

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Sub-Committee

7 February 2020

Application to apportion rights of common, Commons Act 2006, Part 1 – Section 8
The Commons Registration (England) Regulations 2014 Schedule 4 Paragraph 3

Application Reference Number CA3 001

Right Entry 5 attached to High Crossett, Chopgate exercisable
over Bilsdale East Moor (CL53)

Report of the Corporate Director Business and Environmental Services

1.0 Purpose of Report

- 1.1 To report on an application (“the Application”) seeking to apportion rights of common for common land unit Bilsdale East Moor (reference CL53) right entry 5. The rights being attached to High Crossett, Chopgate as identified on the supplemental map at **Appendix 1** (“the Dominant Tenement”) edged red.

2.0 Background

- 2.1 Under the provisions of the Commons Act 2006 (“the Act”) the County Council is a CRA and so responsible for maintaining the Registers of Common Land and Town and Village Greens for North Yorkshire. Part 1 of the Commons Act 2006 took full effect in North Yorkshire from 15 December 2014 and at the same time it became effective in Cumbria.

2.2 Section 8 of the Act sets out that:-

(1) Regulations may make provision as to the amendments to be made to a register of common land or town or village greens where a right of common which is registered in a register of common land or town or village greens as attached to any land is apportioned by virtue of any disposition affecting the land.

- 2.3 In turn those elements of the Commons Registration (England) Regulations 2014 (“the Regulations”) Schedule 4 Paragraph 3 relevant to the Application state:

Applications for the purposes of section 8: apportionment of right of common 3.

- (2) An application for the purposes of section 8 of the 2006 Act may be made in any other case in which a right of common is attached to land of which the ownership is divided into separate titles amongst two or more persons.*
- (3) The application may only be made;*
- (b) in the case of an application permitted to be made by sub-paragraph (2);*
- (i) by an owner of any part of the land to which the right of common is attached; or*
- (ii) by two or more such owners, acting jointly.*
- (4) The application must include;*
- (a) evidence of the capacity of the applicant, or (as the case may be) applicants, to make the application by virtue of sub-paragraph (3)(a) or (b);*

- (b) *the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;*
- (c) *a description, and details of the ownership, of—*
 - (ii) *the land belonging to the applicant or (as the case may be) applicants, in the case of an application permitted to be made under sub-paragraph (2);*
- (d) *a calculation as to what constitutes a rateable apportionment of the right of common between the land in respect of which a description and details of ownership are required by paragraph (c) and any remaining land to which the right of common is attached. A full copy of Schedule 4 Paragraph 3 comprises **Appendix 11**.*

2.3 A CRA needs to be satisfied on the balance of probabilities that all the elements of Section 8 and Schedule 4 Paragraph 3 of the Regulations have been demonstrated to have been met by an application relying on those provisions for it to be approved.

3.0 Application

3.1 The Application was submitted by Stephen Bridges and Sophie Bridges (“the Applicants”) through their representative James Alderson from Hawes Farmers Auction Mart. The Application was dated 7 December 2016 and received by the County Council on 14 December 2016 and was accepted as being “duly made” on 6 January 2017.

3.2 A copy of the application including supporting documentation comprises **Appendix 2**.

4.0 Representations

4.1 In accordance with Regulation 21 of the Commons Registration (England) Regulations 2014 (“the Regulations”) the CRA publicised the Application by issuing notices on the County Council’s website, and those identified from Schedule 7 of the regulations. The notices were posted on 17 May 2018, in accordance with Regulation 21(5)(a) of the Regulations.

4.2 There was one representation received in response to the notice:-

4.3 Mr Allan Caine objected to the application as owner of High Crosset Farm. Mr Caine claims all the grazing rights were attached to the High Crosset Farm and the land that the Applicants own was not part of High Crosset Farm and therefore no rights were ever attached to that land **Appendix 3**.

4.4 The Applicants responded to Mr Caine’s objection by resubmitting a letter that had been sent to the County Council’s Commons Registration Officer in November 2017. A copy of the Applicants’ response comprises **Appendix 4**.

4.5 Mr Caine in response sent a copy of the sales particulars for High Crosset Farm from when his father purchased it in 1965 along with a copy of the Land registry plan number NYK27386 date stamped 1948 **Appendix 5**.

4.6 In light of this information officers checked the original registration application and plan submitted by Edward Caine in 1968 who was tenant of High Crosset at the time. That application plan showed that the land that Mr & Mrs Bridges (“the Applicants”) now own was included in the land that the rights were registered as being attached to (edged brown) **Appendix 6**.

4.7 Mr Caine submitted his final response to the Commons Registration Authority restating his previous reasons in a detailed letter **Appendix 7**. Mr Caine has also submitted a separate application seeking to correct the extent of the dominant tenement first registered by Mr Edward Caine in 1968 and that will be dealt with as a separate matter.

5.0 **Assessment – have the relevant tests been met?**

5.1 Officers are satisfied that the Application meets the tests set out in Section 8 of the Act and Schedule 4 Paragraph 3 of the Regulations for the reasons set out below:

Under Schedule 4 Paragraph 3(3)(b)(i) and (4)(a) the applicants must show evidence of their capacity to apply as owning part of the land that the rights are attached to.

5.1.1 Mr Allan Caine in his representation to the CRA has argued that the two fields owned by the applicant do not have any rights attached to them as they were never included as part of High Crossett Farm. However records show that, the two fields currently owned by the Applicants were included on the original application plan when registered by Mr Edward Caine in 1968. Nawton Tower Estate, the owners of the moor, objected to the provisional registration of the Land Section and many of the right entries, including right entry 5, Mr Edward Caine's registration of 80 sheep rights attached to High Crossett, Chopgate. The Estate reached an agreement with right holders before a hearing into these objections was held by a Commons Commissioner. Consequently the Commons Commissioner confirmed the registrations. Right Entry 5 became final on 19 February 1976 without any modifications **Appendix 8**.

5.1.2 Under Section 9 of the Commons Act 2006 severance of common rights, whereby rights of common could be separated from the land to which they are attached was deemed unlawful from 28 June 2005. From this date, any land sold that has rights of common attached to it, would include a pro rata proportion of common rights attached to the original Dominant Tenement and are deemed to have been transferred with the land sold notwithstanding any contrary intention of the parties concerned.

5.1.3 Consequently after 28 June 2005 it was not possible for the owner of the originally registered Dominant Tenement at High Crossett to sell any of that land other than to include with it an apportionment of the common rights attached to it. This even if the owner in selling the land would have preferred to retain all the rights attached to the Dominant Tenement.

This test is met by the application.

Under Schedule 4 Paragraph 3(4)(c)(ii) the applicants must include a description and details of ownership of the land belonging to the applicant.

5.1.5 As shown on the Land Registry official office copy NYK399035 the Applicants' purchased the two fields (part of the Dominant Tenement) on 18 July 2012 **Appendix 9**.

This test is met by the application.

Under Schedule 4 Paragraph 3(4)(d) the applicants must include a calculation as to what constitutes a rateable apportionment of the right of common.

5.1.5 The Applicants' calculation of the rateable apportionment of the rights stated in Section 5 of the Application is that the two fields comprise approximately 6.07 hectares and that the total area of the registered Dominant Tenement (the land that the rights are attached to) comprises approximately 59.35 hectares. The two fields represent 10% of the land that the rights are attached to. Therefore the applicants are entitled to claim 8 of the 80 registered sheep rights. Officers have verified this calculation to be accurate.

This test is met by the application.

6.0 Financial Implications

6.1 There are no financial implications to the Council that ordinarily arise from its decision on the Application though it may incur costs in defending any legal challenge made to that decision. It is outside the Council's control whether or not any interested party attempts such a challenge.

7.0 Legal Implications

7.1 The mechanism for challenge by an aggrieved party to any decision reached by this report would be to seek Judicial Review.

8.0 Equalities Implications

8.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation and an Equality Impact Assessment screening form is attached at **Appendix 10**.

9.0 Conclusion

9.1 All relevant legal tests contained in Section 8 and Schedule 4 Paragraph 3 of the Regulations need to be met for an application of this kind to be granted. It is officers' view that on the balance of probabilities, and for the reasons set out in this report, the legal tests are met by the Application and that consequently it should be granted.

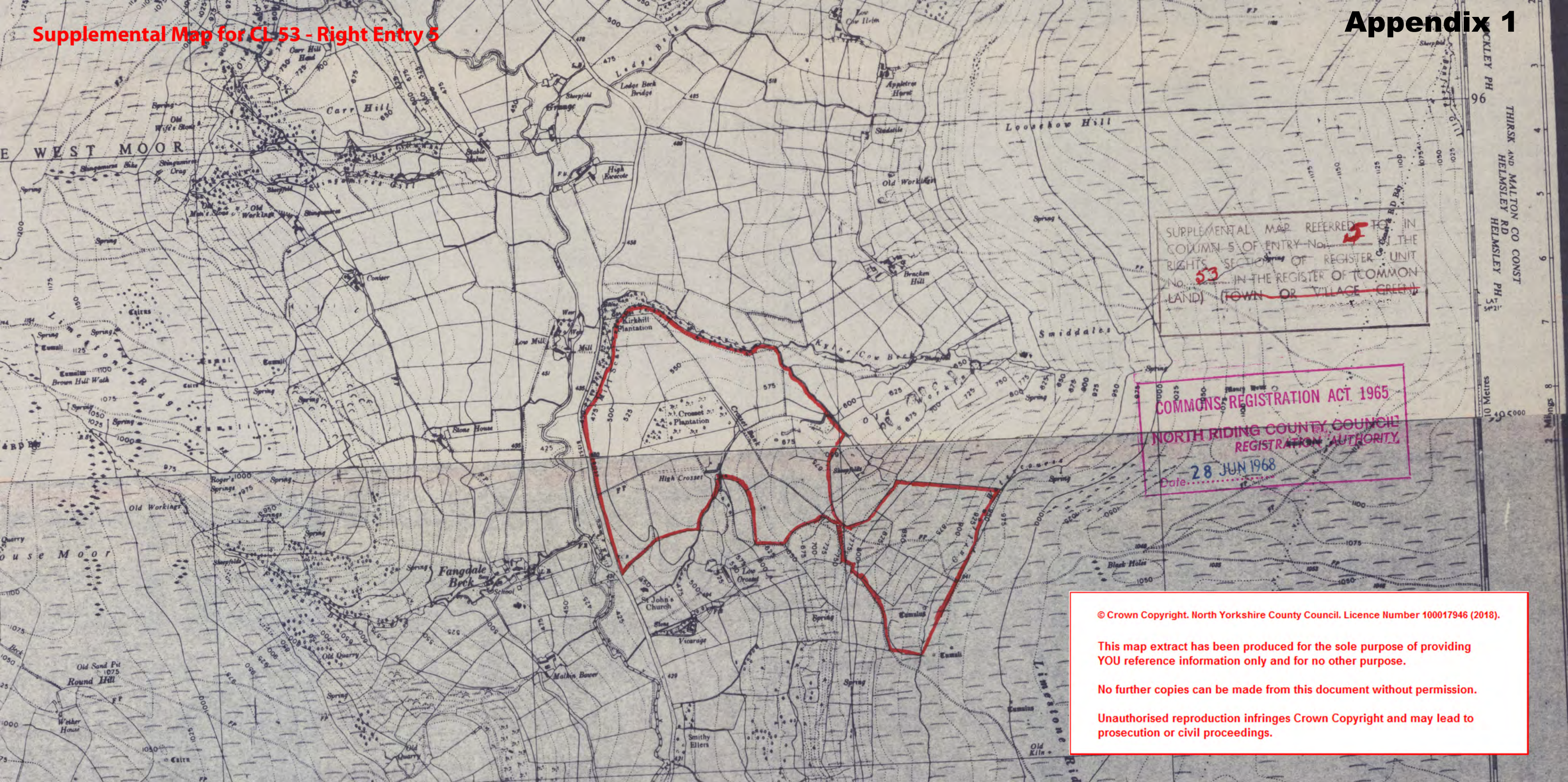
10.0 Recommendation

10.1 That the Application is granted on the grounds set out in this report.

DAVID BOWE
Corporate Director Business & Environmental Services

Author of Report: Jayne Applegarth

Background documents: None



SUPPLEMENTAL MAP REFERRED TO IN COLUMN 5 OF ENTRY No. **5** THE RIGHTS SECTION OF REGISTER UNIT No. **53** IN THE REGISTER OF (COMMON LAND) (~~TOWN OR VILLAGE GREEN~~)

COMMONS REGISTRATION ACT 1965
NORTH RIDING COUNTY COUNCIL
REGISTRATION AUTHORITY
Date: **28 JUN 1968**

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NORTH YORKSHIRE COUNTY COUNCIL

COMMONS ACT 2006 — SECTION 8

Notice of an application to apportion rights of common

Application Reference Number: CA3 001

Over Land known as Bilsdale East Moor (CL 53)

Application has been made to the North Yorkshire County Council by Mr Stephen David Bridges and Mrs Sophie Berenice Bridges under Section 8 of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014 for the amendment of the Register of Common Land.

