

Appendix 1

Commons Act 2006 section 15 England

15 Registration of greens

- (1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.
- (2) This subsection applies where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - (b) they continue to do so at the time of the application.
- (3) This subsection applies where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
 - (b) they ceased to do so before the time of the application but after the commencement of this section; and
 - (c) the application is made within the relevant period.
- (3A) In subsection (3), ‘the relevant period’ means—
 - (a) in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b);
 - (b) in the case of an application relating to land in Wales, the period of two years beginning with that cessation.’
- (4) This subsection applies (subject to subsection (5)) where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
 - (b) they ceased to do so before the commencement of this section; and
 - (c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).
- (5) Subsection (4) does not apply in relation to any land where—
 - (a) planning permission was granted before 23 June 2006 in respect of the land;
 - (b) construction works were commenced before that date in accordance with that planning permission on the land or any other land in respect of which the permission was granted; and
 - (c) the land—

- (i) has by reason of any works carried out in accordance with that planning permission become permanently unusable by members of the public for the purposes of lawful sports and pastimes; or
 - (ii) will by reason of any works proposed to be carried out in accordance with that planning permission become permanently unusable by members of the public for those purposes.
- (6) In determining the period of 20 years referred to in subsections (2)(a), (3)(a) and (4)(a), there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.
- (7) For the purposes of subsection (2)(b) in a case where the condition in subsection (2)(a) is satisfied—
 - (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6), those persons are to be regarded as continuing so to indulge; and
 - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land “as of right”.
- (8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.
- (9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.
- (10) In subsection (9)—
 - ‘relevant charge’ means—
 - (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);
 - (b) in relation to land which is not so registered—
 - (i) a charge registered under the Land Charges Act 1972 (c 61); or
 - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c 20), which is not registered under the Land Charges Act 1972;
 - ‘relevant leaseholder’ means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.

15A Registration of greens: statement by owner

- (1) Where the owner of any land in England to which this Part applies deposits with the commons registration authority a statement in the prescribed form, the statement is to be regarded, for the purposes of section 15, as bringing to an end any period during which persons have indulged as of right in lawful sports and pastimes on the land to which the statement relates.
- (2) Subsection (1) does not prevent a new period commencing.
- (3) A statement under subsection (1) must be accompanied by a map in the prescribed form identifying the land to which the statement relates.
- (4) An owner of land may deposit more than one statement under subsection (1) in respect of the same land.
- (5) If more than one statement is deposited in respect of the same land, a later statement (whether or not made by the same person) may refer to the map which accompanied an earlier statement and that map is to be treated, for the purposes of this section, as also accompanying the later statement.
- (6) Where a statement is deposited under subsection (1), the commons registration authority must take the prescribed steps in relation to the statement and accompanying map and do so in the prescribed manner and within the prescribed period (if any).
- (7) Regulations may make provision—
 - (a) for a statement required for the purposes of this section to be combined with a statement or declaration required for the purposes of section 31(6) of the Highways Act 1980;
 - (b) for the requirement in subsection (3) to be satisfied by the statement referring to a map previously deposited under section 31(6) of the Highways Act 1980;
 - (c) as to the fees payable in relation to the depositing of a statement under subsection (1) (including provision for a fee payable under the regulations to be determined by the commons registration authority);
 - (d) as to when a statement under subsection (1) is to be regarded as having been deposited with the commons registration authority.
- (8) An agreement under section 4(3) of this Act or section 2(2) of the Commons Registration Act 1965 which would have the effect of requiring an owner of land to deposit a statement under subsection (1) with a registration authority in Wales is to be disregarded for the purposes of this section.
- (9) In this section “prescribed” means prescribed in regulations.

15B Register of section 15A statements

- (1) Each commons registration authority must keep, in such manner as may be prescribed, a register containing prescribed information about statements deposited under section 15A(1) and the maps accompanying those statements.
- (2) The register kept under this section must be available for inspection free of charge at all reasonable hours.
- (3) A commons registration authority may discharge its duty under subsection (1) by including the prescribed information in the register kept by it under section 31A of the Highways Act 1980 (register of maps and statements deposited and declarations lodged under section 31(6) of that Act).
- (4) Regulations may make provision—
 - (a) where a commons registration authority discharges its duty under subsection (1) in the way described in subsection (3), for the creation of a new part of the register kept under section 31A of the Highways Act 1980 for that purpose;
 - (b) as to the circumstances in which an entry relating to a statement deposited under section 15A(1) or a map accompanying such a statement, or anything relating to the entry, is to be removed from the register kept under this section or (as the case may be) the register kept under section 31A of the Highways Act 1980.
- (5) In this section ‘prescribed’ means prescribed in regulations.’

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”).
- (3) The Secretary of State may by order make provision as to when a trigger or a terminating event is to be treated as having occurred for the purposes of this section.
- (4) The Secretary of State may by order provide that subsection (1) does not apply in circumstances specified in the order.

