

Commons Act 2006 – Section 8

Application for the apportionment of a right of common

NOTICE OF DETERMINATION

Application Number: CA3/49

Notice is hereby given that Westmorland and Furness Council, as the Commons Registration Authority (“the CRA”), has considered an application submitted by **Stephen Thomas Wales** (“the Applicant”) seeking to apportion the rights of common attaching to O.S. field numbers 131, pt230, 286, 284, 265, 239, 210, 209, 207, 205, 246, pt247, 194, 195, 189, 190, which are exercisable over the whole of the land in register units CL323, CL322, and over the land south of ABCD in the register unit 127 (“the Rights”). The Rights were recorded at entry numbers 48, 48 and 54 of common land register units CL322 The Rigg, Blencarn, CL323 Blencarn Fell and CL127 Kirkland Fell respectively. The Applicant sought to register an apportionment of the Rights, by recording the portion of the Rights attaching to O.S. field numbers 286 and 284 in his name.

Decision

The CRA resolved to accept the application to amend the registers by registering the apportionment of the Right.

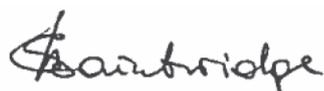
Reasons

The Commons Registration Officer assessed the application and found it to be duly made under the criteria prescribed by the relevant regulations and guidance. No objections were received against the application.

Outcome

The rights section of the registers for CL322 The Rigg, Blencarn, CL323 Blencarn Fell and CL127 Kirkland Fell have been amended to show the Rights as apportioned in accordance with the Notice of Application attached to this decision.

Signed



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Svetlana Bainbridge – Commons Registration Officer

Dated: 19th October 2023



Westmorland
& Furness
Council

Working for Cumberland Council and
Westmorland & Furness Council

Commons Act 2006 – Section 8

NOTICE OF APPLICATION FOR THE APPORTIONMENT OF A RIGHT OF COMMON

Notice is hereby given that an application has been made by **Stephen Thomas Wales** (“the Applicant”) to Westmorland and Furness Council, as Commons Registration Authority, under Section 8 of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

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

The following rights are attached to O.S. field numbers 131, pt230, 286, 284, 265, 239, 210, 209, 207, 205, 246, pt247, 194, 195, 189, 190 and are exercisable over the whole of the land in register units CL323, CL322 and over the land south of ABCD in the register unit 127.

Entry 54 CL127 and entry 48 CL323: “The right to graze 172.37 ewes with followers, 115.13 hogs, 13.86 ponies and 9.55 head of cattle.”

Entry 48 CL322: “The right to graze 181.92 ewes with followers, 121.49 hogs, 19.09 ponies and 9.55 head of cattle and the right of turbarry and cutting bracken.” (“The Rights”).

Pursuant to the division of the land to which the Rights are attached, the Applicant seeks by this application to register apportionment of the Rights appropriate to the parts of land transferred and now in their ownership.

If the application is granted, in whole or in part, the registration authority will give effect to the determination by making the following amendment to the commons register:

1. Entry numbers 48, 48 and 54 of common land register units CL322 The Rigg, Blencarn, CL323 Blencarn Fell and CL127 Kirkland Fell respectively, will be deleted and the reference made to the new corresponding entries.
2. Addition of a supplemental map.
3. The following entries will be made to the rights section of the commons register to show the proportionate apportionment of the Rights to the applicant (a) and the remainder of the rights (b):

(a) Common land register units CL127 and CL323:

The right to graze 12.39 ewes with followers, 8.28 hogs, 1.00 ponies and 0.69 head of cattle comprising the whole of the land in register unit CL323 and the land south of ABCD in register unit CL127.

Common land register unit CL322:

The right to graze 13.08 ewes with followers, 8.74 hogs, 1.37 ponies and 0.69 head of cattle on Blencarn Rigg comprising the whole of the land in register unit CL322.



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The right is attached to O.S. field numbers 286 and 284 as shown coloured green on the proposed supplemental map;

(b) Common land register units CL127 and CL323:

The right to graze 159.98 ewes with followers, 106.85 hogs, 12.86 ponies and 8.86 head of cattle comprising the whole of the land in register unit CL323 and the land south of ABCD in register unit CL127.

Common land register unit CL322:

The right to graze 168.84 ewes with followers, 112.75 hogs, 17.72 ponies and 8.86 head of cattle on Blencarn Rigg comprising the whole of the land in register unit CL322

The right is attached to O.S. field numbers 131, pt230, 265, 239, 210, 209, 207, 205, 246, pt247, 194, 195, 189, 190 as shown coloured pink on the proposed supplemental map.