The application, which includes documentary evidence, may be inspected by appointment at the following location between the hours of 8.30am and 5.00pm:-

North Yorkshire County Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

Any person wishing to make a representation regarding this amendment:

- should quote the Application No. CA3 001
- must state the name and postal address of the person making the representation and the nature of that person's interest (if any) in any land affected by the application.
- may include an e-mail address of the person making the representation
- must be signed by the person making the representation
- must state the grounds on which the representation is made
- should send the representation to: Commons registration Officer, Commons Registration North Yorkshire County Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to commons.registration@northyorks.gov.uk on or before 6 July 2018

Representations cannot be treated as confidential, and a copy will be sent to the applicant in accordance with Regulation 25 of the 2014 Regulations. Should the application be referred to the Planning Inspectorate for determination, in accordance with Regulation 26 of the 2014 Regulations, any representations will be forwarded to the Planning Inspectorate.

A summary of the effect of the application (if granted) is as follows: the Registration Authority will amend the Register for unit number CL 53 Right Entry 5 to show the apportionment of the rights associated with it.

Dated: 17 May 2018

Barry Khan

Assistant Chief Executive, Legal and Democratic Services
North Yorkshire County Council



12th December 2016

Our Ref: B018003

Your Ref: Form CA3

North Yorkshire County Council
Commons Registration
County Hall
Northallerton
North Yorkshire
DL7 8AH

Dear Sir/Madam

**Re: Commons Act 2006: section 8 – Application for Apportionment of Rights of Common
Bilsdale East Moor (CL 53)
Our Clients: Mr S D Bridges and Mrs S B Bridges, High Cow Helm, Chop Gate, Middlesbrough,
Cleveland, TS9 7LN**

Following a sale of land at High Crossett, to our clients (the applicants) on 18th July 2012, please find enclosed an application for the apportionment of the original rights of common.

We trust the form will be in order and allow you to make the requested alterations, however, if you should have any queries or require any further information, then please do not hesitate to contact us.

Yours faithfully

Mr James R Alderson BSc (Hons) MRICS

For and on behalf of Hawes Farmers' Auction Mart Company Limited

Enc: Form CA3
Cheque

Commons Act 2006: section 8

Application for apportionment of rights of common

This section is for office use only

Official stamp

Application number

COMMONS ACT 2006 NORTH YORKSHIRE COUNTY COUNCIL REGISTRATION AUTHORITY DATE 14 DEC 2016
--

CA3 007

Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- All applicants should complete boxes 1-10.
- Where an application made under section 8 to the Commons Act 2006 is consequent to a "primary application" to amend the register (see Schedule 4, paragraph 3(1) to the Commons Registration (England) Regulations 2014, e.g. to vary part of a right), the primary application must be submitted together with this application to apportion the right.
- Only the following persons can apply under section 8: the person (or persons) who also makes a primary application, or the owner of any part of the land to which the right is attached: two or more owners of the land can make a joint application to apportion the right.
- You will be required to pay a fee for your application. Ask the registration authority for details. You would have to pay a separate fee should your application be referred to the Planning Inspectorate.

Note 1

Insert name
of commons
registration
authority.

1. Commons Registration Authority

To the:

NORTH YORKSHIRE COUNTY COUNCIL COMMONS REGISTRATION COUNTY HALL NORTHALLERTON NORTH YORKSHIRE DL7 8AH.
--

Tick the box to confirm that you have enclosed the appropriate fee for this application:



Note 2

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This box should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

2. Name and address of the applicant

Name:

STEPHEN DAVID BRIDGES & SOPHIE BERNICE BRIDGES.

Postal address:

	Postcode
--	----------

Telephone number:

Fax number:

E-mail address:

3. Name and address of representative, if any

Name:

JAMES ALDERSON

Firm:

HAWES ~~AT~~ FARMERS AUCTION MART CO. LTD.

Postal address:

HAWES FARMERS AUCTION MART BURTERSETT ROAD HAWES NORTH YORKSHIRE	Postcode DL8 3NP
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Telephone number:

Fax number:

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 3 to the Commons Registration (England) Regulations 2014.

4. Basis of application for registration and qualifying criteria

Tick one of the following boxes to indicate your capacity to apply.

I (or we) made the primary application:

or

I (or we) own part or parts of the land to which the right is attached:

Tick one of the following boxes to indicate the section of the Commons Act 2006 under which the primary application, if any, was made.

Section 7 (variation of a right):

Section 11 (re-allocation of rights attached to a property):

Section 13 (surrender or extinguishment of a right):

Section 14 (statutory disposition) and paragraph 8 of Schedule 4 to the 2014 Regulations:

Schedule 1, paragraph 1(6)(b) (severance by transfer to public body):

Schedule 1, paragraph 3(7)(b) (severance by order):

Note 5

Specify the right to be apportioned and the rateable apportionment of the right.

5. Identification of the right and the apportionment

Specify the register unit number to which this application relates:

CLS3

Specify the registered rights entry number to which this application relates:

ENTRY NUMBER 5

Description of the right to be apportioned:

TO GRAZE 80 SHEEP OVER THE WHOLE OF THE LAND COMPRIMISED IN THE REGISTER UNIT.

Calculation of the rateable apportionment of the right:

THE TOTAL SUPPLEMENTAL PLAN AREA OF HIGH CROSETT IS APPROXIMATELY 59.35 HA. AND THE LAND LYING EAST OF THE B1257, CHOPGATE, MIDDLESBROUGH IS APPROXIMATELY 6.07 HA, I.E. 10% OF TOTAL AREA. THEREFORE THE RIGHT TO GRAZE 8 SHEEP OVER THE WHOLE OF THE LAND COMPRIMISED IN THE REGISTER UNIT SHOULD BE TRANSFERRED WITH THE LAND TO THE APPLICANTS.

Note 6

The accompanying Ordnance map of the area of land to which the right will be attached must be at a scale of at least 1:10,560 and show both the area(s) of land owned by the applicant(s), and the remaining part of the land, by means of distinctive colourings within accurately identified boundaries. Give grid reference or other identifying detail.

Note 7

Describe the details of the primary application, if relevant.

6. Description of the land to which the right is attached

Name by which the land is usually known:

LAND LYING TO THE EAST OF THE B1257.

Location:

CHOP GATE, MIDDLESBROUGH.

Describe the area of the part(s) of the land in the ownership of the applicant(s) (including details of that ownership):

PLEASE SEE ATTACHED LAND REGISTRY TITLE REGISTER AND PLAN.

Describe the area of any remaining part of the dominant tenement and details of its ownership:

PLEASE SEE THE ORIGINAL SUPPLEMENTAL MAP FOR ENTRY NUMBER 5.

Tick the box to confirm that you have attached an Ordnance map of the land:



7. Description of the primary application (if any) to which this application relates

Describe the primary application, and why the right must be apportioned:

N/A.

Note 8

List all supporting documents and maps which accompany the application, including evidence of your capacity to apply. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

8. Supporting documentation

LAND REGISTRY TITLE REGISTER AND
PLAN - TITLE NUMBER NYK399035.
BILSDALE EAST MOOR SUPPLEMENTAL MAP
ENTRY NUMBER 5.

Note 9

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

9. Any other information relating to the application

NONE.

Note 10

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.

10. Signature

Date:

7th DECEMBER 2016

Signatures:

--

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.

You are advised to keep a copy of the application and all associated documentation.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 7 DEC 2016 AT 11:31:46. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, DURHAM OFFICE.

TITLE NUMBER: NYK399035

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

NORTH YORKSHIRE : HAMBLETON

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land lying to the east of The B1257, Chop Gate, Middlesbrough.
- 2 (17.08.2012) The registered proprietor claims that the land in this title has the benefit of a right of access over the land tinted brown on the title plan. The right claimed is not included in this registration. The claim is supported by a statutory declaration made on 16 July 2012 by Joy Caine.

NOTE: Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.08.2012) PROPRIETOR: STEPHEN DAVID BRIDGES and SOPHIE BERENICE BRIDGES of High Cow Helm Farm, Chop Gate, Middlesbrough TS9 2LN.
- 2 (17.08.2012) The price stated to have been paid on 18 July 2012 was £81,599.
- 3 (17.08.2012) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance dated 18 August 1941 made between (1) The Right Honourable Charles William Slingsby Earl of Feversham (Vendor) (2) Charles William Ernest Duncombe and William Greville Worthington (3) William Gosselin Trower and the said Charles William Ernest Duncombe and (4) The National Employers Mutual General Insurance Association Limited (Purchasers) contains the following covenants:-

THE Purchasers to the intent and so as to bind so far as practicable the property hereby assured and the several parts thereof into whosoever hands the same may come and to benefit and protect the lands

Title number NYK399035

C: Charges Register continued

of the Vendor in the parishes or townships of Rievaulx Laskill Bilsdale Midcable and Helmsley and the several parts thereof but not so as to render the Purchasers personally liable in damages for any breach of covenant committed after they shall have parted with all interest in the said lands and hereditaments hereby COVENANT with the Vendor and his successors in title the owner or owners of the lands to be protected and the several parts thereof that the Purchasers and their successors in title will not without the consent in writing of the Vendor or his successors in title use the said lands and hereditaments hereby assured or any part thereof in any way that would be prohibited if it had been zoned as agricultural by the local Town Planning Authority under the Town and Country Planning Act 1932."

