

**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: CA14/79**

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority (“the CRA”) has considered an application submitted by **John Mitchell Angus** and **Eve Gabrielle Napoletani** (“the Applicants”) to amend the register to record an historic apportionment of part of the right of common 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 (“the Right”), which was recorded at entry 8 of register unit CL69, Birker Fell. The Right was originally recorded as attached to 104.437 acres of land listed as High Birkerthwaite and Birkerthwaite, and more accurately described in original application number 1659 (“the Dominant Tenement”).

The Applicants aimed to show that the portion of the Right that was attached to the 48.438 acres of the Dominant Tenement not transferred with the 1982 deed, and the additional 17.699 acres of Dominant Tenement not transferred with the 1990 conveyance (66.137 acres in total) amounts to 759.93 sheep, 16.47 cows and 7.60 heifers.

The application was made in conjunction with application CA14/78 to record an historic severance of the part of the Right (“the Primary Application”).

**Decision**

The CRA resolved to accept the application to amend the register by registering the apportionment of the Right, showing the proportion of the Right originally attached to that 66.137 acres of Dominant Tenement not transferred in the 1990 conveyance as having been apportioned in line with the Applicants’ calculations.

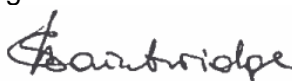
**Reasons**

The Commons Registration Officer assessed the application and found it to be duly made under the criteria prescribed by the relevant regulations and guidance. No objections were received to the application.

The Primary Application was accepted by the CRA.

The register for CL39 Birker Fell has been amended to show the portion of the Right which was previously attached to that part of the Dominant Tenement not transferred in the 1990 conveyance as being apportioned in line with the Applicants’ calculations (before subsequently being severed from the land and held in gross). The remainder of the Right is shown as still being attached to the rest of the Dominant Tenement.

Signed



.....  
Svetlana Bainbridge – Commons Registration Officer

Dated: 24<sup>th</sup> June 2022