

## **Commons Act 2006 – Schedule 3**

### **APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT – HISTORIC APPORTIONMENT OF A RIGHT OF COMMON**

#### **Notice of Determination**

#### **Application number CA14/73**

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 Applicant aimed to show that, based upon the Right being spread evenly over the entirety of the 34.82 acres, the portion of the Right attributed to the 20.235 acres of land conveyed on 30<sup>th</sup> November 1978, amounted to 5.23 stints. As the conveyance itself specifically states that 6.5 stints were transferred with the land, then the Applicant has calculated that those additional rights, those being the excess 1.27 stints not attributed to the conveyed land, were severed from the land at that point.

The application was made in conjunction with application CA14/72 to record an historic severance of part of the Right (“the Primary Application”).

#### **Decision**

The Committee resolved to accept the application to amend the register by registering the apportionment of the Right in line with the Applicant’s calculations. The Committee accepted that 5.23 stints had transferred as appurtenant rights with the land conveyed on 30<sup>th</sup> November 1978, with the additional 1.27 stints conveyed had been severed, leaving 2.5 stints attached to that part of the dominant tenement not included in the 1978 conveyance.

#### **Reasons**

The Committee considered a report written by the Commons Officer (“the Officer”) which recommended that the application be accepted. The Officer concluded that the Applicant’s calculations were correct.

The Primary Application was accepted by the Committee.



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**Outcome**

The register for CL67 Matterdale Common has been amended to show the Right as having been apportioned in line with the Applicant's calculations. The 1.27 stints, deemed to be the excess stints transferred on 30<sup>th</sup> November 1978, were subsequently severed from the land by the Primary Application, and are now recorded in the register as being held in gross.

Signed:



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David Haughian – Assistant Director Community Infrastructure

Dated: 15<sup>th</sup> July 2024