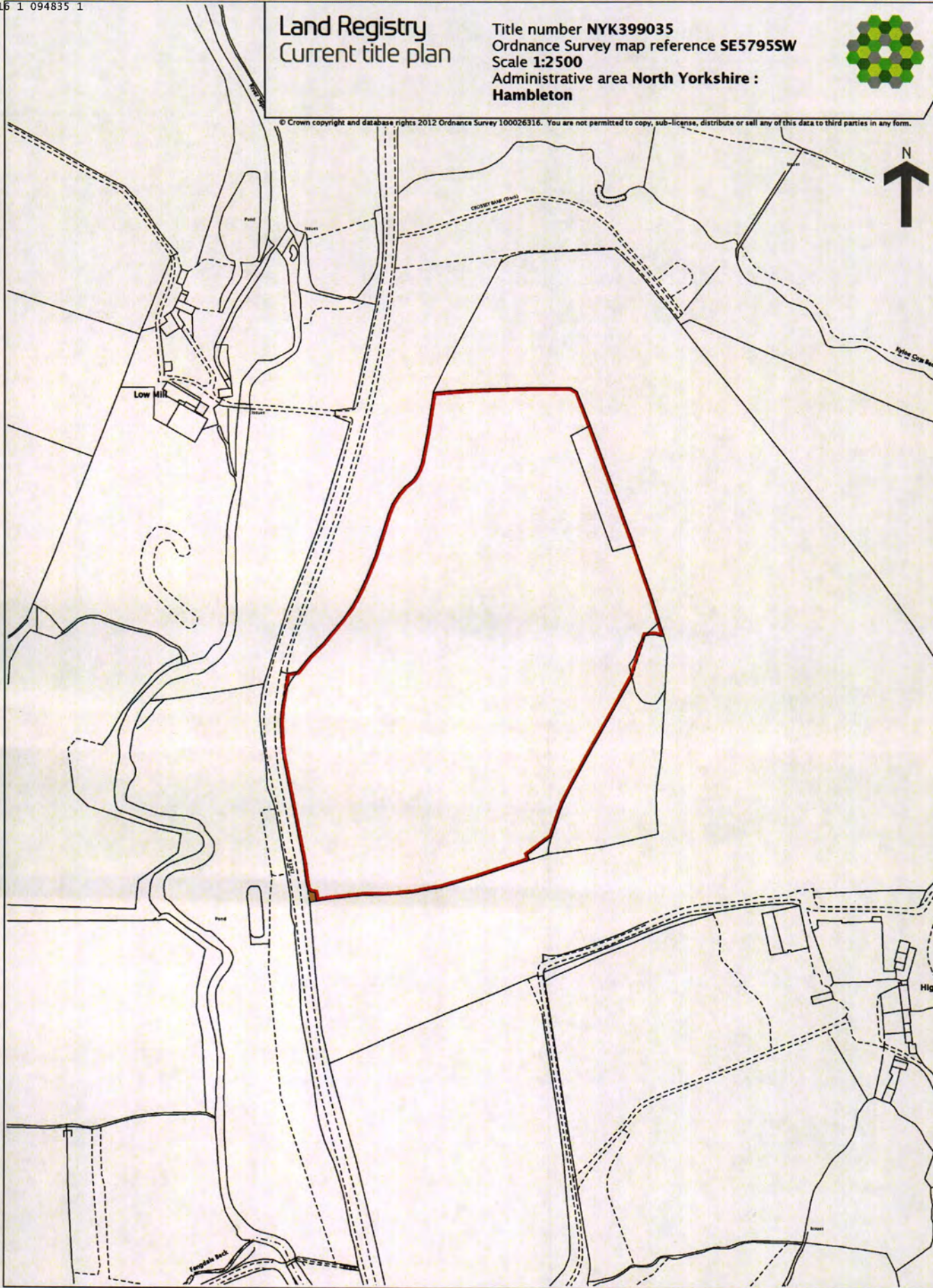
End of register

Land Registry Current title plan

Title number **NYK399035**
Ordnance Survey map reference **SE5795SW**
Scale **1:2500**
Administrative area **North Yorkshire :**
Hambleton



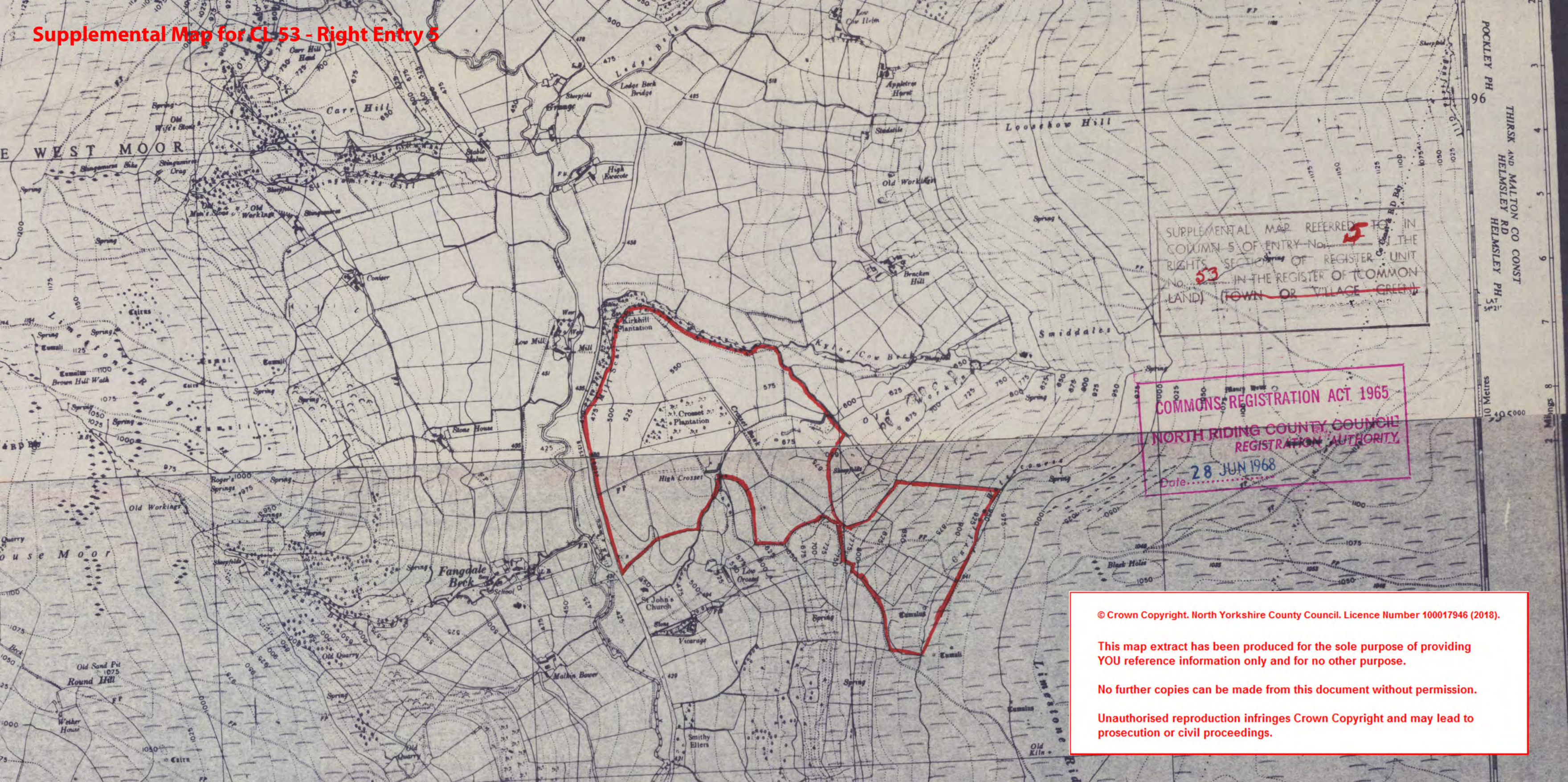
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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 07 December 2016 at 11:33:36. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Durham Office.

Supplemental Map for CL 53 - Right Entry 5



SUPPLEMENTAL MAP REFERRED TO IN
COLUMN 5 OF ENTRY No. **5** IN THE
RIGHTS SECTION OF REGISTER UNIT
No. **53** IN THE REGISTER OF (COMMON
LAND) (~~TOWN OR VILLAGE GREEN~~)

COMMONS REGISTRATION ACT 1965
NORTH RIDING COUNTY COUNCIL
REGISTRATION AUTHORITY
Date: **28 JUN 1968**

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From: allan caine <
Sent: 03 July 2018 12:11
To: commons Registration
Subject: Re-application CA3 001

Woolhouse Croft Farm
Bilsdale
Helmsley
YO62 5NE
2nd July 2018.

Dear Sir/Madam,

Re-Application CA3 001

I make this representation as owner of High Crosset Farm and owner of th 80sheep grazing rights on Bilsdale East Moor CL53. I object to you reapportion my rights to graze the moor. The area that the Bridges own was not attached to High Crosset farm by ownership and therefore have no right to any of High Crosset sheep stray.

I shall hope to hear from you shortly.

Yours faithfully.

Mr A.W. Caine.



Virus-free. www.avast.com

From: James Alderson <
Sent: 11 July 2018 15:36
To: commons Registration
Subject: RE: Update to application CA3 001 High Cow Helm Bilsdale (CL53)
Attachments: 2017.11.07 - NYCC.pdf

Categories: Jayne Applegarth

Hi Jayne

Thanks for your email and in response to the objection raised by Mr Caine, I attach another copy of my letter which I sent to your former colleague – Mr Stanford – which I feel explains the reason for the application submitted on behalf of my client. I understand the frustration that the application may have caused Mr Caine but nevertheless I believe it has been correctly made and the rights should be apportioned accordingly.

I look forward to hearing your view in due course.

With best regards

Mr James R Alderson BSc (Hons) MRICS

For and on behalf of

Hawes Farmers' Auction Mart Company Limited
Burtersett Road, Hawes, North Yorkshire, DL8 3NP

T: W: www.hawesmart.co.uk

From: commons Registration [<mailto:commons.Registration@northyorks.gov.uk>]
Sent: Wednesday, 11 July 2018 15:10
To: James Alderson
Subject: Update to application CA3 001 High Cow Helm Bilsdale (CL53)

Good Afternoon,

Please find attached information regarding your client's application to amend the register.

Kind Regards

Jayne Applegarth
Commons Registration Officer
commons.registration@northyorks.gov.uk
01609 534753

Access your county council services online 24 hours a day, 7 days a week at
www.northyorks.gov.uk.

WARNING

7th November 2017

Our Ref: B018003

Your Ref: CA3 001 / CNS

North Yorkshire County Council
Commons Registration
Highways North Yorkshire
County Hall
Northallerton
North Yorkshire
DL7 8AH

Sent By Email Only

commons.registration@northyorks.gov.uk

Dear Sir/Madam

**Re: Commons Act 2006: section 8 – Application for Apportionment of Rights of Common
Bilsdale East Moor (CL 53)**

**Our Clients: Mr S D Bridges and Mrs S B Bridges, High Cow Helm, Chop Gate, Middlesbrough,
Cleveland, TS9 7LN**

Thank you for your chasing letter of 3rd November and we apologise for not responding to your previous letter of 14th July. However, we've now had chance to look into this and review the Land Registry title NYK27386. Our understanding of the situation is as follows:

- 1) A right for a stray on Bilsdale East Moor for 80 sheep was transferred together with the land within title NYK27386 on 16th February 1948.
- 2) That same right for the stray on Bilsdale East Moor for 80 sheep was registered in the Common Register for Bilsdale East Moor (CL 53) as being attached to High Crossett, Chopgate as shown edged in red on the supplemental plan bearing the number of the application (that being 5) which became final on 19th February 1976.
- 3) It therefore seems as though the right for the stray on Bilsdale East Moor for the 80 sheep has been attached to more land than it was originally acquired with.
- 4) We've not been able to find any evidence to suggest that the right for the stray on Bilsdale East Moor for the 80 sheep has been separated from the land to which it was originally recorded as being attached.
- 5) Our clients acquired part of the land on 18th July 2012 and as this was after the implementation of the Commons Act 2006, I understand there would be no opportunity for the vendors to be able to retain the stray rights (i.e. split them from the land).
- 6) We therefore believe that we've submitted the CA3 application on behalf of our clients in good faith for the purpose of recording the apportionment of the rights.

We trust that this'll allow you to review the matter and conclude the apportionment, however, if you should have any other concerns then please do not hesitate to contact us.

Yours faithfully

Mr James R Alderson BSc (Hons) MRICS

For and on behalf of Hawes Farmers' Auction Mart Company Limited

Commons Reg.

