

**Commons Act 2006 - Schedule 2 (Paragraph 7)
Application to correct non-registration or mistaken registration**

NOTICE OF DETERMINATION

Application Number: CA13/39

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 1st December 2022, considered an application submitted by Peter Ponsonby, Francis Ian Craig Strick and William Henry Harrison to correct the mistaken registration of common land register units CL456 Cockley Moss and CL457 Chapel Moss ("the Application Land"). The applicants sought to remove the entirety of both register units, totalling approximately 190 acres, from the register of common land.

Decision

The Committee resolved to accept the application and remove the Application Land 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, on the grounds that there is sufficient evidence that, on the balance of probabilities, the Application Land was, at the time of provisional registration, not subject to rights of common, nor waste land of the manor, nor a town or village green, nor land of a description specified in section 11 of the Inclosure Act 1845. The Officer further outlined that, in the Officer's view, the application satisfies all of the criteria set out in Schedule 2 paragraph 7 to the Commons Act 2006, as well as the requirements of the Commons Registration (England) Regulations 2014.

Outcome

The Commons Registration Authority has given effect to the determination by deregistering the Application Land, which entailed the strikethrough of the current register entries in the Land Sections of register unit numbers CL456 and CL457, and the addition of a register amendment entry confirming de-registration of the whole, and amendment of the register map showing the Application Land marked as de-registered.

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/ieListMeetings.aspx?Committeeld=124>

Signed:



Allan Harty – Assistant Director Environment and Enterprise

Dated: 12th December 2022