

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 **Gillian Margaret Hedworth** (“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 register CL3, Eastern Martindale Common.

A summary of the effect of the application is as follows: The right to graze 350 sheep over the whole of the land in register unit CL3 (“the Right”) was registered as attached to Hause Farm in the parish of Martindale, Westmorland comprising of O.S. Nos. 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 2017 a declaration of partial entitlement was made which claimed 135 of these sheep rights, those belonging to O.S. field numbers 103, 104, 175, 206, 207 and 208, and these were recorded at entry 31. The Applicant claims that this portion of the Right, equating to 135 sheep, was severed from the land as a result of a charge originally created over Hause farm on 20th December 1990 by UCB Bank Plc (“the Charge”). The Applicant claims that the grazing rights of common were excluded from the security taken by the Charge, and therefore when UCB Bank PLC obtained an order for possession of Hause Farm on 1st February 2002, and the Court of Appeal confirmed the possession order on 4th December 2003, the rights themselves remained in possession of the Applicant. The Applicant claims that by the time the Charge over Hause Farm was assigned to Fairbank Holdings Limited on 24th November 2004 and subsequently sold at auction the common rights were not attached to the farm.

The Applicant has provided a copy of the Charge and related correspondence, as well as subsequent documents purportedly showing that the rights having been treated as severed. The Applicant seeks by this application to register the severance in the register.

If this application is granted the partial declaration made in 2017, which resulted in 135 rights being registered at entry 31 under the names of Charles Robert McQueen Grant Rowley and Christine Elaine Myers Rowley, would be cancelled. A new entry would be created to show these rights being held in gross under the name of the Applicant.

Any person wishing to make representations:

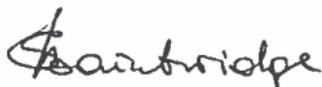
- must quote the Application No. **CA14/52**
- must state the name and postal address of the person making them, and the nature of that person’s interest (if any) in any land affected by the application and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds 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 3rd July 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: 23rd May 2018