

Commons Act 2006 - Section 19 – Proposal to correct the register

**NOTICE OF DETERMINATION**

**Application Number: CCC/P/12**

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 2<sup>nd</sup> December 2021, considered a proposal submitted by the CRA to correct the commons register for CL23 The Green, Hesket Newmarket (“CL23”).

**Background**

Please see attached proposal which outlines the case.

**Decision**

The Committee resolved to accept the proposal and amend the land section and legal map of register unit CL23, to accurately reflect the amendment that the original applicant (Caldbeck Parish Council) had requested on the 9<sup>th</sup> September 1970.

**Reasons**

The Committee took into account a report written by the Commons Officer (“the Officer”). The Officer’s report made a recommendation to the Committee to accept the proposal, on the grounds that the area marked as having been removed from the register on the final, definitive legal map did not accurately reflect the area that the original applicant had asked to be removed.

**Legislative Requirements**

As the registration of CL23 had not yet become final on the 9<sup>th</sup> September 1970, the original applicant was entitled to request that amendments were made to the registration. Section 19(2)(a) specifically allows for a commons registration authority to amend its registers of common land to correct a mistake made by the commons registration authority in making or amending an entry in the register. The Officer’s view is that all legislative criteria have been met and a correction can be made.

**Outcome**

The CRA has given effect to the determination by creating a new entry in the land section of register unit CL23 confirming the deregistration of that piece of land that the CRA were asked to remove from the initial registration. The legal map has been amended to show only the land that the original applicant asked to be removed from registration as having been removed. The remainder of the land is now clearly shown as still being part of commons register unit CL23. Additionally, an inset map has been created showing the deregistration in more detail.

**Documentation**

Minutes of the meeting providing the Committee’s decision, the Officer’s report and a plan of the proposed changes are available at:

<https://councilportal.cumbria.gov.uk/ieListDocuments.aspx?CId=124&MId=11906>

Signed



Allan Harty – Assistant Director Environment & Enterprise

Dated: 3<sup>rd</sup> December 2021

**A Proposal by Cumbria County Council  
Section 19 of the Commons Act 2006  
Correction of the Register  
Amendment requested by original applicant not properly recorded**

In accordance with paragraph 18(1) of The Commons Registration (England) Regulations 2014 please find below a statement in writing describing the proposal and the justification behind it.

**Description of the proposal:**

It has become apparent that an error was made by the Commons Registration Authority when updating the commons register for CL23 The Green, Hesket Newmarket. On the 9<sup>th</sup> September 1970 the Registration Authority received a letter from Caldbeck Parish Council seeking to amend the provisional registration of CL23, following their original application of 10<sup>th</sup> May 1967. The amendment was marked on the register, but not in accordance with the prescribed regulations, and not accurately. The Registration Authority seeks to record this amendment correctly.

**Justification for the proposal:**

The Commons Registration Authority believe that correcting this mistake, and therefore ensuring the accuracy of the commons register would be in the public interest, preventing confusion which has arisen from the current register.

Official notice of proposal to follow

**A Proposal by Cumbria County Council  
Section 19 of the Commons Act 2006  
Correction of the Register**

Notice is hereby given that a proposal has been made by **Cumbria County Council** ("the Proposer") as the Commons Registration Authority, under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The proposal relates to register unit CL23 The Green, Hesket Newmarket ("CL23").

A summary of the effect of the application is as follows: Caldbeck Parish Council applied to register CL23 on 10<sup>th</sup> May 1967, and this was provisionally registered on 17<sup>th</sup> July 1967. On 9<sup>th</sup> September 1970 Caldbeck Parish Council wrote to the commons registration authority asking for an amendment to be made to the provisional registration, requesting the removal of the piece of land outlined in red on the attached plan. The provisional registration map was marked up to reflect this request, although the blue section on the attached plan was also incorrectly marked as having been removed from the registration. On 1<sup>st</sup> October 1970 the registration, being undisputed, became final and the final legal map was created, which, having been transposed from the provisional map, also showed both the red and blue areas as having been deregistered. The marked area of deregistration, as well as being incorrect, was also not done in accordance with the prescribed regulations. There was no corresponding entry listed in the land section of the commons register to explain how, when and why the marked area had been deregistered. Without this corresponding entry the Commons Registration Authority does not consider the area crossed through on the legal map (corresponding to the red and blue areas on the plan) to have been formally deregistered.

The Proposer seeks by this proposal to correct this error by formally deregistering the area outlined in red on the accompanying plan, and showing the land marked in blue as still being registered as part of CL23.

If the proposal is granted the Commons Registration Authority will give effect to the determination by creating a new entry in the land section of register unit CL23 describing the deregistration of that area outlined in red, and amending the legal map to reflect the deregistration. An inset map will also be created showing the deregistration in more detail.