Appendix 5

Woolhouse Croft Farm

Bilshale

Helmsley

YO62 5NE

10.8.18.

Re application No CA3 001

Dear Sir/Madam.

Please find enclosed
the sale particulars for High Crosset
Farm that my Father purchased in
1965. I have since purchased the
farm it is still the same acreage
as then, the Bridges land was
never part of High Crosset Farm

Yours

BOULTON & COOPER LTD.

AUCTIONEERS, LAND AND ESTATE AGENTS, VALUERS AND SURVEYORS
LIVESTOCK SALESMEN: MALTON, PICKERING AND SEAMER CATTLE MARKETS

Also at:
ST. GEORGE'S HOUSE
MARKET PLACE
PICKERING, NORTH YORKS
Telephone: Pickering 2724

HEAD OFFICE:
ST. MICHAEL'S HOUSE
MALTON, NORTH YORKS.
Telephone: Malton 2131 (3 Lines)

Also at:
26 HIGH STREET
STOKESLEY
NORTH YORKS.
Telephone: 742

SEAMER JUNCTION AUCTION MART, WEST AYTON 2120 (MONDAYS ONLY)

WITH VACANT POSSESSION.

Particulars
of the

Valuable Freehold Farm
known as

HIGH CROSSET, BILSDALE.
(amounting to 139.663 acres, or thereabouts)

To be Offered For
SALE BY PUBLIC AUCTION

(Unless previously sold by Private Treaty)

at
The TOWN HALL, STOKESLEY.

on
MONDAY, 23rd AUGUST, 1965.

at 3.30 p.m.

Solicitors:

R.T. & R.W. Pearson
and Mackirdy,
Bondgate,
HELMSLEY.

Tel. 207.

HIGH CROSSET.

THE FARM is situate midway between Stokesley and Helmsley and overlooks the hamlet of Fangdale Beck.

THE FARMHOUSE, built of stone with a tiled roof, includes the following accommodation:

GROUND FLOOR.

Lounge (12'9" x 13'3") with modern tiled fireplace.
 Living Kitchen (16'3" x 15'6") with kitchen range.
 Back Kitchen (11'0" x 10'6") with porcelain sink. (c. tap).
 Store Room.
 2 Pantries.

FIRST FLOOR.

3 Double Bedrooms (15'9" x 11'3")
 (14'0" x 10'5")
 (12'9" x 10'5")
 'L' Shaped Single Bedroom (13'0" x 7'6").
 Boxroom.

There is a large attic on the second floor.

RATEABLE VALUE £26

SERVICES - Mains Electricity, Own Water Supply.

THE FARM BUILDINGS are mainly built of stone with tiled roofs, and include 4 Pig Sties, Large Loose Box, Earth Closet, Turf House with corr. iron roof, now used as Implement Shed.

Range of Workshop, Barn with Granary above, Meal House, Large Loose Box, 8 Stall Beast House with Calf Crib, Fodder House, 10 Stall Beast House, Loose Box with Granary above, Store House.

2 Bay Tractor House, Anderson Shelter, 2 Bay Hay Shed.

THE LAND which lies in a ring fence, includes some good arable, as well as some rough grazing on the moor, which is capable of being used for either sheep or cattle. The growing timber is included in the sale. The farm has a perpetual right for a stray on Silsdale East Moor for 80 Sheep, though the occupier has no sheep at the present time.

The sporting rights which are in the sale include some good shooting.

There is a Right of way up the farm road for the benefit of the small holding which adjoins.

No dilapidations or deductions of any kind will be allowed, but the vendor is making no claim for tenant right matters, or the root crop which will be left for the benefit of the purchaser. The purchaser will be given the option of taking over all unconsumed produce at market value.

The vendor reserves the right to hold an auction sale of the Live and Dead farming stock on the premises prior to completion.

VACANT POSSESSION will be given on 2nd NOVEMBER, 1965.

VIEWING at any reasonable time, except Sundays, on production of the Particulars of Sale.

S c h e d u l e

<u>O.S. No.</u>	<u>Description</u>	<u>Acres.</u>	<u>Total.</u>
583	Arable	3.408	
597	Arable	9.068	
300	Arable	6.084	
632	Arable	3.344	
633	Arable	5.331	
536	Arable	3.941	31.176
534	Grass	10.764	
550	Grass	9.082	
593	Grass	3.206	
594	Grass	4.177	
540a	Grass	5.075	
538	Grass	2.761	
537	Grass	10.015	
762	Grass	4.465	49.545
584	Woodland	3.188	
596	Woodland	1.989	
595	Woodland	.718	
Pt. 599	Woodland	6.266	
598	Road	.412	
643	Road	.059	
Pt. 635	House & Buildings	.940	
758	Rough	6.080	
755	Rough	1.194	
757	Rough	1.271	
756	Rough	2.305	
759	Rough	19.420	
	Moorland	15.100	58.942

139.663

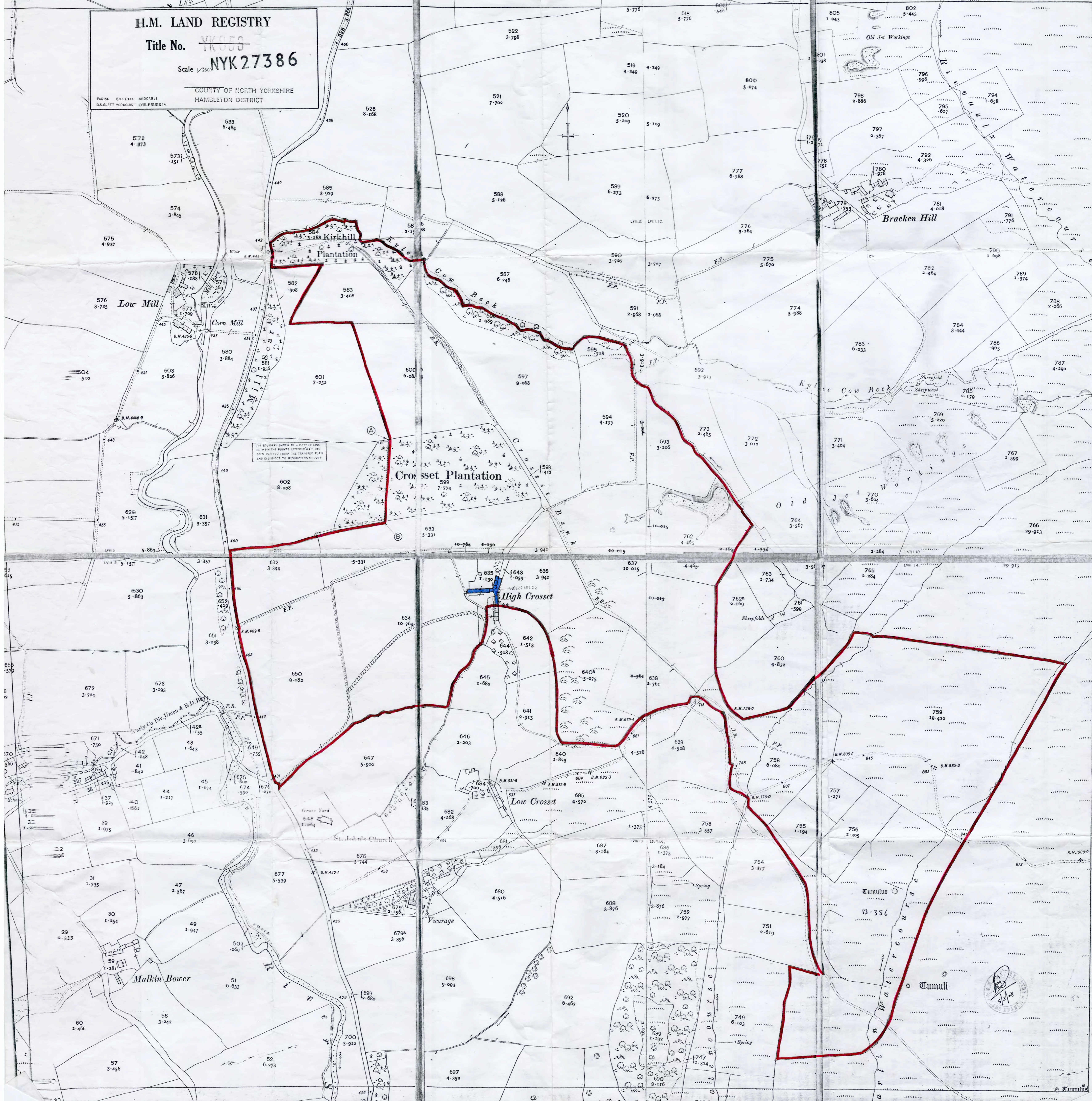
H.M. LAND REGISTRY

Title No. ~~YK 655~~

Scale 1/2500
NYK 27386

COUNTY OF NORTH YORKSHIRE
HAMLETON DISTRICT

PARISH: BILSDALE, MIDCALLE
O.S. SHEET YORKSHIRE LVIII.8 & 14



THE BOUNDARY SHOWN BY A DOTTED LINE BETWEEN THE ABOVE LOTS & CROSSET HILL HAS BEEN PLOTTED FROM THE TRANSFER PLAN AND IS SUBJECT TO REVISION ON SURVEY



Form 9.

This section for official use only.

Official stamp of registration authority indicating date of receipt

Application No. 733 ✓

Register Unit No(s)

COMMONS REGISTRATION ACT 1965
NORTH RIDING COUNTY COUNCIL.
REGISTRATION AUTHORITY
11 JUN 1968
Date.....

COMMONS REGISTRATION ACT 1965

Application for the registration of a right of common

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application may be rejected.

Insert name of registration authority (see Note 1).

To the NORTH RIDING OF YORKSHIRE COUNTY COUNCIL

Application is hereby made for the registration of the right of common of which particulars are set out below.

Part 1.

(Give Christian names or fore-names and surname or, in the case of a body corporate, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the first-named applicant. See Note 2 for information as to who may apply.)

Name and address of the applicant or (if more than one) of every applicant.

EDWARD MALCOLM CAINE.
HIGH CROSS RTT.
Chopgate.

Part 2.

(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

Name and address of solicitor, if any.

Part 3.

(Read Note 2 and insert "owner" "tenant" or as the case may be. If there is more than one applicant the capacity of each must be stated against his name in this space.)

Capacity in which the applicant is entitled to apply for registration.

TENANT.

Statutory Declaration in Support

(See Note 6)

To be made by the applicant, or every applicant, personally, unless the applicant is a body corporate or charity trustees, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.

Insert full name(s).

[I] ~~[We]~~ Edward Malcolm Cairie

Strike out this paragraph if it does not apply.
Insert capacity in which acting.

solemnly and sincerely declare as follows:

- 1. [I am] ~~[We are]~~ the person(s) who [has] ~~[have]~~ signed the foregoing application.
- 2. ~~'I am'~~ to the applicant(s) and am authorised by the applicant(s) to make the foregoing application on [his] [their] behalf.
- 3. [I] ~~[We]~~ have read the Notes on the back of the application form and believe that [I] ~~[we]~~ [the applicant(s)] [am] ~~[are]~~ [is] entitled, in the capacity or respective capacities stated in the application, to apply for the registration under the Commons Registration Act 1965 of the right of common described in the application.

Strike out this paragraph if there is no plan.
Insert "marking" as on plan (see Note 6).

- 4. ~~'The plan now produced and shown to me marked "' is the plan referred to in part 4 of the application.'~~
- 5. 'The plan now produced and shown to me marked "' A+B "' is the plan referred to in part 6 of the application.

And [I] [we] make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said Edward Malcolm Cairie

at Choppale
in the County of York
this 14th day of May 1968

Before me.
Signature _____
Address The Grove, Carlton
Stokesley, N'bro'
Qualification Justice of the Peace.

REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.

Part 4.
(See Notes 3 and 4.)

Description of the land over which the right of common is exercisable.

Name by which commonly known **Bilsdale East**

Locality **Bilsdale**

²Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.

Colour on plan² **NORTH RIDING**

Part 5.
(See Notes 3 and 7. If the right is exercisable only during limited periods, full particulars of these periods must be given.)

Description of the right of common.

80 sheep Casing.

Part 6.
(See Note 4. If the right is not attached to any land, the fact should be stated here.)

Description of the farm, holding or other land to which the right is attached, if any.

Highcrossett.

Choppate

Coloured ^{round} Brown.

Plan Marked A+B.

hatched yellow

SE SQ SE

SE SQ NE

Part 5. M

Part 7.
(See Note 8.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 8, and give the appropriate particulars required by that note.

¹The application must be signed by the applicant, or by every applicant, personally, unless the applicant is a body corporate or charity trustees, in which case it must be signed by the secretary or some other duly authorised officer.

¹Signature(s) of applicant(s) or of person on his or their behalf.

Date **14th May 1968.**

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land over which rights of common are claimed. Except where there is an agreement altering the general rule (see below), the registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council.

In the case of land which is partly in the area of one registration authority and partly in that of another, the authorities may by agreement provide for one of them to be the registration authority for the whole of the land. Public notice is given of such agreements, but an applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should, if in doubt, enquire whether an agreement has been made and, if so, which authority is responsible for that land.

It is not necessary for the land over which a right of common is exercisable to be registered before an application for the registration of the right itself is made: see Note 9.

2. Who may apply for registration

An application for the registration of a right of common may be made—

- (a) by the owner of the right;
- (b) where the right is attached to any land, and is comprised in a tenancy of the land, by the landlord, the tenant, or both of them jointly;
- (c) where the right belongs to an ecclesiastical benefice of the Church of England which is vacant, by the Church Commissioners.

In a case where the landlord and the tenant of any land are both entitled to apply for the registration of a right of common attached to the land, they may consider it advisable to apply jointly, because—

- (a) if two separate applications relating to the same right are accepted for registration and differ in any material particular, a conflict arises, and each registration has to be treated as an objection to the other. Such a case would normally have to be referred to a Commons Commissioner for decision;
- (b) if a joint application is submitted, and is accepted for registration, both applicants will be entitled to appear before the Commons Commissioner in support of the registration, should any objection to it be referred to him;
- (c) a person entitled to make an application who is content to leave it to another person (independently so entitled) to make it will, on the other hand, have no right to appear at the hearing of any objection to the registration and may have no claim against that other person if for any reason the right is not registered or the registration does not become final, or becomes final with modification.

Where the Church Commissioners apply for the registration of a right belonging to a vacant benefice, the fact should be stated, and the name of the benefice given, in part 3.

Where the applicants are charity trustees, the fact should be stated, and the name of the charity given, in part 3.

3. Meaning of "rights of common"

Rights of common are not exhaustively defined in the Act, but it is provided that they include cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture. They do not, however, include rights held for a term of years or from year to year. Further information is contained in the official explanatory booklet "Common Land", available free from local authorities, from which the following extract is taken:

"A right of common is generally taken to mean a right which a person may have (generally in common with someone else) to take part of the natural produce of another man's land; for example, a right to the herbage (a right of common of pasture); a right to take tree loppings or gorse, furze, bushes or underwood (a right of estovers); a right to take turf or peat (a right of common of turbary); a right to take fish (a right of common of piscary); a right to turn out pigs to eat acorns and beechmast (pannage). There are various other types of rights of common, some existing only in particular areas, and it is impossible to give a complete list. The Act does not therefore attempt to give a comprehensive definition of the expression 'rights of common'."

This extract must not be taken as an authoritative statement of the law. Anyone who is not sure whether a right is registrable under the Act should seek legal advice.

4. Land descriptions

(a) *For purposes of part 4.* Except where the land has already been registered under the Act (as to which see below and Note 5), the particulars asked for at part 4 of the form must be given, and a plan must accompany the application. The particulars in part 4 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale in ink or other permanent medium and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked as an exhibit to the statutory declaration. (See Note 6.)

Where the land has already been registered and comprises the whole of the land in one or more register units, a plan is unnecessary provided the register and register unit number(s) are quoted (see Note 5). If the application concerns only part of the land comprised in a register unit, however, it will not always be possible to dispense with a plan. A plan will not be needed if the land can be described by reference to some physical feature such as a road, a river or railway, so that the description might, for example, read "The land in register unit No. lying to the south of the road from A to B". Where this method is not practicable the land must be described by a plan prepared as mentioned above. In cases where the procedure of reference to an existing register unit is adopted, part 4 of the form should be adapted accordingly, and where no plan is submitted inappropriate references to a plan should be deleted.

(b) *For purposes of part 6.* If the right is attached to any farm, holding or other land, that land should be described in part 6. This may be done either by a plan prepared as explained in (a) above, or, alternatively, by reference to the numbered parcels on the most recent edition of the Ordnance map (quoting the edition), supplemented, where necessary to describe part of a parcel, or any land not numbered on the Ordnance map, by a plan prepared in accordance with (a) above. Sufficient particulars of the locality must in any case be given to enable the land to be identified on the Ordnance map.

If the right is held in gross, that is, not attached to any land, that fact should be stated in part 6.

5. Inspection and search of registers

To ascertain whether land has been registered under the Act, anyone may inspect the registers at the office of the registration authority, or the copies of register entries affecting the land in their areas held by other local authorities including parish councils. Alternatively, an official certificate of search O.S.C. must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered. It is also possible that the land is exempt from registration: the registration provisions of the Act do not apply to the New Forest, Epping Forest or the Forest of Dean, nor to any land exempted by order under section 11. If the land is exempt, the certificate will say so, and it will not be possible to register rights of common over it under the Act, but such rights as exist will not be prejudiced by non-registration.

6. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialing is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter "A". On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of (name of declarant) made this (date)

19 before me,

(Signature and qualification)

If there is more than one plan care should be taken to choose a different identifying letter for each.

Grazing rights

If the right of common consists of or includes a right to graze animals, or animals of any class, the application must state the number of animals, or the numbers of animals of different classes, to be entered in the register. This presents no difficulty where the right to graze is already limited by number. However, for registration purposes grazing rights not limited by number (sometimes called rights "sans nombre", or without stint) must be quantified. This means that the applicant must enter in part 5 of the application form the number of animals, or the numbers of animals of different classes, which he believes himself entitled to graze. If the application is accepted, the right of grazing will be provisionally registered in accordance with the number or numbers which have been so entered. When the registration has become final the right of grazing will be exercisable in relation to animals not exceeding the number or numbers registered or such other number or numbers as Parliament may later determine. The applicant should not insert a figure higher than that which he believes himself entitled to. If he puts in an excessive figure the provisional registration is likely to be objected to. In that case, unless the registration authority permits it to be cancelled, or the objection is withdrawn, the matter will in due course be referred to a Commons Commissioner for decision, and if the Commissioner orders the figure to be reduced he may also order the applicant to pay the costs of the objector.

8. Submission of application: fees

The application must reach the registration authority properly completed during one of the registration periods allowed under the Act. The first registration period begins on 2nd January 1967 and ends on 30th June 1968, and the second begins on 1st July 1968 and ends on 2nd January 1970.

There is no charge for applications made during the first registration period, but every application made during the second registration period must be accompanied by a fee of £5 unless—

(a) during the first registration period the applicant gave the registration authority notice in C.R. Form No. 5 of his intention to make the application, or

(b) the right of common did not become registrable until after 30th April 1968.

If (a) applies, the applicant should quote in part 7 of the form the number on the acknowledgment from the registration authority. If (b) applies, he should explain in part 7 why the right was not registrable until after 30th April 1968.

9. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Later, the applicant will be told whether the application has been accepted or rejected. If it is accepted, then —

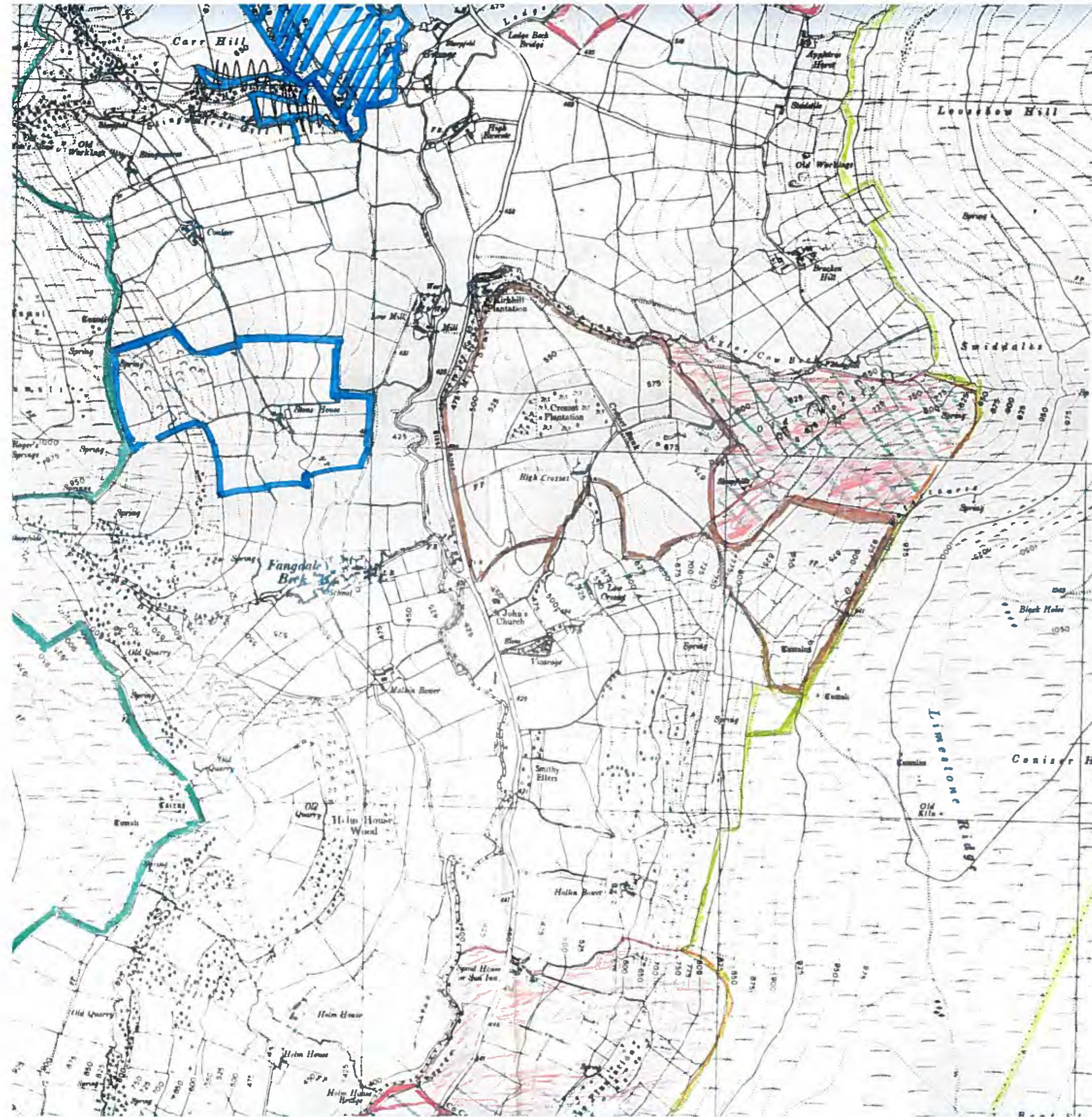
(a) if the land over which the right of common is claimed to be exercisable is not already registered under the Act, it will be provisionally so registered, and the right of common will be provisionally registered as exercisable over it, or

(b) if that land is already registered under the Act, the right of common will be provisionally registered as exercisable over it.

