

Commons Act 2006
Section 19
Proposal to correct the register

NOTICE OF DETERMINATION

Application Number: CCC/P/6

Background

Please see attached Proposal which outlines the case.

Legislative Requirements

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 Proposal confirms that the particulars of the right of common as described in column 5 of entry 24 have been recorded incorrectly, in so far as the dominant tenement lists land to which the common rights at entry 37 are also attached.

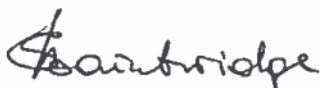
Representations

No official representations were received.

Decision

The Proposal is approved and entry 24 of Register Unit CL41 has been deleted and replaced with a new entry, with the particulars of the land to which the right of common is attached now discounting that land also recorded at entry 37 - that land being the 17.3 acres comprising of O.S. fields 1685pt, 1686, 1720pt and 1721pt.

Signed



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Svetlana Bainbridge – Commons Registration Officer

Dated: 18th June 2019

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

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 CL41 Roundthwaite Common in 1993, as a result of an application made in 1992 to record an apportionment of rights. By 1992 the original right had already been apportioned, leaving the grazing rights and dominant tenement split between entries 22 and 24.

The 1992 application sought to update the register to reflect a conveyance dated 24th July 1992, which transferred a portion of the grazing rights, along with part of the land to which the rights at entry 24 were attached. When updating the register in 1993 the commons registration authority took the conveyed rights from entry 22, and created a new entry showing them attached to land already included at entry 24. This error resulted in the land transferred on 24th July 1992 forming part of the dominant tenement of two separate entries to which rights were attached.

This proposal seeks to amend the land to which the common rights at entry 24 are attached, removing the part of the land to which the common rights at the newly created entry are also attached.

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, particularly as the remaining rights are likely to be apportioned further. It is clearly incorrect that two parts of the original right are now recorded at separate entries as being attached to the same part of the dominant tenement.

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 CL41 Roundthwaite Common.

A summary of the effect of the application is as follows: A right to graze 260 ewes with their followers, 90 hogs throughout the year and 3 rams during the months of December and January was recorded at entry 1 of register unit CL41 as attached to land at Bretherdale Hall, Waters Farm and High Whinhowe, Tebay ("the Right").

Prior to application 415 being received on the 29th July 1992 ("the 1992 Application") the Right had been apportioned, with part of the Right equating to 180 ewes, 63 hogs and 2 rams being attached to the land shown in blue on the attached plan and recorded at entry 22 in the names of Nathan Graveson and Peter Brian Graveson. The remainder of the Right equating to 80 ewes, 27 hogs and 1 ram was recorded as attached to the land shown in yellow on the attached plan at entry 24 in the name of Peter Brain Graveson.

The 1992 Application was made as a result of a conveyance dated 24th July 1992 which transferred the land edged red on the attached plan along with part of the Right amounting to 100 ewes, 30 hogs and 2 rams. When processing the 1992 Application the commons registration authority took these rights (100 ewes, 30 hogs and 2 rams) from entry 22 (the blue area) and attached them to the land edged red at newly created entry 37. The land edged red (and coloured yellow) is therefore recorded as having part of the Right attached at two separate entries.

The Proposer seeks by this proposal to correct that mistake.

If the proposal is granted the Commons Registration Authority will give effect to the determination by deleting entry 24 (the yellow area) and replacing it with a new entry with that land also registered at entry 37 (the area edged red) as being discounted from the dominant tenement of that particular entry. This would ensure that no parts of the Right were attached to the same piece of land at two separate entries.

Any person wishing to make representations:

- must quote the Proposal No. **CCC/P/6**
- 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

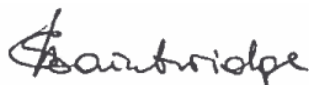
Any representations made will not be treated as confidential. To determine the proposal it will be necessary for the Commons Registration Authority to disclose information received to others, which may include other local authorities, Government Departments, public bodies, other organisations and members 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 21st May 2019**.

Documents relating to the proposal are not available online; these are only available for inspection at the Commons Registration Service at the above address, strictly by appointment only. Please contact the Commons Registration Team on (01228) 221026 to arrange an appointment.

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:



Svetlana Bainbridge - Commons Registration Officer

9th April 2019

CCC/P/6 - Notice of Proposal

