

Commons Act 2006 – Schedule 3

APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT – HISTORIC SEVERANCE OF A RIGHT OF COMMON

Notice of Determination

Application number CA14/72

Notice is hereby given that Westmorland and Furness Council, as the Commons Registration Authority (“the CRA”), has at a meeting of its Eden Local Area Planning Committee (“the Committee”) on 8 May 2024, considered an application submitted by Mr Alan Bennett (“the Applicant”). The application sought to amend the register to record an historic severance of part of a right of common to graze 9 stints on common land register unit CL67 Matterdale Common (“the Right”). The Right was recorded at entry 83 of register unit CL67 as attaching to a total of 34.82 acres of land as described in column 5 of that entry.

The application was made as a primary application in conjunction with secondary application CA14/73.

Decision

The Committee resolved to accept the application to amend the register by registering severance of part of the Right amounting to 1.27 grazing stints, those being part of the 6.5 stints transferred in a conveyance of 30th November 1978, along with a portion of the land to which the Right was originally attached.

Reasons

The Committee considered a report written by the Commons Officer (“the Officer”) which recommended that the application be accepted. The Officer concluded that there was sufficient evidence that severance of part of the Right occurred on 30th November 1978, when a proportionally large portion of the Right was transferred with part of the land to which that Right was attached.

One objection was received and carefully considered, which claimed that the entirety of the Right had become severed in 1978, but on balance the Officer agreed with the Applicant’s assertion that only that part of the Right above and beyond the proportional amount attached to the transferred land had been severed.

Outcome

The register for CL67 Matterdale Common has been amended to show a portion of the Right as having been severed from the land and held in gross.



Working for Cumberland Council and
Westmorland & Furness Council

Signed:

A handwritten signature in blue ink that reads "D. Haugh". The signature is written in a cursive style with a long, sweeping tail on the letter "h".

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David Haughian – Assistant Director Community Infrastructure

Dated: 15th July 2024