

Commons Act 2006 – Schedule 3
NOTICE OF APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT
Primary Application - Severance

Notice is hereby given that an application has been made by **John Mitchell Angus** and **Eve Gabrielle Napoletani** (“the Applicants”) to Cumbria County Council as Commons Registration Authority, under Schedule 3 of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The application relates to common land register unit CL69, Birker Fell.

A summary of the effect of the application is as follows: The right to graze 1200 sheep, plus lambs under 9 months old, 26 hill cows plus calves under one year old, 12 heifers to include all female over one year old, until calving their first calf on Birker Fell, comprising the whole of the land in the register unit (“the Right”) is registered as attached to land described as “*High Birkerthwaite and Birkerthwaite*” at entry 8 of register unit CL69.

55.999 acres of the original 104.437 acre dominant tenement (the dominant tenement being the land described more accurately in the original application) was transferred by way of a Deed of Partition along with the entirety of the Right on 5th February 1982 (“the 1982 Deed”). On the 26th June 1990 the entirety of the Right was then once again transferred, but with only 38.3 acres of the 55.999 acres previously transferred (“the 1990 Conveyance”).

The Applicants have provided copies of both the 1982 Deed and the 1990 Conveyance. The Applicants claim that the effect of these transfers was to sever the portion of the Right that was attached to the land that was not transferred with the Right. The Applicants seek by this application to register the severance in the register.

If this application is granted, the portion of the Right originally attached to the 66.137 acres of land not included in the 1990 Conveyance will be considered to be severed from the land and held in gross in the name of the listed purchaser.

Any person wishing to make representations:

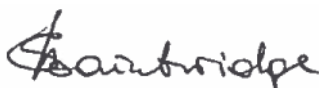
- must quote the Application No. **CA14/78**
- must state the name and postal address of the person making them, and the nature of that person’s interest (if any) in any land affected by the application and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Commons Registration Service, Lady Gillford’s House, Petteril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: commons.registration@cumbria.gov.uk

Any representations made will not be treated as confidential, to determine the application it will be necessary for the commons registration authority to disclose information received to others, which will include the Applicant and may include other local authorities, Government Departments, public bodies, other organisations and members of the public (Data Protection Act 1998). Representations may also be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of information Act 2000.

The period for making representations expires at **5pm on 22nd June 2022**.

Documents relating to the application are not available online, although they can be provided on request. Requests should be sent directly to the Commons Registration Service using the contact details above.

The notice and accompanying plan (if any) can be viewed online by accessing Cumbria County Council’s website <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>



Signed:
Svetlana Bainbridge – Commons Registration Officer

Dated: 10th May 2022