

## Commons Act 2006 – Schedule 3

### NOTICE OF APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT – APPORTIONMENT

Notice is hereby given that an application has been made by **Andrew John Nicholson and James David Nicholson** (“the Applicants”) to Westmorland and Furness Council as Commons Registration Authority, under Schedule 3 of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The application relates to common land register unit CL29, Coniston Fell, Dunnerdale Fell, Seathwaite Fell, Torver High Common.

The common right (“the Right”) concerned is recorded at entry 47 as follows:

1. The right to graze 750 sheep and followers over part of the land comprised in this register unit lying south of the line A-B on the register map; stock may be exchanged at the rate of 2 geese for 1 sheep, 10 sheep for 1 cow or 2 cows for 1 horse.
2. To cut and take bracken over the part of the land comprised in this register unit lying south of the line A-B on the register map.
3. To cut and take peat over the part of the land comprised in this register unit lying south of the line A-B on the register map.

The Right is recorded as attached to land known as Stephenson Ground, Dunnerdale, Boroughton-in-Furness, Lancashire, comprising of O.S. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 15a, 16, 16a, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 26a, 27, 28, 29, 50, 51, 52, 53 and 54 on the O.S. Map (Edition of 1913) of the Parish of Dunnerdale-with Seathwaite, Lancashire and also the land in that Parish shown edged red on the supplemental map bearing the number of this registration (“the Dominant Tenement”).

The Applicants claim that on 18<sup>th</sup> January 1971, severance of that part of the Right attached to land at O.S. fields nos. pt3, 17, 18, 19, 20, 21, 22, pt24, 25, 26, 26a, 27, 50, 51, 52, 53, 54, and the land shown edged red on the supplemental map (“the Retained Land”), occurred, when part of the Dominant Tenement comprising O.S. field nos. 1, 2, pt3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 15a, 16, 16a, 23, pt24, 28 and 29 (“the Transferred Land”) was transferred to a Mr. K. Waring, together with the whole of the Right.

The Applicants seek by this application to show that the portion of the Right associated with the Retained Land, for which severance is claimed, amounts to 399.81 sheep.

This secondary application can only be considered if the primary application (CA14/81) is granted. If granted, the registration authority will give effect to the determination by cancelling entry 47 and creating two new entries, one showing Mr. K. Waring as the owner in gross of the part of the Right once attached to the Retained Land (399.81 sheep), and the other showing the remaining portion of the Right attached to the Transferred Land (350.19 sheep).

Any person wishing to make representations:

- must quote the Application No. **CA14/82**,
- 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;



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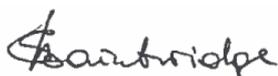
- must be signed by the person making them;
- must state the grounds on which they are made; and
- must be sent to: The Commons Registration Service, Lady Gillford's House, Petheril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: [commons.registration@cumberland.gov.uk](mailto:commons.registration@cumberland.gov.uk)

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 1998). 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 **20<sup>th</sup> November 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 Cumberland Council's website <https://legacy.cumberland.gov.uk/commons/notices>



Signed:

Dated: 6<sup>th</sup> October 2023

Svetlana Bainbridge, Commons Registration Officer