

Commons Act 2006 - Section 19(2)(a)
NOTICE OF APPLICATION TO CORRECT THE REGISTER

Notice is hereby given that an application has been made by **Anthony Philip Vaux** and **Sarah Jean Vaux** (“the Applicants”) to Cumbria County Council as Commons Registration Authority, under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application relates to common land register unit CL20 Caldbeck Common.

A summary of the effect of the application is as follows:

After an initial amendment made in 1972, application number 438 provisionally registered 250 sheep, 12 cattle and 4 ponies (totalling 330 units on the basis of 1 sheep equalling 1 unit, 1 cow equalling 4 units and 1 pony equalling 8 units) as being attached to O.S. field numbers 1393, 1392, 1396, 1391, 1390, 1402, 1403, 1406, 1389 and 1388 (“the Dominant Tenement”) at entry 101 of register unit CL20. A Commons Commissioner’s decision made in July 1982 reduced the number of grazing units from 330 to 308.

Entry 138 was added in October 1982 which stated that the registration at entry 101 (amongst others) had become final following the Commissioner’s decision, but it fails to mention modifications being made to the register. Entry 101 was modified to reflect the reduction in grazing units, but it is unclear when this amendment was made. The Applicants aver that this modification had not been made by 1987 when the Dominant Tenement and common rights were sold through a series of conveyances. Consequently, the Applicants claim that the seller had no knowledge of the rights modification set out in the decision made by the Commons Commissioner in 1982, and as such the 1987 conveyances did not reflect the Commissioner’s decision.

Previous corrective applications have corrected errors which stemmed from the 1987 conveyances, largely focusing on the grazing units stemming from the sheep and cattle. This has left 298 grazing units (originally attributed to the sheep and cattle) being recorded as held in gross at entry 436, with the remaining 10 units (originally attributed to the pony rights) being recorded at entry 437 as being attached to the Dominant Tenement.

The Applicants now seek to correct entry 437, replacing the entire Dominant Tenement listed with only that part of the Dominant Tenement that was transferred with the 4 pony rights in a conveyance dated 15th December 1987. The Applicants also seek to substitute 32 units for 10 units on the basis of 1 pony right equating to 8 units, and on the basis that the Applicants and their predecessors relied upon the commons register in which entry 138 confirmed entry 101 as being final without reference to any modification or reduction of rights as a result of the Commissioner’s decision.

If the application is granted, the registration authority will give effect to the determination by deleting entry 437 and replacing it with a new entry, showing 32 grazing units as being attached to O.S. field numbers 1391 (part), 1392, 1393 and 1396 (part).

Any person wishing to make representations:

- must quote the Application No. **CA10/56**
- 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, Petteiril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: Commons.Registration@cumbria.gov.uk.

Any representations 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

Applicants and 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.

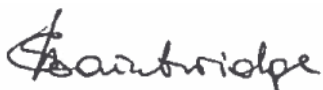
The date on which the period for making representations expires is **5pm on 27th May 2021**

Documents relating to the application are not available online; these are available for inspection at the Commons Registration Service at the above address, strictly by appointment only. Please contact the Commons Registration Team on (01228) 221028 or Commons.Registration@cumbria.gov.uk to arrange an appointment. The documents can also be posted or emailed on request.

The notice and accompanying plan (if any) can be viewed online by accessing Cumbria County Council's website <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>

Signed:

Dated: 14th April 2021



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Svetlana Bainbridge – Commons Registration Officer

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