The applicant will also in due course be told of any objection to the registration. (As to objections, see the official explanatory booklet "Common Land", available free from local authorities.)

10. False statements: groundless applications

The making of a false statement to procure registration may render the maker liable to prosecution. Moreover, a registration which is objected to will, unless the registration authority permits it to be cancelled, or the objection is withdrawn, be referred to a Commons Commissioner. If, at the hearing before the Commissioner, the registration cannot be substantiated, it will be removed from the register, and the applicant may be ordered to pay the costs of the objector.



SHEET SE 59 SE
 240 Chains
 LONG 1" = 85' W
 495000
 94
 LAT 54° 20'
EAST MOORS

A rectangular box in the upper right corner contains the text "SHEET SE 59 SE" and a large green handwritten letter "B" with an arrow pointing upwards.

This is the exhibit marked
referred to in the statutory declaration
of
made this 14 day of May 1968
before me,
M. Scarth
Justice of the Peace.

- GEORGE WILLIAM ALLISON
- HARRY FEATHERSTONE / ALAN FEATHERSTONE
- RAYMOND GARBUTT
- ARTHUR ERNEST TODD / WILFRED THOMAS TODD
- JOHN WALTER KIRK
- JOHN FEATHERSTONE / LESLEY FEATHERSTONE
- MAURICE RICHARDSON / MINNIE RICHARDSON
- EDWARD MALCOLM CAINE

Appendix 7

Woolhouse Croft farm
Bilsdale
Helmsley
YO62 5NE

Telephone:

Mobile:

Email:

9th January 2019.

Dear Mrs Applegarth,

Re: CA3 001.

Thank you for your emails regarding the bridges application.

In June 2018 I found out that Mr Bridges had purchased land from Malcom Caine's estate and was trying to claim 10% of my entitlement attached to High Crossett Farm.

I would like to state that *at no time* has the land which is now owned by Mr Bridges has had any common rights attached to them.

I feel that the following information will prove this.

In 1965 High Crossett farm was purchased by my father with the perpetual rights for a stray on Bilsdale East Moor for 80 sheep.

Please see:

a) copy of original sales particulars for High Crossett farm dated 1965.

b) copy of original farm map of High Crossett farm. HM land registry title number NYK27386 – applicable when my father bought the farm in 1965.

At this time the 2 fields in question were owned by Mr G Warley. At no time were these fields part of High Crossett Farm.

Edward Caine was tenant of High Crossett Farm and also tenant of Mr Warleys' 2 fields.

The 1965 commons registration act required farmers to register their rights. This was done by in 1968 by Edward Caine *not* my father.

I became tenant of High Crossett farm in 1995 and purchased the farm in 1999 – farming High Crossett. Please find enclosed

a) Copy of RPA letter 2.9.2004 IACS Common Land forage area allocation.

b) Copy of RPA map dated 2004..

c) Copy of natural England Map showing High Crossett farm.

These maps prove that the 2 fields currently owned by Mr Bridges have never been farmed as part of High Crossett.

All these maps show exactly the same boundaries as the 1965 map which *does not include* the 2 fields currently owned by Mr Bridges. All this proving that there has never been any common or historical rights attached to the 2 fields currently owned by Mr bridges

Furthermore, due to the claim by Mr Bridges in June 2018 was the first time I was aware of the mistake made Edward Caine.

I am currently applying for this mistake to be corrected and to update the 80 sheep rights to myself.

I have made an application under the Commons Act 2006 to correct the register and completed form CA10. I am currently awaiting the result of this.

The exact acreage of High Crossett Farm is the same today as it was in 1965 when my father bought it.

I expect to retain the 80 sheep grazing rights that I purchased in 1999.

Yours Sincerely

Mr Alan Caine.

A W & S J CAINE
WOOLHOUSE CROFT FARM
BILSDALE
HELMSLEY
YORK
N YORKSHIRE
YO6 5NE

Our Reference: [REDACTED]
Your Reference: [REDACTED]

02 SEP 2004

Dear Applicant,

INTEGRATED ADMINISTRATION AND CONTROL SYSTEM (IACS)
COMMON LAND FORAGE AREA ALLOCATION

On your 2004 IACS Area Aid Application Base Form you recorded an entitlement to graze animals on BILSDALE EAST CL0053. All claimed rights have now been determined. Your allocation of forage area has been calculated as follows:

A.	Total area of Common	1852.45 ha
B.	Total grazeable forage area of common	1852.45 ha
C.	Total Livestock Units (LUs) entitled to be grazed on the common	315.00
D.	Total LUs you are claiming entitlement to graze on the common	12.00
E.	Your FORAGE AREA ALLOCATION for the common (i.e. B / C x D)	70.57 ha

This allocation should be added to the forage area claimed on your IACS application, or any amended area following our administrative and field checks.

Please do not hesitate to contact me if you have any queries about this.

Yours faithfully,

[REDACTED]
Debbie Brown (Northallerton)



HIGH CROSSETT FARM

rpa
rural payments agency

Main Holding Number
48/049/0080

Sheet Holding Number : **48/049/0080**

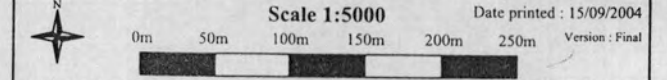
Updated IACS 2002 Information

Plot ID	Map Sheet	Field Nos.	Original Field Size (ha)	New Digital Field Size (ha)	Incorrect Boundary
	OS Map Sheet	NG Field			
	SE5795	6318	13.82		
1	SE5795	6523		4.91	
2	SE5795	4922		7.56	
3	SE5894	2156	18.13	18.22	
4	SE5794	4886		3.78	
	SE5794	4591	1.78		
	SE5794	5081	1.68		
5	SE5794	7097	1.43	1.47	
6	SE5794	8080	3.09	3.09	
7	SE5795	8503	7.26	7.26	
8	SE5795	8524	0.80	0.80	
9	SE5794	3079	3.11	3.10	D
10	SE5794	3397	1.97	2.00	D
11	SE5795	3747	1.38	1.38	
12	SE5795	5935	0.86	0.86	

total 54.43
moorland 70.57

Print Name :

Signed : Date :



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BOULTON & COOPER LTD.

AUCTIONEERS, LAND AND ESTATE AGENTS, VALUERS AND SURVEYORS
LIVESTOCK SALESMEN: MALTON, PICKERING AND SEAMER CATTLE MARKETS

Also at:
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MARKET PLACE
PICKERING, NORTH YORKS
Telephone: Pickering 2724

HEAD OFFICE:
ST. MICHAEL'S HOUSE
MALTON, NORTH YORKS.
Telephone: Malton 51 (2 lines)

Also at:
26 HIGH STREET
STOKESLEY
NORTH YORKS.
Telephone: 742

SEAMER JUNCTION AUCTION MARKET AYTON 2120 (MONDAYS ONLY)

WITH VACANT POSSESSION.

Particulars
of the

Valuable Freehold Farm

known as

HIGH CROSS, BILSDALE.

(amounting to 10 2/3 acres with other outbuildings)

To be Offered For
SALE BY PUBLIC AUCTION

(Unless previously sold by Private Treaty)

at

The TOWN HALL, STOKESLEY.

on

MONDAY, 23rd AUGUST, 1965.

at 3.30 p.m.

Solicitors:

R.T. & R.W. Pearson
and Mackirdy,
Bondgate,
HELMSLEY.

Tel. 207.

HIGH CROSSET.

THE FARM is situate midway between Stokesley and Helmsley and overlooks the hamlet of Tangdale Beck.

THE FARMHOUSE, built of stone with a tiled roof, includes the following accommodation:

GROUND FLOOR.

Lounge (12'9" x 13'3") with modern tiled fireplace.
Living Kitchen (16'3" x 16'6") with kitchen range.
Back Kitchen (11'0" x 10'6") with porcelain sink (c. tap).
Store Room.
2 Pantries.

FIRST FLOOR.

3 Double Bedrooms (16'9" x 11'3")
(14'0" x 10'6")
(12'9" x 10'6")
'L' Shaped Single Bedroom (13'0" x 7'6").
Boxroom.

There is a large attic on the second floor.

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Range of Workshop, Barn with Granary above, Meal House, Large Loose Box, 8 Stall Beast House with Calf Crib, Fodder House, 10 Stall Beast House, Loose Box with Granary above, Store House.

2 Bay Tractor House, Anderson Shelter, 2 Bay Hay Shed.

THE LAND which lies in a ring fence, includes some good arable, as well as some rough grazing on the moor, which is capable of being used for either sheep or cattle. The growing timber is included in the sale. The farm has a perpetual right for a stray on Bilsdale East Moor for 80 Sheep, though the occupier has no sheep at the present time.

The sporting rights which are in the sale include some good shooting.

There is a Right of Way up the farm road for the benefit of the small holding which adjoins.

2.

No dilapidations or deductions of any kind will be allowed, but the vendor is making no claim for tenant right matters, or the root crop which will be left for the benefit of the purchaser.
The purchaser will be given the option of taking over all unconsumed produce at market Value.

The vendor reserves the right to hold an auction sale of the Live and Dead farming stock on the premises prior to completion.

VACANT POSSESSION will be given on 2nd NOVEMBER, 1965.

VIEWING at any reasonable time, except Sundays, on production of the Particulars of Sale.

Schedule

<u>O.S. No.</u>	<u>Description</u>	<u>Acres.</u>	<u>Total.</u>
583	Arable	3.408	
597	Arable	9.068	
600	Arable	6.084	
632	Arable	3.344	
633	Arable	5.331	
636	Arable	3.941	31.176
634	Grass	10.764	
650	Grass	9.082	
593	Grass	3.206	
594	Grass	4.177	
640a	Grass	5.075	
638	Grass	2.761	
637	Grass	10.015	
762	Grass G	4.465	49.545
584	Woodland	3.188	
596	Woodland	7.789	
599	Woodland	6.710	
Pt. 599	Woodland	6.266	
598	Road	4.412	
643	Road	.059	
Pt. 635	House & Buildings	.940	
758	Rough	6.080	
755	Rough	1.194	
757	Rough	1.271	
756	Rough	2.305	
759	Rough	19.420	
	Moorland	15.100	58.942
			139.663