Any person wishing to make representations:

- must quote the Application No. **CA3/49**
- 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

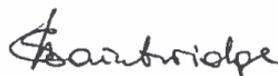
Any representations made will not be treated as confidential, to determine the application it will be necessary for the commons registration authority to disclose information received to others, which will include the Applicant and may include other local authorities, Government Departments, public bodies, 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 **19th October 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: 6th September 2023

Svetlana Bainbridge, Commons Registration Officer

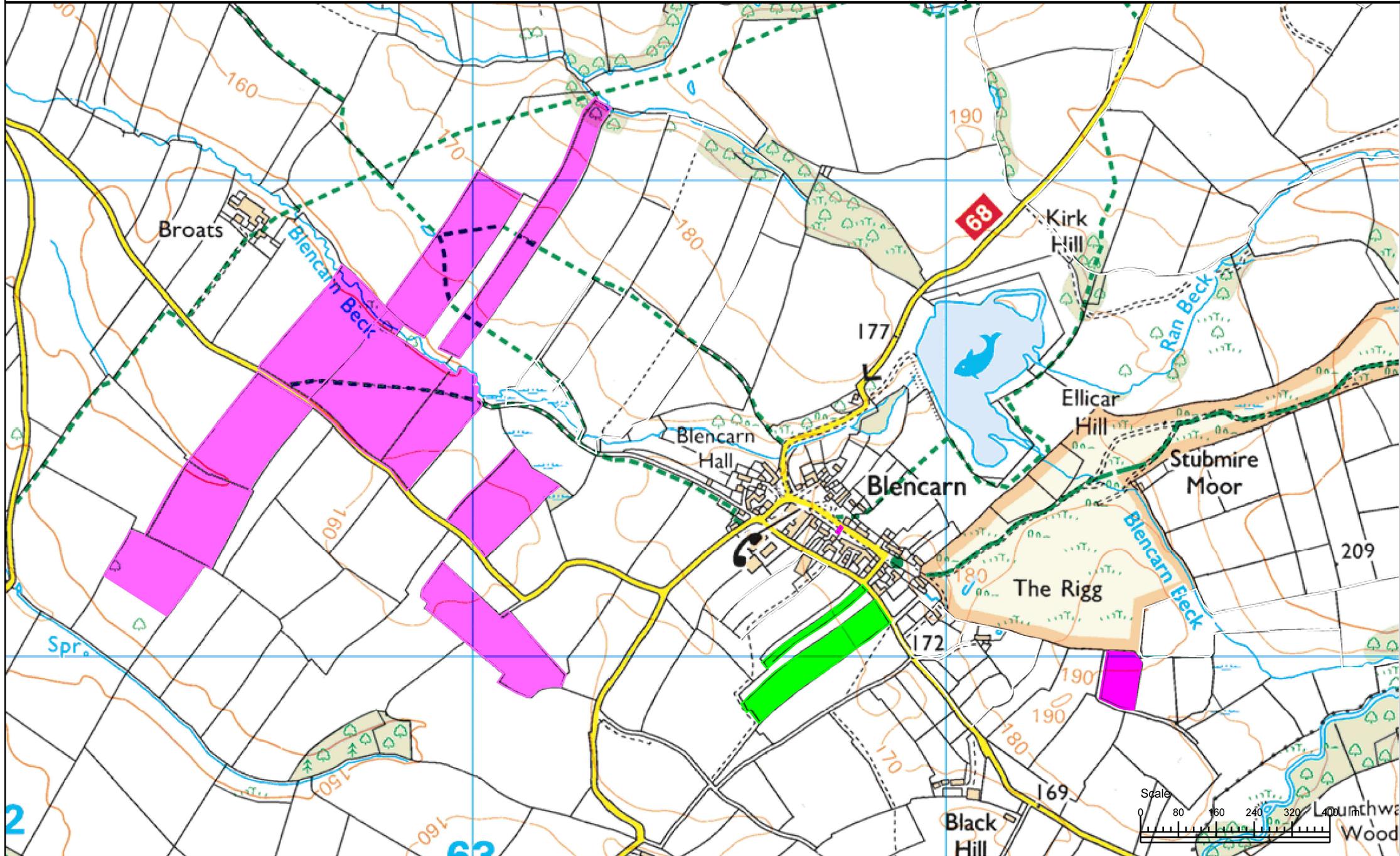
CA3/49 Proposed Supplemental Map

CL322 The Rigg, Blecnarn, CL323 Blencarn Fell & CL127 Kirkland Fell



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Commons Registration



Notes: Relating to current entries 48, 48 and 54 respectively

Scale at A4: 1:10000

