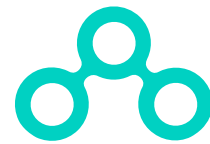


# APPENDIX 1



**Steven Abbott Associates LLP**  
Chartered Town Planners

Commons Registration Service  
Cumbria County Council  
Lady Gillford's House  
Petteril Bank Road  
Carlisle  
CA1 3AJ

Via email:  
commons.registration@cumbria.gov.uk

15 December 2021

Ref: HT/3203B-CL02/CCC

Dear Sirs

## **COMMONS ACT 2006: SCHEDULE 2**

### **APPLICATION TO CORRECT NON-REGISTRATION OR MISTAKEN REGISTRATION**

**Site: Waterhead Marine, Waterhead, Ambleside**

1. This letter supports an application on behalf of Windermere Aquatic Limited ("the applicant") made under paragraph 6 of Schedule 2 of the Commons Act 2006. It should be read in conjunction with the application form and the items of supporting information, which are listed at the end of this letter.
2. The application relates to a site referred to as land either side of A591, south of Waterhead, Ambleside which is listed as Register Unit No. CL155.
3. Paragraph 6 enables an owner of common land to apply to have it deregistered if it was covered by a building or was within the curtilage of a building at the date the land was registered and if a building or curtilage of a building is still covering the land.
4. The 4 requisite statutory criteria are that:
  - "(a) the land was provisionally registered as common land under section 4 of the 1965 Act;
  - (b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;
  - (c) the provisional registration became final; and
  - (d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building."



## **Partners**

**Steven H Abbott**  
BSc (Hons) MRTPI

**Alastair J Skelton**  
BSc (Hons) DipTP MRTPI

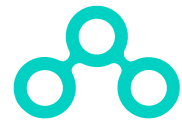


**RTPI**  
Chartered Town Planners

Balmoral House, Ackhurst Business Park, Foxhole Road, Chorley, Lancashire, PR7 1NY **T 01257 251 177**

130 Highgate, Kendal, Cumbria, LA9 4HE **T 01539 724 766**

Penstraze Business Centre, Penstraze, Truro, Cornwall, TR4 8PN **T 01872 562 061**



Steven Abbott Associates LLP

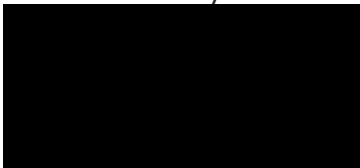
15 December 2021

Ref: HT/3203B-CL02/CCC



5. The first and third criteria are satisfied as the Site was provisionally registered under the 1965 Act on 16 March 1970, which became final on 1 August 1972.
6. In relation to the other two criteria, evidence demonstrates that there were buildings on the land on the date of the provisional registration of the land. The Ordnance Survey map published in 1969 (Item 1) shows that there were buildings on the site at that time. Those buildings are understood to have been the buildings which are currently present on the site.
7. In addition to the map, there is a date stone from 1954 on one of the buildings on the site and there is a plaque from a 1957 Civic Trust award (Item 2).
8. As such, the second and fourth criteria are satisfied and the land should be removed from the register of common land, as per the provisions of paragraph 6(3) of the Schedule 2 of the Commons Act 2006.

Yours sincerely



**Harry Tonge, BA (Hons) MCD MRTPI  
Associate**

E: [harryt@abbott-associates.co.uk](mailto:harryt@abbott-associates.co.uk)

**Enclosures:**

- **Application Form**
- **List of supporting evidence:**
  - **Item 1 – OS Map**
  - **Item 2 – Photograph of date stone and Civic Trust Award**

## Commons Act 2006: Schedule 2

# Application to correct non-registration or mistaken registration

---

**This section is for office use only**

Official stamp

<p>COMMONS ACT 2006 CUMBRIA COUNTY COUNCIL COMMONS REGISTRATION AUTHORITY</p> <p>17/01/2022</p>
---

Application number

CA13/36
---------

Register unit number  
allocated at registration  
(for missed commons  
only)

CL155
-------

---

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

- Any person can apply under Schedule 2 to the Commons Act 2006.
- All applicants should complete boxes 1-10.
- Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.
- You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You would have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

**Note 1**

*Insert name  
of commons  
registration  
authority.*

**1. Commons Registration Authority**

To the:

Tick the box to confirm that you have:

enclosed the appropriate fee for this application:

or

have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

**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: Windermere Aquatic Ltd

Postal address:

Glebe Road,  
Bowness-on-Windermere,  
Cumbria

Postcode LA23 3HE

Telephone number:

Fax number:

E-mail address:

**3. Name and address of representative, if any**

Name: Harry Tonge

Firm: Steven Abbott Associates LLP

Postal address:

130 Highgate,  
Kendal,  
Cumbria

Postcode LA9 4HE

Telephone number:

01539 724 766

Fax number:

E-mail address:

**Note 4**

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2014.

