

Commons Act 2006 – Schedule 2 (4)

APPLICATION TO REGISTER WASTE LAND OF A MANOR AS COMMON LAND

Notice is hereby given that an application has been made by The Open Spaces Society (“the Applicant”) to Westmorland & Furness Council as commons registration authority, under Schedule 2 paragraph 4 of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014.

The application relates to land above Birkett Tunnel, Mallerstang shown outlined and hatched in red on the attached plan (“the Application Land”). The Application Land covers an area of approximately 0.22 hectares. The land which is currently registered as common land register unit CL93 Northern and Eastern parts of Mallerstang Common including Birkett Common is shown on the plan cross-hatched in green.

A summary of the effect of the application is as follows: the Application Land was provisionally registered as common land, part of CL93, on 27 June 1968 under section 4 of the Commons Registration Act 1965, pursuant to application number 206 made on 9 April 1968 by Herbert Bell Braithwaite. An objection to the provisional registration was made by the British Railway Board on 28 September 1970. Upon being notified of the objection, Mr Braithwaite agreed to a modification of the application to exclude the Application Land. The Applicant claims that the land satisfies the criteria of paragraph 4(5) of Schedule 2 to the Commons Act 2006 and is eligible for registration as common land.

If the application is granted, in whole or in part, the commons registration authority will give effect to the determination by registering the Application Land as part of common land register unit CL93 Northern and Eastern parts of Mallerstang Common including Birkett Common, which will entail the addition of register amendment entry confirming the registration, and amendment of the register map showing the Application Land marked as registered common land, part of CL93.

Any person wishing to make representations:

- must quote the Application No. **CA13/47**
- 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@westmorlandandfurness.gov.uk



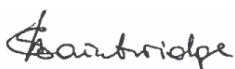
Working for Cumberland Council and
Westmorland & Furness Council

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 **27 August 2026**.

Documents relating to the application are not available online although they can be provided on request. Requests should be sent directly to the Commons Registration Service using the contact details above. The notice and accompanying plan (if any) can be viewed online by accessing Westmorland & Furness Council's website

www.westmorlandandfurness.gov.uk/commons/notices

Signed: 

Dated: 15 July 2026

Svetlana Bainbridge, Commons Registration Officer

