

**Commons Act 2006 - Section 19(2)(a)**  
**NOTICE OF APPLICATION TO CORRECT THE REGISTER**

Notice is hereby given that an application has been made by the Executor of John Graham Metcalfe deceased ("the Applicant") to Cumbria County Council as commons registration authority, under Section 19(2)(a) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application relates to common land register units CL26 Brant Fell and CL29 Bluecaster Fell & Grisedale Common.

A summary of the effect of the application is as follows:

A right to graze: (a) 275 sheep, (b) 5 horses and (c) 10 cows over the whole of the land comprised in register units CL26 and CL29 ("the Right") was registered at entry 9 of register unit CL26 and at entry 7 of register unit CL29. The Right is shown as being attached to a small strip of land near the river side at Beckside Farm, Cautley, as shown in red on the supplemental map bearing the number of the registration.

The Right was registered pursuant to application number 1464 made on the 1<sup>st</sup> July 1968 by John William Metcalfe ("the Original Applicant"), who requested that the Right was attached to a total of 19 Ordnance Survey (O.S.) fields, along with two small plots of land which the Original Applicant described on a sketch map – one piece being known as 'The Fold', and the other a small strip near the river side. Following an initial inspection, the Clerk of the County Council wrote to the Original Applicant in 1969, advising that 'The Fold' formed part of the common itself, and it was therefore inappropriate to attach any rights to it. This left the 19 O.S. fields and the remaining strip of land near the river side to which the Right could be attached.

The Applicant claims that a mistake was made by the registration authority when creating the original entries, in so far as the Right was attached to that remaining strip of land on the sketch, but not also the 19 listed O.S. fields. The Applicant seeks to correct this entry by amending the dominant tenement to also include 19 O.S. fields, for which they have provided additional evidence showing that they historically form part of Beckside Farm.

If the application is granted, the registration authority will give effect to the determination by deleting entry 9 of CL26 and entry 7 of CL29, and replacing them with new entries showing the Right as being attached to O.S. field numbers: 972, 982, 982a, 983, 1014, 1026, 1029, 1030, 1032, 1033, 1034, 1038, 1040, 1055, 1056, 1062, 1063, 1064 and 1065, along with the small strip of land near the river side (that strip being the land to which the entirety of the Right is currently shown as being attached to). A supplemental map will also be created showing the newly defined dominant tenement.

Any person wishing to make representations:

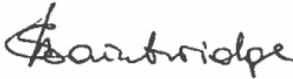
- must quote the Application No. **CA10/59**;
- must state the name and postal address of the person making them, and the nature of that person's interest (if any) in any land affected by the application and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Commons Registration Service, Lady Gillford's House, Petteiril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: [Commons.Registration@cumbria.gov.uk](mailto:Commons.Registration@cumbria.gov.uk).

Any representations 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 Applicants and 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 14<sup>th</sup> January 2021**.

Documents relating to the application are not available online; these are available for inspection at the Commons Registration Service at the above address, strictly by appointment only. Please contact the Commons Registration Team on (01228) 221028 or [Commons.Registration@cumbria.gov.uk](mailto:Commons.Registration@cumbria.gov.uk) to arrange an appointment. The documents can also be posted or emailed on request.

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:

Dated: 1<sup>st</sup> December 2021

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Svetlana Bainbridge – Commons Registration Officer

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