

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 **William Anthony Shaw Kilvington & Sandra Atkinson** (“the Applicants”) 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 and CL94 Western Mallerstang Common, south of Friths.

A summary of the effect of the application is as follows: The right to graze 150 ewes with followers and 50 hogs, or 20 head of cattle, or cattle and sheep together on the basis of 1 head of cattle (with sucklers) to 10 sheep, 2 horses with foals at foot and 6 pigs over the whole of the land comprised in register units CL93 and CL94 (“the Right”) is registered as attached to Shoregill Farm, Mallerstang and the close of land called Ings, Outhgill, Mallerstang comprising of O.S. plots numbered 146, 172, 173, part 175, part 180, 192, 198, 201, 204, 206, 207, 208, 209, 210, 211, 212 and 226 all on the O.S. Map (Edition of 1915) of the Parish of Mallerstang, Westmorland at entry 24 of register unit CL93 and entry 18 of register unit CL94.

O.S. fields 172 (part), 192, 198, 201, 204, 206, 207, 208, 209, 210 (part), 211, 212, 226 and 175 (part) were sold by way of a transfer dated 3rd November 1997 in which clause 5(iii) “for the avoidance of any doubt this transfer does not include any grazing/fell rights or any quotas whatsoever”. O.S. field 146 was sold by way of a separate transfer dated 15th May 1998 in which clause 5 stated “for the avoidance of doubt this Transfer does not include any rights or quotas”. The Applicants claim that the rights associated with the fields transferred within these sales were severed and not transferred with the land. The Applicant seeks by this application to register the severance in the register.

If this application is granted, the rights attached to the fields included within the 3rd November 1997 and 15th May 1998 transfers will be considered to be severed from the land and held in gross.

Any person wishing to make representations:

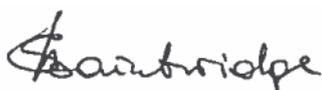
- must quote the Application No. **CA14/65**
- must state the name and postal address of the person making them, and the nature of that person’s interest (if any) in any land affected by the application and may include an e-mail address;
- must be signed by the person making them;
- must state the grounds 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 17th October 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: 4th September 2018