

Commons Act 2006 – Schedule 3

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

Notice is hereby given that an application has been made by **Mark John Tyson** (“the Applicant”) to Cumberland 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 units CL11, Brackenthwaite Fell, Crummock Water and CL118 Open Fell.

The right to unlimited grazing for say 200 sheep and followers, 10 cattle and followers on Buttermere Detached Common, comprising the whole of the land in register unit CL118 and the land in CL11 south of LO, west of VXY, west of A¹B¹, east of C¹D¹, west of E¹G¹H¹I¹, south of I¹Y¹, but excluding the land PQRS (“the Right”) is recorded at CL11, entry 56 and CL118, entry 28.

The Right is recorded as being attached to land comprising of O.S. field numbers 126, 127, 128, 121, 122, 123, 119, 56 and pt148 (“the Dominant Tenement”).

The Applicant claims that severance of the Right occurred in September 1997. By way of evidence the Applicant has provided the sales particulars from Mitchells Auctions which states that O.S. field numbers 126, 127, 128, 121, 122, 123, 119, and 56 were to be sold at the 6 August 1997 auction, and that “no fell rights are included in the sale of the land”. The Applicant has provided supplementary evidence with regards to the subsequent treatment of the Right to further substantiate the claimed severance.

The Applicant seeks by this application to register the severance of the Right in the register.

If this application is granted, the registration authority will give effect to the determination by cancelling CL11, entry 56 and CL118, entry 28, and creating new entries showing the Right as having been severed and held in gross in the name of the transferor to the 1997 sale, Mr John Robert Tyson.

Any person wishing to make representations:

- must quote the Application No. **CA14/83**
- 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, Petteril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: 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.

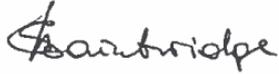
The period for making representations expires at 5pm on **12th June 2024**.



Working for Cumberland Council and
Westmorland & Furness Council

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:
Svetlana Bainbridge, Commons Registration Officer

Dated: 1st May 2024