93-507
415

507
415

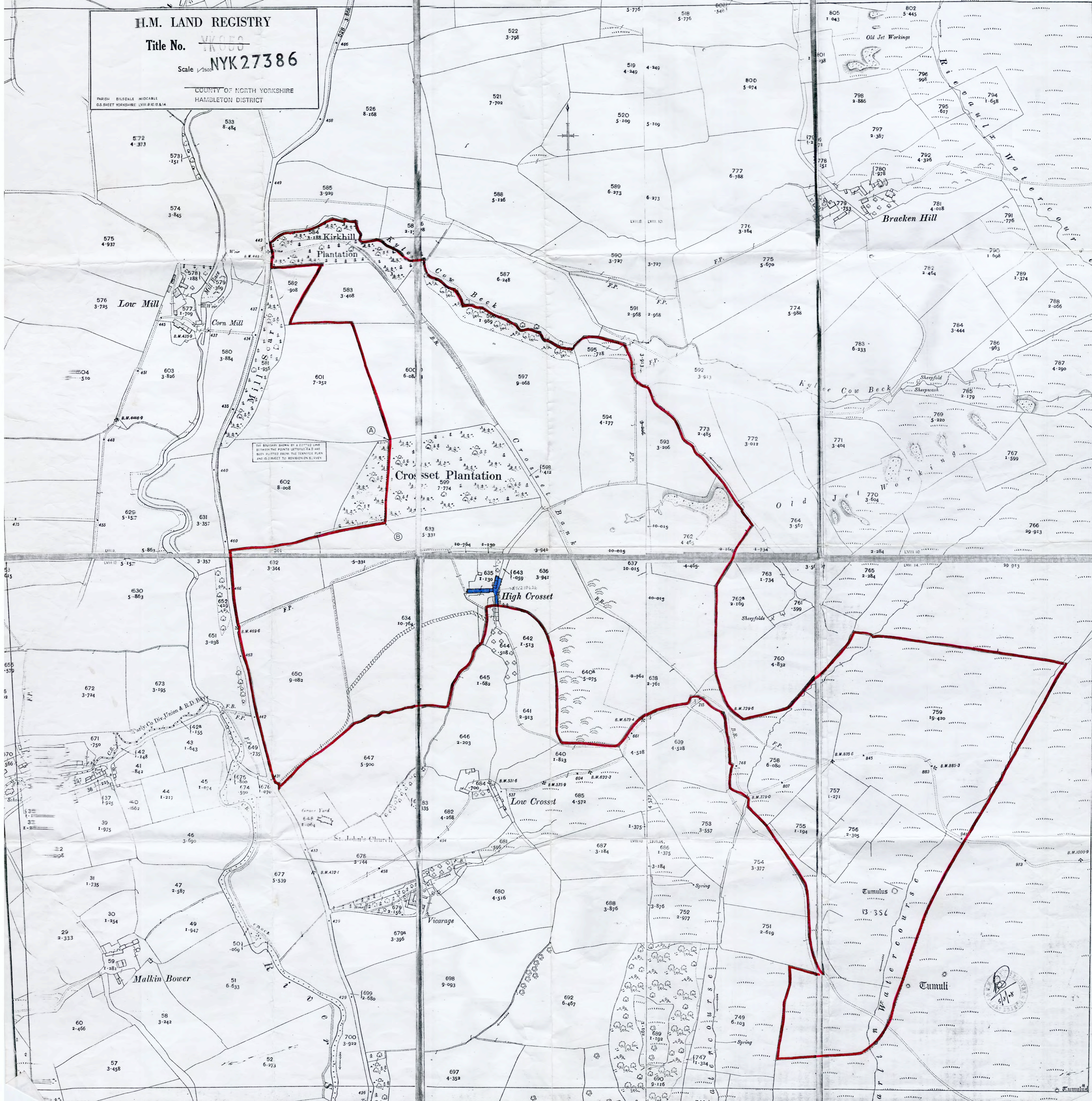
H.M. LAND REGISTRY

Title No. ~~YK 655~~

Scale 1/2500
NYK 27386

COUNTY OF NORTH YORKSHIRE
HAMLETON DISTRICT

PARISH: BILSDALE, MIDCALLE
O.S. SHEET YORKSHIRE LVIII.8 & 14

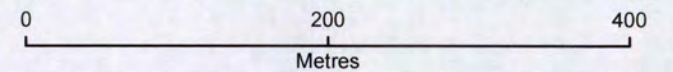




**COUNTRYSIDE STEWARDSHIP
MID TIER - OPTIONS MAP**

- | Assigned colour | | Applicants colour match |
|-----------------|---|-------------------------|
| Options | Location of other AE scheme options (e.g. Environmental Stewardship) | |
| BE | Management of hedgerows | |
| WD | Woodland edges | |
| BE | * Options for protection of in-field trees
*Number within circle represents number of trees in parcel | |
| HS | Maintenance of weatherproof traditional farm buildings | |
| HS | Options to protect historic environment features | |
| AB,SW,WT | Buffer strips
- for arable options (AB)
- for soil and water options (SW)
- for wetland options (WT) | |
| AB | Options for arable land | |
| SW | Options to protect soil and water | |
| GS | Options for grassland | |
| UP | Options for upland rough grazing | |
| WD | Management of successional areas of scrub | |
| OP,OR,OT | Options for organic land | |
| FG12 BN | Capital item | |
| WNS | Field number | |
| | Holding parcels (buff coloured parcels are to be marked up on this map. Any grey parcels are covered on other maps) | |

You must write on the map in black the specific codes for options you have selected or require, including any supplements e.g. AB7, BE3, GS2, HS5



Map provided for the sole purpose of supporting CS Scheme Applications and Agreements.

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Application Ref: AG00693709



Appendix 8

This portion to be detached and sent to the registration authority.

C.R. Form 26 (OBJECTION FORM)

For official use only

Official stamp of registration authority indicating date of receipt.

OBJECTION to registration(s) under the Commons Registration Act 1965.

To the (name of registration authority) North Riding
of Yorkshire County Council.

Objection No. 0147

I hereby object to the under-noted registration(s) on the grounds stated.

1. Name and address of person making the objection.
1. The Rt.Hon. Richard Frederick Wood, P.C., M.P., Flat Top House Bishop Wilton, Yorks.
Christopher Charles Egerton, M.C. Great Edstone House Kirbymoorside, Yorks.
Michael John Benjamin Todhunter 30, Cornhill, London, E.C.3.
2. Name and address of solicitor if any. (Fill this space only if a solicitor has been instructed for the purposes of the objection. If it is filled, all correspondence and notices will be sent to the solicitor.)
2. Messrs. Trower Still & Keeling 5 New Square, Lincoln's Inn, London, W.C.2.
3. Reference (if any) of the objector or his solicitor.
3. JJB/T/27201
4. Register in which the registration(s) objected to appear(s).
*Common Land/Town or Village Greens
C.L. 53
5. Register unit number.
6. Section of register in which registration appears.
*Land/Rights/Ownership
5 28th June 1968.
7. Registration entry number(s).
8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The plan must be signed by the person who signs the form.)

- (a) The person named as the applicant for registration was not entitled to apply in the capacity stated in the register, as tenant, nor in any other capacity.
- (b) The alleged right claimed does not exist at all.
- (c) The number of sheep namely 80 is excessive. The objectors do not admit any number.
- (d) The objectors do not admit that any rights whatever are attached to the land described as High CROSSETT, Chopgate.

Dated August, 19 70.

Signature

(In the case of an objection by a body corporate or unincorporate, or charity trustees, this form must be signed by the secretary or some other duly authorised officer.)

*Strike out whichever does not apply.



COMMONS REGISTRATION ACT 1965

Reference No. 268/7/3 to 11
inclusive

In the Matter of Bilsdale East Moor,
Bilsdale Midcable, Hambleton District

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section and Entry Nos. 1 and 3 to 17 inclusive in the Rights Section of Register Unit No.CL.53 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and are occasioned by Objections Nos. 0142, 0143, 0146 to 0149 inclusive and 0155 all made by The Rt. Hon. R. F. Wood P.C., M.P., C.C. Egerton and M. J. B. Todhunter and all noted in the Register on 14th September 1970 except Objection No.0155 which was noted in the Register on 17th July 1972.

I held a hearing for the purpose of inquiring into the dispute at Northallerton on 8th October 1975.

The Objectors, the Nawton Tower Estate appeared by their agent Mr. H. J. Laws and had by correspondence which was before me reached agreement with the applicants for rights under Entries Nos. 4 and 6 that these Entries should be modified as hereinafter stated - and were content that subject to these modifications I should confirm the Entry at No.1 in the Land Section and all the subsisting Entries in the Rights Section.

For this reason I confirm the Entry at No.1 in the Land Section and the Entries at Nos. 1 and 3 to 17 in the Rights Section but Entry No.4 shall be modified so as to be limited to 260 sheep in lieu of 280 sheep and Entry No.6 shall be modified so as to exclude the Rights claimed under sub Entry (11) as tenant.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 1st day of December 1975

Commons Commissioner :

Register of COMMON LAND

COMMONS REGISTRATION ACT 1965
 NORTH RIDING COUNTY COUNCIL
 REGISTRATION AUTHORITY
 Date.....**26 JUN 1968**

Register unit No. C.L. 53
 Edition No. 2

See Overleaf
 for Notes

LAND SECTION—Sheet No. 1

<i>No. and date of entry</i>	<i>Description of the land, reference to the register map, registration particulars etc.</i>
<p>1 26th June, 1968</p>	<p>All that tract of land known as Bilsdale East Moor in the Parish of Bilsdale Midcable as marked with a green verge line inside the boundary on Sheets 28D, 29C, 41B, 41D and 42A (6" Ordnance Survey Sheets NZ 50 SE, NZ 60 SW, SE 59 NE, SE 59 SE, and SE 69 NW) (Provisional Edition) and distinguished by the number of this register unit. Registered by the Registration Authority without application. (Registration Provisional)</p>
<p>2 25th March 1976</p>	<p>The registration at Entry No. 1 above, being undisputed, became final on 1 October 1970</p>

Register of

Common Land

COMMONS REGISTRATION ACT 1965
NORTH RIDING COUNTY COUNCIL
REGISTRATION AUTHORITY

23 JUN 1968
Date.....

Register unit No. C.L.53

Edition No.

See Overleaf
for Notes

RIGHTS SECTION—Sheet No. 2

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
5 28th June, 1968.	733 14th May, 1968.	Edward Malcolm Caine, High Crossett, Chopgate. Tenant.	To graze 80 sheep over the whole of the land comprised in this register unit. (Registration Provisional)	High Crossett, Chopgate as shown hatched yellow ^{edged red} on the supplemental plans bearing the number of this registration. (Ordnance Survey Sheets SE 59 SE and SE 59 NE) (Provisional Editions)
6 28th June, 1968.	732 14th May, 1968.	Margaret Eleanor Ainsley, Sun Inn, Chopgate. (i) Owner (ii) Tenant.	(i) To graze 60 sheep and to cut and take turf over the whole of the land comprised in this register unit. (Registration Provisional) ** (ii) To graze 100 sheep and to cut and take turf over the whole of the land comprised in this register unit. *For modification on finality see Entry No. 18 below (Registration Provisional)	(i) Land as shown hatched brown ^{edged red} on the supplemental plan bearing the number of this registration. (Ordnance Survey Sheet SE 59 SE) (Provisional Edition) (ii) Land as shown hatched mauve ^{edged green} on the supplemental plans bearing the number of this registration (Ordnance Survey Sheets SE 59 SE and SE 59 NE) (Provisional Editions)
7 28th June, 1968.	745 14th May, 1968.	Both deceased. Lesley Featherstone and John Featherstone, High Ellermire, Chopgate. Joint Owners.	To graze 60 sheep over the whole of the land comprised in this register unit. (Registration Provisional)	High Ellermire, Chopgate as shown hatched mauve ^{edged red} on the supplemental plan bearing the number of this registration (Ordnance Survey Sheet SE 59 NE) (Provisional Edition)
8 28th June, 1968.	746 14th May, 1968.	Arthur Ernest Todd and Wilfred Thomas Todd, William Beck Farm, Chopgate.	To graze 200 sheep over the whole of the land comprised in this register unit. (Registration Provisional)	The land as shown hatched mauve ^{edged red} on the supplemental plan bearing the number of this registration (Ordnance Survey Sheet SE 59 NE) (Provisional Edition)

See entry 26

(see 27
and 28)

Register of Common Land

COMMONS REGISTRATION ACT 1965

NORTH RIDING COUNTY COUNCIL
REGISTRATION AUTHORITY

Date: 23 JUN 1968

Register unit No. C.L. 53

Edition No.

