

## Appendix 1

COMMONS ACT 2006, SECTION 15, AS AMENDED BY SECTION 16 OF THE GROWTH AND INFRASTRUCTURE ACT 2013 AND THE COMMONS (TOWN AND VILLAGE GREENS)(TRIGGER AND TERMINATING EVENTS) ORDER 2014

s.16 Restrictions on the right to register land as town or village green

(1) In the Commons Act 2006, after section 15B (as inserted by section 15 of this Act) insert –

“15C Registration of greens: exclusions

(1) The right under section 15(1) to apply to register land in England as a town or village green ceases to apply if an event specified in the first column of the Table set out in Schedule 1A has occurred in relation to the land (“a trigger event”).

(2) Where the right under section 15(1) has ceased to apply because of the occurrence of a trigger event, it becomes exercisable again only if an event specified in the corresponding entry in the second column of the Table occurs in relation to the land (“a terminating event”).

(8) For the purposes of determining whether an application under section 15 is made within the period mentioned in section 15(3)(c), any period during which an application to register land as a town or village green may not be made by virtue of this section is to be disregarded.

(2) Schedule 4 (which inserts the new Schedule 1A to the Commons Act 2006) has effect.”

Schedule 1A

Exclusion of right under section 15

Trigger events	Terminating events
<p>An application for planning permission in relation to the land which would be determined under section 70 of the 1990 [Town and Country Planning] Act is first publicised in accordance with requirements imposed by any development order by virtue of section 65(1) of that Act.</p>	<p>(a) The application is withdrawn.</p> <p>(b) A decision to decline to determine the application is made under section 70A of the 1990 Act.</p> <p>(c) In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the UK are exhausted and the decision is upheld.</p> <p>(d) In circumstances where planning permission is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.</p>
<p>2. An application for planning permission made in relation to the land under section 293A of the 1990 Act is first publicised in accordance with subsection (8) of that section.</p>	<p>(a) The application is withdrawn.</p> <p>(b) In the circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the UK are exhausted and the decision is upheld.</p> <p>(c) In circumstances where planning permission is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.</p>
<p>3. A draft of a development plan document which identifies the land for potential development is published for consultation in accordance with regulations under section 17(7) of the 2004 [Planning and Compulsory Purchase] Act.</p>	<p>(a) The document is withdrawn under section 2(4) of the 2004 Act.</p> <p>(b) The document is adopted under section 23(2) and (3) of that Act...</p>
<p>4. A development plan document which identifies the land for potential development is adopted under section 23(2) or (3) of the 2004 Act.</p>	<p>(a) The document is revoked under section 25 of the 2004 Act.</p> <p>(b) A policy contained in the document which relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of that Act.</p>

<p>5. A proposal for a neighbourhood development plan which identifies the land for potential development is published by a local planning authority for consultation in accordance with regulations under paragraph 4(1) of Schedule 4(B) to the 1990 Act it applies by virtue of section 38A(3) of the 2004 Act.</p>	<p>(a) The proposal is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act (as it applies by virtue of section 38A(3) of the 2004 Act).</p> <p>(b) The plan is made under section 38A of the 2004 Act...</p>
<p>6. A proposal for a neighbourhood development plan which identifies the land for potential development is made under section 38A of the 2004 Act.</p>	<p>(a) The plan ceases to have effect.</p> <p>(b) The plan is revoked under section 61M of the 1990 Act (as it applies by virtue of section 38C(2) of the 2004 Act).</p> <p>(c) A policy contained in the plan which relates to the development of the land in question is superceded by another policy by virtue of section 38(5) of the 2004 Act.</p>
<p>7. A development plan for the purposes of section 27 or 54 of the 1990 Act, or anything treated as contained in such a plan by virtue of Schedule 8 to the 2004 Act, continues to have effect (by virtue of that Schedule) on 25<sup>th</sup> April 2013 and identifies the land for potential development.</p>	<p>The plan ceases to have effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.</p>
<p>8. A proposed application for an order granting development consent under section 114 under the 2008 [Planning] Act in relation to the land is first publicised in accordance with section 48 of that Act.</p>	<p>(a) The period of two years beginning with the day of publication expires.</p> <p>(b) The application is publicised under section 56(7) of the 2008 Act...</p>
<p>9. An application for such an order in relation to the land is first publicised in accordance with section 56(7) of the 2008 Act.</p>	<p>(a) The application is withdrawn.</p> <p>(b) In circumstances where the application is refused, all means of challenging the refusal in legal proceedings in the UK are exhausted and the decision is upheld.</p> <p>(c) In circumstances where an order granting development consent in relation to the land is made, the period within which the development to which the consent relates must be begun expires without the development having been begun.</p>

