

**Commons Act 2006 - Schedule 2 (Paragraph 6)
Application to correct mistaken registration**

NOTICE OF DETERMINATION

Application Number: CA13/36

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority (“the CRA”), has at a meeting of its Development Control and Regulation Committee (“the Committee”) on the 15th July 2022, considered an application submitted by Windermere Aquatic Limited (the Applicant”) to deregister commons register unit ‘CL155, Land either side of the A591, south of Waterhead’, hereinafter referred to as “the Application Land”.

Decision

The Committee resolved to accept the application in part and remove all of that part of the Application Land lying to the west of the A591 from the register of common land.

Reasons

The Committee took into account a report written by the Commons Officer (“the Officer”). The Officer’s report made a recommendation to the Committee to accept the application in part, on the grounds that there is sufficient evidence that the Application Land to the west of the road has, at all times since its provisional registration as common land, been covered by a building, or has been within the curtilage of a building, and also satisfies the other criteria set out at Schedule 2, paragraph 6 of the Commons Act 2006.

The Officer’s report also outlined, how, on the balance of probabilities, the Application Land to the east of the A591 could not be classed as the curtilage of any building, and therefore the criteria for deregistration had not been satisfied in relation to that section of the Application Land.

Outcome

The Commons Registration Authority has given effect to the determination by deregistering the Application Land to the west of the A591, which entailed the addition of a register amendment entry confirming the removal of that land within commons register unit CL155, and the amendment of the register map showing the part of the Application Land to the west of the A591 as having been deregistered.

Documentation

Minutes of the meeting providing the Committee’s decision, the Officer’s report and a plan of the Application Land are available at:

<https://councilportal.cumbria.gov.uk/ieListDocuments.aspx?CId=124&MId=11912&Ver=4>

Signed:



Allan Harty – Assistant Director Environment & Enterprise

Dated: 15th July 2022