**4. Basis of application for correction and qualifying criteria**

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

- To register land as common land (paragraph 2):
- To register land as a town or village green (paragraph 3):
- To register waste land of a manor as common land (paragraph 4):
- To deregister common land as a town or village green (paragraph 5):
- To deregister a building wrongly registered as common land (paragraph 6):
- To deregister any other land wrongly registered as common land (paragraph 7):
- To deregister a building wrongly registered as town or village green (paragraph 8):
- To deregister any other land wrongly registered as town or village green (paragraph 9):

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

- The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3)):
- The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4)):
- The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5)):

Please specify the register unit number(s) (if any) to which this application relates:

CL155

**Note 5**

Explain why the land should be registered or, as the case may be, deregistered.

**5. Description of the reason for applying to correct the register:**

At the time of the registration there were buildings on the land.

Full details are provided in the letter submitted in support of the application.

**Note 6**

*You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in blue. The map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.*

**Note 7**

*This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.*

*If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.*

**6. Description of land**

Name by which the land is usually known:

Waterhead Marine

Location:

Waterhead, Ambleside

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

**7. Declarations of consent**

**Note 8**

*List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. 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**

Covering letter (Ref HT/3203B-CL02/CCC) and enclosed items.

**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**

--

**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:

15/12/2021
------------

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.

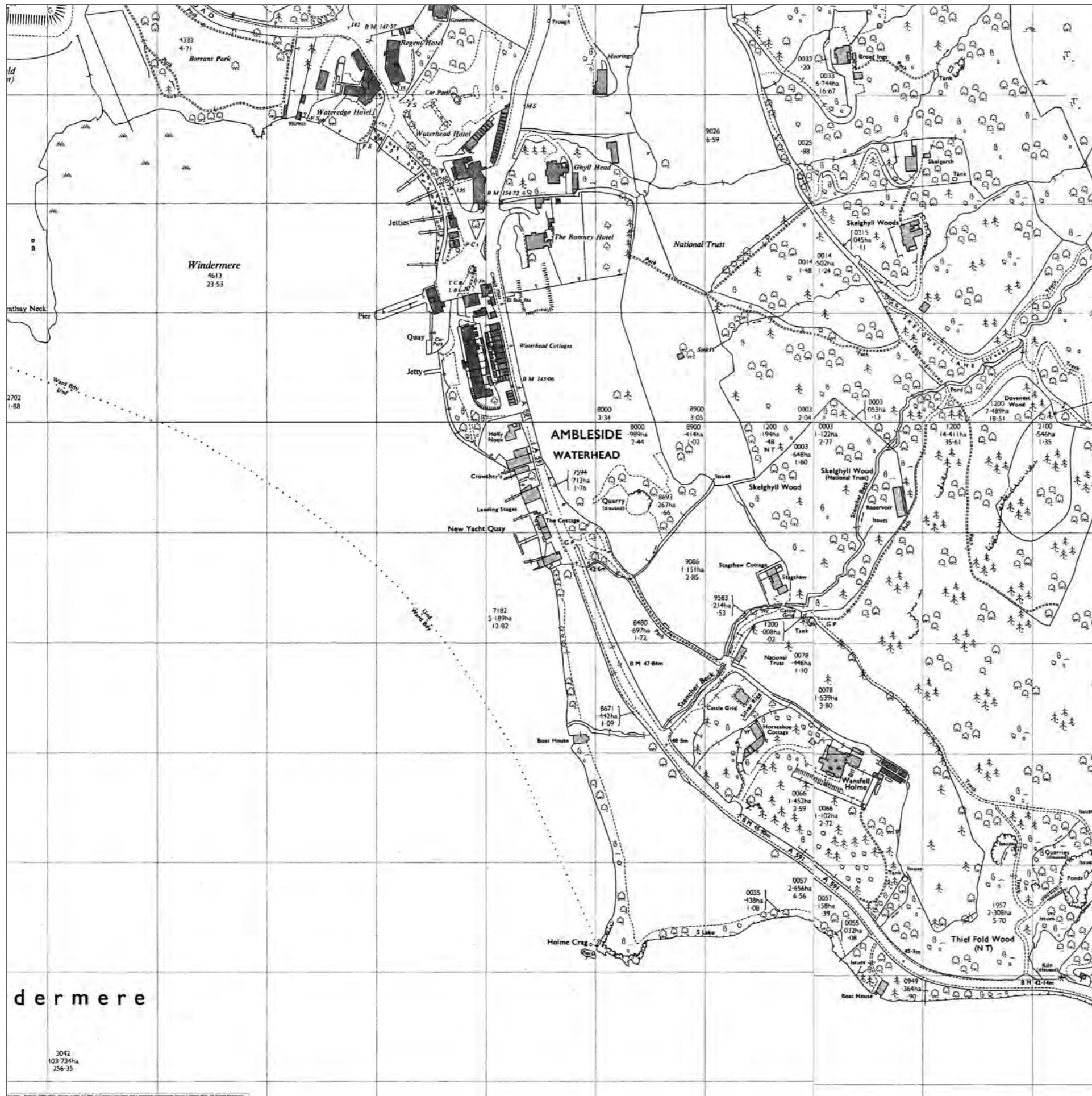
You are advised to keep a copy of the application and all associated documentation.

**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.





dermere

3042  
103.734ha  
256.35

**Landmark**  
INFORMATION GROUP

**Landmark Historical Map**  
County:  
Published Date(s): 1969-1971  
Originally plotted at: 1:2,500





