

## Commons Act 2006 – Schedule 3 NOTICE OF APPLICATION TO AMEND THE REGISTER TO RECORD AN HISTORIC EVENT Secondary Application – Apportionment

### Reissued

Notice is hereby given that an application has been made by **William Anthony Shaw Kilvington and 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:- (a) 300 ewes with their unweaned lambs and 100 hogs or 40 head of cattle, or sheep and cattle together on the basis of 1 beast to 10 sheep, (b) 3 horses with their foals and (c) 12 pigs over the whole of the land comprised in register units No CL94 and CL93 (“the Right”) was attached to land at Daisy Farm, Outhgill, Mallerstang, Westmorland at entry 17 of CL94 and at entry 23 of CL93 comprising O.S. plots numbered 139, 140, 143, 144, 145, 157, 158, 159, 160, 164, 166, 167, 167a, 168, 176, 213 and 220 on the O.S. Map (Edition of 1915) of the parish of Mallerstang, Westmorland. As a result of a Transfer made on 18<sup>th</sup> April 1998 the right to graze (a) 300 ewes with their unweaned lambs and 100 hogs or 40 head of cattle, or sheep and cattle together on the basis of 1 beast to 10 sheep and (c) the right to graze 12 pigs were transferred along with field O.S. 220, and as a result of an application made in May 1998 all of the above sheep and pig rights were shown as attached to O.S. 220 at entry 43 of CL94 and entry 66 of CL93 in the name of John Raymond Cowperthwaite. The remaining right to graze (b) 3 horses with their foals was shown as attached to the rest of the dominant tenement at entry 67 of CL93 and entry 44 of CL94.

The Applicants seek by this application to show that of the 300 ewes, 100 hogs or 40 head of cattle and 12 pigs transferred on 18<sup>th</sup> April 1998, a proportion were attached to the land transferred, leaving the remainder severed and held in gross. On a proportional basis this would result in the rights for 229.36 ewes, 76.45 hogs or 30.58 cattle and 9.17 pigs being severed, leaving 70.63 ewes, 23.54 hogs or 9.41 cattle and 2.82 pigs attached to land.

This secondary application can only be considered if the primary application (CA14/69) is granted. If granted the Commons Registration will give effect to the determination by cancelling entries 66 and 43 and creating new entries to show a proportion of the Right being held in gross under the names of the Applicants.

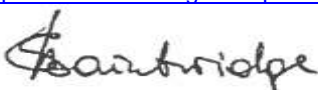
Any person wishing to make representations:

- must quote the Application No. **CA14/70**
- 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 state the grounds on which they are made and must be signed by the person making them;
- must be sent to: The Commons Registration Service, Lady Gillford’s House, Petheril Bank Road, Carlisle, Cumbria, CA1 3AJ or email: [commons.registration@cumbria.gov.uk](mailto:commons.registration@cumbria.gov.uk)

Any representations made will not be treated as confidential, to determine the application it will be necessary for the authority to disclose information received from you to others, which will include the Applicants and may include other local authorities, Government Departments, public bodies, other organisations and members of the public (Data Protection Act 1998). Representations may 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 January 2019**.

Documents relating to the application are available for inspection at the above address, however an appointment is required. The Notice and accompanying plan can also be viewed by accessing Cumbria County Council’s website, Commons Registration page: <http://www.cumbria.gov.uk/planning-environment/conservation/commons-registration-service/>



Signed: .....  
Svetlana Bainbridge – Commons Registration Officer

Dated: 12<sup>th</sup> December 2018