<p>“3.—(1) Schedule 1A(1) to the 2006 Act is amended as follows.</p> <p>(2) In the second column of the Table, in the entry corresponding to the trigger event set out in paragraph 3, after paragraph (b) insert—</p>	
<p>“(c) The period of two years beginning with the day on which the document is published for consultation expires.”</p> <p>.</p> <p>(3) In the second column of the Table, in the entry corresponding to the trigger event set out in paragraph 5, after paragraph (b) insert—</p> <p>“(c) The period of two years beginning with the day on which the proposal is published for consultation expires.”</p> <p>.</p>	
<p>(4) After paragraph 7 insert—</p> <p>7A. A draft of a local development order under section 61A(2)(2) of the 1990 Act which would grant permission for operational development of the land is first published for consultation in accordance with provision included (by virtue of paragraph 1 of Schedule 4A to that Act(3)) in a development order made under section 59 of that Act.</p>	<p>(a) The draft is withdrawn.</p> <p>(b) The order is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act) (but see paragraph 7B of this Table).</p> <p>(c) The period of two years beginning with the day on which the draft is published for consultation expires.</p>
<p>7B. A local development order which grants permission for operational development of the land is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act).</p>	<p>(a) Where the order includes (by virtue of section 61C(1) of the 1990 Act(4)) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes.</p> <p>(b) The order is revoked under section 61A(6) or 61B(8)(a) of that Act(5).</p> <p>(c) A revision of the order prepared under paragraph 2 of Schedule 4A to that Act(6) which provides that operational development of the land is no longer permitted is adopted.</p> <p>(d) A direction is given under provision included in the order by virtue of section 61C(2) of that Act specifying that the permission granted by the order does not apply in relation to the land.</p>

<p>7C. A draft of a neighbourhood development order which would grant permission for operational development of the land is first published for consultation by a local planning authority in accordance with regulations made under paragraph 4(1) of Schedule 4B to the 1990 Act(7).</p>	<p>(a) The draft is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act or treated as so withdrawn by virtue of paragraph 2(2) of that Schedule.</p> <p>(b) The order is made under section 61E(4) of that Act(8) (but see paragraph 7D of this Table).</p> <p>(c) The period of two years beginning with the day on which the draft is published for consultation expires.</p>
<p>7D. A neighbourhood development order which grants permission for operational development of the land is made under section 61E(4) of the 1990 Act.</p>	<p>(a) Where the order includes (by virtue of section 61L(1) of the 1990 Act(9)) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes.</p> <p>(b) Where the order provides (by virtue of section 61L(5) of that Act) that development permitted by the order must begin before the end of a specified period, that period expires without the development having been begun.</p> <p>(c) The order is revoked under section 61M(1) or (2) of the 1990 Act(10)."</p>
<p>(5) After paragraph 9 insert—</p>	
<p>"10. A notice is published by virtue of section 6 of the Transport and Works Act 1992(11) that an application has been made under that section, in circumstances where the notice contains a statement that a direction for deemed planning permission in respect of the land under section 90(2A) of the 1990 Act(12) is being applied for.</p>	<p>(a) The application for a direction is withdrawn.</p> <p>(b) In circumstances where the direction is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted.</p> <p>(c) In circumstances where the direction is given, the period within which the development to which the direction relates must be begun expires without the development having been begun."</p>