See Overleaf
for Notes

RIGHTS SECTION—Sheet No. 4

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
13 28th June, 1968.	739 14th May, 1968.	Maurice Richardson and Minnie Richardson, Bilsdale Hall, Chopgate. Joint Owners.	To graze 150 sheep over the whole of the land comprised in this register unit. (Registration Provisional)	edged red Bilsdale Hall, Chopgate as shown on the supplemental maps bearing the number of this registration (Ordnance Survey Sheets NZ 50 SE and SE 59 NE) (Provisional Editions)
14 28th June, 1968.	1465 21st June, 1968.	Miss Vera Hargreaves, Hollin Bower, Fangdale Beck, Middlesbrough. Owner.	To graze 100 sheep and the right of turbarry over the whole of the land comprised in this register unit. (Registration Provisional)	Hollin Bower Farm, as shown edged red on the supplemental map bearing the number of this registration. (Ordnance Survey Sheet SE 59 SE) (Provisional Edition).
15 5th Mar.70	1742 17th Dec.69	NOT KNOWN AT THIS ADDRESS Herbert William Mawer, Sion Hill Hall, Kirby Wiske, Thirsk. Owner.	To graze 260 sheep over the whole of the land comp- rised in this register unit. (Registration Provisional)	Low Cow Helm Farm, Bilsdale shown edged red on the supple- mental map bearing the number of this registration.
See entry 24 The registration at Entry No. 15 above is in conflict with the registration at Entry No. 9 in this register unit and each of these registrations is accordingly to be treated as an objection to the other to the extent of the conflict.				
16 5th Mar. 70	1742 17th Dec.69	NOT KNOWN AT THIS ADDRESS Herbert William Mawer, Sion Hill Hall, Kirby Wiske, Thirsk. Owner.	To graze 40 sheep over the whole of the land compri- sed in this register unit. (Registration Provisional)	Appletree House Farm shown edged red on the supplemental map bearing the number of this registration.
17 5th Mar. 70	2006 17th Dec.69	Frank Metcalfe Fidell and Vera Fidell, High Ewecote Farm, Bilsdale Owners.	a) The right to graze 100 sheep (b) The right of turbary; over the whole of the land comprised in this register unit. (Registration Provisional) (See Entries No. 21 and 22 below)	High Ewecote Farm shown edged red on the supplemental bearing the number of this registration.
18 25th March 1976	The registration at Entry No. 4 above which was disputed became FINAL on the 19th February 1976 with the following modification: In column 4 for "280 sheep" read "260 sheep" The registration at Entry No. 6 above which was disputed modified to as to exclude the rights claimed under Entry (ii) as tenant			
19 25th March 1976	In pursuance of Section 6(2) of the Commons Registration Act 1965, in accordance with a Notice of Final Disposal of Disputed Registration dated 25th February 1976, made by C.A. Settle, Commons Commissioner, the Entries at Nos. 1 and 3 to 8 and 10 to 17 above became FINAL on the 19th February 1976. Ref: 268/D/3-11			

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 7 DEC 2016 AT 11:31:46. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, DURHAM OFFICE.

TITLE NUMBER: NYK399035

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

NORTH YORKSHIRE : HAMBLETON

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land lying to the east of The B1257, Chop Gate, Middlesbrough.
- 2 (17.08.2012) The registered proprietor claims that the land in this title has the benefit of a right of access over the land tinted brown on the title plan. The right claimed is not included in this registration. The claim is supported by a statutory declaration made on 16 July 2012 by Joy Caine.

NOTE: Copy filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.08.2012) PROPRIETOR: STEPHEN DAVID BRIDGES and SOPHIE BERENICE BRIDGES of High Cow Helm Farm, Chop Gate, Middlesbrough TS9 2LN.
- 2 (17.08.2012) The price stated to have been paid on 18 July 2012 was £81,599.
- 3 (17.08.2012) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance dated 18 August 1941 made between (1) The Right Honourable Charles William Slingsby Earl of Feversham (Vendor) (2) Charles William Ernest Duncombe and William Greville Worthington (3) William Gosselin Trower and the said Charles William Ernest Duncombe and (4) The National Employers Mutual General Insurance Association Limited (Purchasers) contains the following covenants:-

THE Purchasers to the intent and so as to bind so far as practicable the property hereby assured and the several parts thereof into whosoever hands the same may come and to benefit and protect the lands

Title number NYK399035

C: Charges Register continued

of the Vendor in the parishes or townships of Rievaulx Laskill Bilsdale Midcable and Helmsley and the several parts thereof but not so as to render the Purchasers personally liable in damages for any breach of covenant committed after they shall have parted with all interest in the said lands and hereditaments hereby COVENANT with the Vendor and his successors in title the owner or owners of the lands to be protected and the several parts thereof that the Purchasers and their successors in title will not without the consent in writing of the Vendor or his successors in title use the said lands and hereditaments hereby assured or any part thereof in any way that would be prohibited if it had been zoned as agricultural by the local Town Planning Authority under the Town and Country Planning Act 1932."

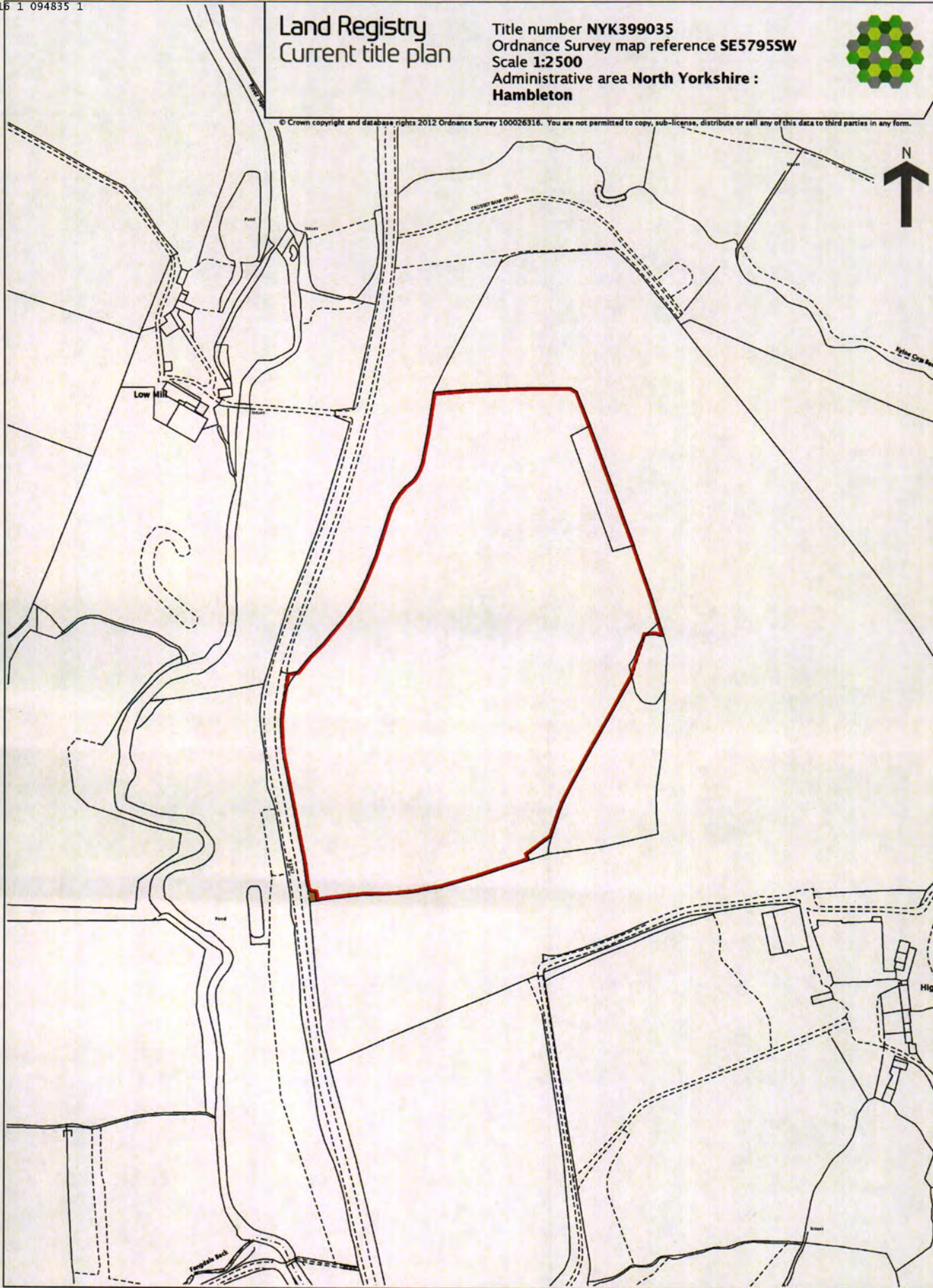
End of register

Land Registry Current title plan

Title number **NYK399035**
Ordnance Survey map reference **SE5795SW**
Scale **1:2500**
Administrative area **North Yorkshire :**
Hambleton



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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 07 December 2016 at 11:33:36. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Durham Office.

Appendix 10

Initial equality impact assessment screening form			
<p>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</p>			
Directorate	BES		
Service area	H&T		
Proposal being screened	To grant application CA3 001 which is seeking to apportion rights of common.		
Officer(s) carrying out screening	Jayne Applegarth		
What are you proposing to do?	Grant the application		
Why are you proposing this? What are the desired outcomes?	It is a statutory duty of the County Council as Registration Authority under the Commons Act 2006 to consider the application submitted. On consideration all the legal tests have been met therefore the application should be granted.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	The County Council as Registration Authority has a statutory duty to maintain the common land register		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristics			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of	No		

these organisations support people with protected characteristics? Please explain why you have reached this conclusion.				
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	
Reason for decision	The application has met all the criteria contained in the Commons Act 2006 and the Commons Registration (England) Regulations 2014.			
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	November 2019			

Extract of the Commons Registration (England) Regulations 2014 – Schedule 4
Paragraph 3

Applications for the purposes of section 8: apportionment of right of common

3.—(1) An application for the purposes of section 8 of the 2006 Act (in relation to the apportionment of a right of common which is attached to land) must accompany any application (“the primary application”) which—

(a) is made under—

- (i) section 7, 11 or 13 of the 2006 Act;
- (ii) paragraph 1(6)(b) or 3(7)(b) of Schedule 1 to the 2006 Act; or
- (iii) paragraph 8 of this Schedule; and

(b) relates to only a part of a right of common.

(2) An application for the purposes of section 8 of the 2006 Act may be made in any other case in which a right of common is attached to land of which the ownership is divided into separate titles amongst two or more persons.

(3) The application may only be made—

- (a) in the case of an application required to be made by sub-paragraph (1), by the person (and if more than one, by all such persons) by whom the primary application is made;
- (b) in the case of an application permitted to be made by sub-paragraph (2)—
 - (i) by an owner of any part of the land to which the right of common is attached; or
 - (ii) by two or more such owners, acting jointly.

(4) The application must include—

- (a) evidence of the capacity of the applicant, or (as the case may be) applicants, to make the application by virtue of sub-paragraph (3)(a) or (b);
- (b) the numbers of the register unit and the rights section entry in the register of common land or town or village greens for the right of common to which the application relates;
- (c) a description, and details of the ownership, of—
 - (i) the land to which is attached the part of the right of common which is the subject of the primary application, in the case of an application required to be made by sub-paragraph (1); or
 - (ii) the land belonging to the applicant or (as the case may be) applicants, in the case of an application permitted to be made under sub-paragraph (2);

(d) a calculation as to what constitutes a rateable apportionment of the right of common between the land in respect of which a description and details of ownership are required by paragraph (c) and any remaining land to which the right of common is attached; and

(e) in the case of applications made by two or more owners of different parts of the land, a description of the portions attaching to the part of each such applicant.