

**Commons Act 2006 - Schedule 2 (Paragraph 7)  
Application to correct non-registration or mistaken registration**

**NOTICE OF DETERMINATION**

**Application Number: CA13/28**

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority ("the CRA"), has at a meeting of its Development Control and Regulation Committee ("the Committee") on the 4<sup>th</sup> March 2020, considered an application submitted by John Robert Armstrong, Ann Judith Butler, Philippa Jane Hodgson and William Adam Hodgson to correct mistaken registration of land at West End, Burgh by Sands, which forms the whole of the land comprised in common land register unit CL40 Commemoration Site (hereinafter referred to as "the Application Land").

**Decision**

The Committee resolved to accept the application to correct the register and remove the Application Land from the common land register.

**Reasons**

The Committee took into account a report written by the Commons Registration Officer ("the Officer"). The Officer's report made a recommendation to the Committee to accept the application, on the grounds that there is sufficient evidence that on the balance of probabilities immediately before its provisional registration the Application Land was not subject to rights of common, waste land of the manor, a town or village green within the meaning of the 1965 Act as originally enacted or land of a description specified in section 11 of the Inclosure Act 1845(C.118) and therefore the statutory criteria contained at Schedule 2 paragraph 7 to the Commons Act 2006 is satisfied.

**Outcome**

The Commons Registration Authority has given effect to the determination by deregistering the Application Land which entailed the strikethrough of the current register entries in the Land Section of unit number CL40, the addition of a register amendment entry confirming de-registration of the whole, and amendment of the register map showing the Application Land marked as de-registered.

**Documentation**

Minutes of the meeting providing the Committee's decision, the Officer's report and a plan of the Application Land are available at:

<http://councilportal.cumbria.gov.uk/ieListDocuments.aspx?CIId=124&MIId=10592&Ver=4>

Signed



Stephen Hall – Assistant Director Economy and Environment

Dated: 4<sup>th</sup> March 2020