

Helen Lancaster

From: Hugh Craddock
Sent: 23 October 2017 09:33
To: Helen Lancaster
Subject: RE: Application under Schedule 2, Paragraph 9 of the Commons Act 2006 - Market Street, Corbridge (known as 'the Market Square')

Hi Helen

Thank you for writing to advise the society of the request by Corbridge Parish Council to withdraw its paragraph 9 application. We have no objection to your authority agreeing to the withdrawal.

We note your authority's consideration of a proposal to make a scheme under Part I of the Commons Act 1899. The society's view on that course of action is dependent on the terms of the draft scheme. We would be very grateful if your authority would notify the society at the same time as notice is given of the authority's intention to make a scheme under r.4 of the Commons (Schemes) Regulations 1982.

We should perhaps point out that, in our view, a scheme may be made (s.1(1) of the 1899 Act) 'for the regulation and management of any common...with a view to the expenditure of money on the drainage, levelling, and improvement of the common, and to the making of bylaws and regulations for the prevention of nuisances and the preservation of order on the common.' I wrote a paper for the *Rights of Way Law Review (Access and Management under the Commons Act 1899, s.15.4, pp.19-28)* in which I commented, 'While an authority is unlikely today to wish to make a scheme for the purposes of drainage or levelling, it seems the authority must contemplate some "improvement" which will incur expenditure.' Unfortunately, amendments to Part I by s.50 of the Commons Act 2006 which would supersede the original purposes of a scheme in s.1(1) have not been brought into force.

regards

Hugh

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