

Commons Act 2006 – Schedule 3
NOTICE OF APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT
Primary Application - Severance

Notice is hereby given that an application has been made by **Paul Ewbank Dixon** (“the Applicant”) to Cumbria County 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 registers CL93 North and East Mallerstang Common and CL94 Western Mallerstang Common, south of Friths.

A summary of the effect of the application is as follows: The right to graze (a) 100 ewes with their unweaned lambs and 40 hogs or 14 head of cattle or sheep and cattle together on the basis of 1 head of cattle to 10 sheep, (b) 1 horse with foals at foot and (c) 3 pigs, over the whole of the land comprised of register units CL93 and CL94 (“the Right”) is registered as attached to Ing Hill Farm, Mallerstang, Westmorland comprising O.S. plots numbered 125, 141, 142, 149, 150, 152, 152a, 154 and 155 on the O.S. Map (Edition of 1915) of the parish of Mallerstang, Westmorland at entry 3 of register unit CL93 and entry 2 of register unit CL94.

The Applicant claims that portions of the Right were severed from the land as a result of a conveyance that occurred pre 5th April 1978, a conveyance dated 20th July 1978, a conveyance dated 29th January 1979, a conveyance dated 28th March 1990, a conveyance dated 17th February 1994 and a transfer dated 19th January 2001 (“the Transfer Documents”). The conveyance dated 28th March 1990 expressly states that the rights were not transferred with the land, whilst three of the other Transfer Documents are silent on the matter. The Applicant has thus far been unable to provide copies of the remaining two Transfer Documents, the pre 5th April 1978 conveyance and the 29th January 1979 conveyance. All claims are backed up by a statutory declaration and evidence purportedly showing the continued use of the rights. The Applicant seeks by this application to register the severance in the register.

If this application is granted, the rights attached to the land conveyed in the Transfer Documents will be considered to be severed from the land and held in gross.

Any person wishing to make representations:

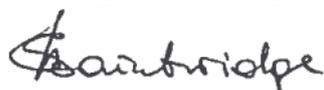
- must quote the Application No. **CA14/46**
- must state the name and postal address of the person making them, and the nature of that person’s interest (if any) in any land affected by the application and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds 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@cumbria.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 25th April 2018**.

Documents relating to the application are not available online; these are only available for inspection at The Commons Registration Service at the above address, strictly by appointment only. Please contact the Commons Registration Team on (01228) 221026 to arrange an appointment.

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:
Svetlana Bainbridge – Commons Registration Officer

Dated: 14th March 2018