

## SOUTH NORFOLK DISTRICT COUNCIL

### COMMONS ACT 1899

#### SCHEME FOR THE REGULATION OF FLORDON COMMON

##### Description of Common

1. The piece of land with ponds, streams, paths and roads thereon, part of which is presently scheduled as an S.S.S.I., commonly known as Flordon Common, situate in the parish of Flordon in the District of South Norfolk in the County of Norfolk and hereinafter referred to as "the common", as shown on a plan sealed by, and deposited at the offices of the South Norfolk District Council, hereinafter called "the Council" and thereon coloured green, being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.

##### Protection and Improvement of Common

2. Subject to Section 28 of the Wildlife and Countryside Act 1981 or any statutory modification thereof the Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the common and its wildlife interest, and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the common, and shall manage the turf, shrubs, trees, plants and grass thereon for the preservation of the grazing and wildlife interests of the land, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same or to protect trees, hedges or other features, and may place seats upon the common, and otherwise improve the common as a place for appropriate exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the common or interfere with free access to any part thereof, and shall not erect upon the common any shelter, pavilion, drinking fountain or other building without the consent of the person or persons entitled to the soil of the common and of the Secretary of State for the Environment. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

##### Encroachment

3. The Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.

##### Public right of access and

4. The inhabitants of the neighbourhood shall have a right of free access to every part of the common and enjoy recreation thereon subject to any byelaws made by the Council under this Scheme and any necessary restrictions on access arising from



recreation

the management plan, conservation needs and the protection of the grazing.

Wildlife Habitats

5. The wildlife habitats and landscape features of the common are, so far as possible, to be conserved or enhanced by the Council. Management is to be carried out in accordance with a professionally produced management and conservation plan prepared with full regard to any environmental designations and taking full account of all registered rights of common.

Games etc.

6. Subject to due consideration of wildlife and landscape issues under Section 5 above, the Council may set apart for games any portion or portions of the common as it may consider expedient and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the common as an open space or the lawful exercise of any right of common, shall not be located on any area scheduled as an S.S.S.I., and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

Parking

7. The Council may, with the consent of the person or persons entitled to the soil of the common, and of the Secretary of State, temporarily set apart and fence such portion or portions of the common as it may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of such part as it may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

Byelaws

8. The Council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of section 10 of the Commons Act 1899, make, revoke or alter byelaws to include any of the following purposes, namely -

- a) prohibiting any person without lawful authority from digging or taking turf, sods, gravel, sand, clay or other substance on or from the common, and from cutting, felling or injuring any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the common;

- b) regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling and taking trees or underwood on or from the common in exercise of any right of common or other right over the common;
- c) prohibiting the removal or displacement of seats, shelters, pavilions, drinking fountains, fences, notice boards, or any works erected or maintained by the Council on the common;
- d) prohibiting any person without lawful authority from killing, molesting or intentionally disturbing any animal, bird or fish or engaging in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
- e) prohibiting the driving, drawing or placing upon the common or any part thereof without lawful authority of any motor vehicle, motorcycle, carriage, cart, caravan, truck or other vehicle (including any aircraft) except in the case of accident or other sufficient cause;
- f) prohibiting-
  - i) the flying of any model aircraft driven by the combustion of petrol vapour or other combustible substances;
  - ii) the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;
  - iii) the flying of any glider or aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the common by persons lawfully on it;
- g) prohibiting or, in the case of a fair lawfully held, regulating the placing on the common of any show, exhibition, swing, roundabout or other like thing;
- h) prohibiting or regulating games to be played and other means of recreation to be exercised on the common;
- i) regulating assemblies of persons on the common;
- j) regulating the use of any portion of the common temporarily enclosed or set apart under this Scheme for any purpose;
- k) prohibiting or regulating the riding, driving, exercising or breaking in of horses without lawful authority on any part of the common;
- l) prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep, or other animals;



- m) prohibiting any person from bathing in any pond or stream on the common, save in accordance with the byelaws;
- n) prohibiting camping or the lighting of any fire;
- o) prohibiting or regulating any act or thing which may constitute a public danger or nuisance, injure or disfigure the common, or interfere with the use thereof by the public for the purposes of exercise and recreation;
- p) authorising any officer of the Council (or an officer of the Norfolk County Council in accordance with the power conferred on them by an agreement under Section 101 of the Local Government Act 1972) after due warning, to remove from the common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme;
- q) prohibiting any person on the common from selling or offering or exposing for sale or letting to hire or offering or exposing for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege;
- r) prohibiting the fixing of bills, placards or notices on trees, fences, erections or notice boards on the common;
- s) prohibiting the hindrance or obstruction of an officer of the Council (or an officer of the Norfolk County Council in accordance with the powers conferred on them by an agreement under Section 101 of the Local Government Act 1972) in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

Publication of  
Byelaws on  
Common

9. Copies of all byelaws made under this Scheme shall be displayed on notice boards placed on such parts of the common as the Council think fit.

Saving of rights  
etc. to the soil  
and highways

10. Nothing in this Scheme or any byelaw made under it shall prejudice or affect any right of the person entitled as Lord of the Manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise or prejudice or affect any right of the commoners in or over the common, or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

Copies of  
Scheme

11. Printed copies of this Scheme shall be available for sale at the offices of the Council for such reasonable price as the Council may determine.

The Common Seal of the South Norfolk District Council was hereunto affixed this  
29th day of December 1999

SOLICITOR TO THE COUNCIL