Any person wishing to make representations:

- must quote the Proposal No. **CCC/P/12**
- 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 proposal 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](mailto:Commons.Registration@cumbria.gov.uk)

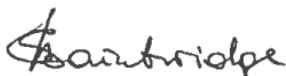
Any representations made will not be treated as confidential. To determine the proposal it will be necessary for the Commons Registration Authority to disclose information received to others, which may include other local authorities, Government Departments, public bodies, other organisations and members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

The date on which the period for making representations expires is **5pm on 6<sup>th</sup> September 2021**.

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 can also be viewed by accessing Cumbria County Council's website, Commons Registration page: <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>

Signed:




Dated: 23<sup>rd</sup> July 2021


Svetlana Bainbridge - Commons Registration Officer


# CCC/P/12 - Notice of Proposal

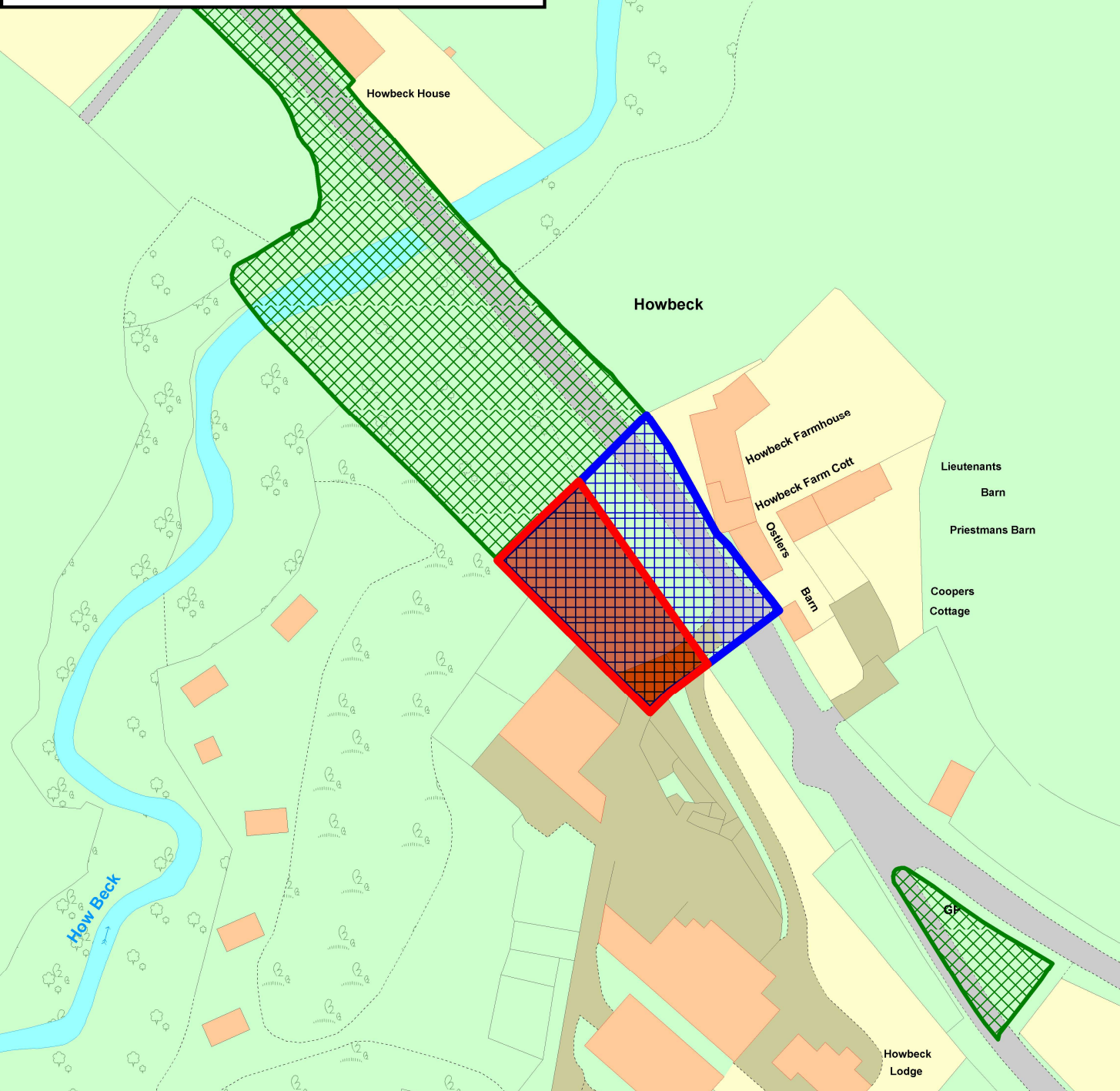
CL23, The Green, Hesket Newmarket



 Registered common land (undisputed)

 Land proposed to be formally removed from the commons register

 Land currently marked as deregistered on the legal map that has not formally been deregistered and will be shown as registered common



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