

Commons Act 2006 - Schedule 3 (Paragraph 2)

Application to correct non-registration or mistaken registration

NOTICE OF DETERMINATION

Application Number: CA14/5

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 6th December 2018, considered an application to register the effect of a statutory disposition, namely a Vesting Deed dated 31st March 2003 ("the Vesting Deed"), relating to commons register unit CL122 Burton Fell and Warcop Fell ("the Application Land"). The applicant, the Secretary of State for Defence, claimed that as a consequence of the Vesting Deed, the Application Land ceased to be common land and should be removed from the register.

Decision

The Committee resolved to grant the application and remove the Application Land from the register.

The CRA has given effect to the determination by deregistering the Application Land which entailed the strikethrough of the current register entries of unit number CL122, the addition of a register amendment entry confirming deregistration of the whole and amendment of the register map showing the Application Land marked as deregistered.

Reasons

Following a public inquiry into the application a report of recommendation was produced by the Inspector. The Committee took into account the Inspector's report and a report produced by the Commons Registration and Legal Officers ("the Officers"). The Officers report made a recommendation to the Committee to accept the Inspector's recommendation that the application should be granted, on the grounds that there is sufficient evidence that on the balance of probabilities the Application Land ceased to be common land as a consequence of the Vesting Deed and therefore the statutory criteria contained in paragraph 2 of Schedule 3 to the Commons Act 2006 are satisfied.

Documentation

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

<http://councilportal.cumbria.gov.uk/mgCommitteeDetails.aspx?ID=124>

Signed



Angela Jones – Acting Executive Director Economy and Infrastructure
Dated: 14th December 2018