 and relevant parts of CL74 and CL11.

Any person wishing to make representations:

- must quote the Proposal No. **CC/P/2**
- 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 12 February 2025.

The Notice can also be viewed by accessing the Council's website, Commons Registration page: <https://www.cumberland.gov.uk/planning-and-building-control/conservation/commons-registration/commons-registration-notices>



Signed:..... Dated: 02 January 2025
Svetlana Bainbridge - Commons Registration Officer