

## Commons Act 2006 – Section 19(2)(b)

### NOTICE OF APPLICATION TO CORRECT THE REGISTER

Notice is hereby given that an application has been made by Christopher John Richard Lasper (“the Applicant”) to Cumbria County Council as commons registration authority, under Section 19(2)(b) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application relates to common land register CL3 Eastern Martindale Common.

Following the Cumbria (Structural Changes) Order 2022, Westmorland and Furness Council became the commons registration authority (“the Registration Authority”) for this area on 1 April 2023.

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

A right to graze 350 sheep over the whole of the land comprised in this register unit (“the Right”) was registered at entry 5 of register unit CL3 pursuant to application number 89 dated 18 July 1968 made by David Barraclough, Charles Francis Patrick Jewell and Frederick George Rollason. The application being undisputed became final on 1 August 1972. The Right was attached to O.S. fields 97, 98, 103, 104, 175, 206, 207, 208, 256, 307, 309, 318, 318a, 325, 325a, 336, and 352 on the O.S. map (edition of 1915). In 1987 a pencil note was made at entry 5 to indicate that Mr & Mrs Hedworth were the new right holders. Pencil notes were made for information only at the time when it was not possible to update the register to record the current right holder. Pencil notes did not have any legal validity and became obsolete in 2014 with the implementation of the Commons Act 2006 in Cumbria.

On 11 September 2017 a declaration by Mr & Mrs Rowley to exercise a right to graze 135 sheep from entry 5 was recorded at entry 31. The right is attached to OS fields 103, 104, 175, 206, 207, and 208.

Following the determination in November 2022 of applications CA14/76 (historic severance) and CA14/77 (historic apportionment) made by Mrs Hedworth, the rights section of the register was amended to show a right to graze 64.35 sheep, formerly being attached to OS fields 97, 98, 256, 318 and 318a at entry 5, as held in gross by Mr & Mrs Hedworth at entry 34. An entry for a right to graze 150.65 sheep attached to O.S. field numbers 307, 309, 325, 325a, 336 and 352 was recorded at entry 35, representing the requested apportionment of the remainder of the right held by Mrs Hedworth. Entry 5 was crossed out.

The Applicant claims that a mistake was made by the Registration Authority in its implementation of the abovementioned determinations in the register. The Applicant claims that, following the recording of a right to graze 64.35 sheep held in gross at entry 34, entry 5 should have been amended to show 285.65 rights. The Applicant requests the replacement of Entry 35 with an Entry for 285.65 rights attached to all the former Entry 5’s O.S. field numbers other than those in Entry 34.

If the application is granted, the Registration Authority will give effect to the determination by deleting entry 35 and creating a new entry showing 285.65 grazing rights as attached to all the fields formerly within entry 5, except for those at entry 34 (OS fields 97, 98, 256, 318 and 318a).

Any person wishing to make representations:

- must quote the Application No. **CA10/64**
- 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



Working for Cumberland Council and  
Westmorland & Furness Council

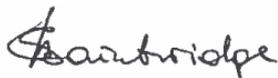
- must be sent to: The Commons Registration Service, Lady Gillford's House, Petheril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: [commons.registration@westmorlandandfurness.gov.uk](mailto:commons.registration@westmorlandandfurness.gov.uk)

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 2018). 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 **14 July 2023**.

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 Westmorland & Furness Council's website [Notices of Applications made under the Commons Act 2006 | Westmorland and Furness Council](#)



Signed:

Dated: 2 June 2023

Svetlana Bainbridge, Commons Registration Officer