- (5) The Secretary of State may by order amend Schedule 1A so as to—
- (a) specify additional trigger or terminating events;
 - (b) amend or omit any of the trigger or terminating events for the time being specified in the Schedule.
- (6) A trigger or terminating event specified by order under subsection (5)(a) must be an event related to the development (whether past, present or future) of the land.
- (7) The transitional provision that may be included in an order under subsection (5)(a) specifying an additional trigger or terminating event includes provision for this section to apply where such an event has occurred before the order is made or before it comes into force and as to its application in such a case.
- (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.”

61 Interpretation

- (1) In this Act—
‘land’ includes land covered by water;
- (3) In this Act—
- (a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;
 - (b) reference to land registered in the register of title are references to land the fee simple of which is so registered.

SCHEDULE 1A Section 15C
EXCLUSION OF RIGHT UNDER SECTION 15

<i>Trigger events</i>	<i>Terminating events</i>
<p>1. An application for planning permission in relation to the land which would be determined under section 70 of the 1990 Act is first publicised in accordance with requirements imposed by a development order by virtue of section 65(1) of that Act.</p>	<p>(a) The application is withdrawn. (b) A decision to decline to determine the application is made under section 70A of the 1990 Act. (c) In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld. (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. (b) In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld. (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 Act.</p>	<p>(a) The document is withdrawn under section 22(1) of the 2004 Act. (b) The document is adopted under section 23(2) or (3) of that Act (but see paragraph 4 of this Table). (c) The period of two years beginning with the day on which the document is published for consultation expires.</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. (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>4A. A local planning authority first publicise their intention to enter land in Part 2 of a register under section 14A of the Planning and Compulsory Purchase Act 2004 in accordance with requirements imposed by regulations under that section.</p>	<p>The period of 10 weeks, beginning with the date of first publication of their intention, expires without the land being entered on Part 2 of the register.</p>
<p>4B A local planning authority first publicise the entry of land in Part 2 of a register under section 14A of the Planning and Compulsory Purchase Act 2004 in accordance with requirements imposed by regulations under that section.</p>	<p>A permission in principle granted under section 59A(1)(a) of the Town and Country Planning Act 1990, in relation to the land allocated for development in the register, expires by virtue of section 59A(7).</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 4B to the 1990 Act as it applies</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>

Trigger events

by virtue of section 38A(3) of the 2004 Act.

6. A neighbourhood development plan which identifies the land for potential development is made under section 38A of the 2004 Act.

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 the commencement of section 16 of the Growth and Infrastructure Act 2013 and identifies the land for potential development.

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

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).

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

Terminating events

- (b) The plan is made under section 38A of the 2004 Act (but see paragraph 6 of this Table).
- (c) The period of two years beginning with the day on which the proposal is published for consultation expires.

- (a) The plan ceases to have effect.
- (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).
- (c) A policy contained in the plan which relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of the 2004 Act.

The plan ceases to have effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.

- (a) The draft is withdrawn.
- (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).
- (c) The period of two years beginning with the day on which the draft is published for consultation expires.

- (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.
- (b) The order is revoked under section 61A(6) or 61B(8)(a) of that Act(5).

- (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.

- (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.

- a) The draft is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act or treated

Trigger events

Schedule 4B to the 1990 Act(7).

7D. A neighbourhood development order which grants permission for operational development of the land is made under section 61E(4) of the 1990 Act.

8. A proposed application for an order granting development consent under section 114 of the 2008 Act in relation to the land is first publicised in accordance with section 48 of that Act.

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.

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.

Terminating events

as so withdrawn by virtue of paragraph 2(2) of that Schedule.

- (b) The order is made under section 61E(4) of that Act(8) (but see paragraph 7D of this Table).
 - (c) The period of two years beginning with the day on which the draft is published for consultation expires.
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- (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.
 - (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.
 - (c) The order is revoked under section 61M(1) or (2) of the 1990 Act(10).
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- (a) The period of two years beginning with the day of publication expires.
 - (b) The application is publicised under section 56(7) of the 2008 Act (but see paragraph 9 of this Table).
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- (a) The application is withdrawn.
 - (b) In circumstances where the application is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld.
 - (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.
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- (a) The application for a direction is withdrawn.
 - (b) In circumstances where the direction is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted.
 - (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.

Interpretation

In this Schedule—

“operational development” means any development within the meaning of the 1990 Act other than development which consists only of the making of a material change in the use of any buildings or other land

‘the 1990 Act’ means the Town and Country Planning Act 1990;

‘the 2004 Act’ means the Planning and Compulsory Purchase Act 2004;

‘the 2008 Act’ means the Planning Act 2008.

Notes

- 1 For the purposes of this Schedule, all means of challenging a decision in legal proceedings in the United Kingdom are to be treated as exhausted and the decision is to be treated as upheld if, at any stage in the proceedings, the time normally allowed for the making of an appeal or further appeal or the taking of any other step to challenge the decision expires without the appeal having been made or (as the case may be) the other step having been taken.
- 2 Paragraph 7 of the first column of the Table does not apply in relation to a part of a development plan for the purposes of section 27 or 54 of the 1990 Act which consists of—
 - (a) Part 1 of a unitary development plan or alterations to such a Part, or
 - (b) a structure plan or alterations to such a plan.
- 3 Paragraph (a) of the entry in the second column corresponding to paragraph 7B does not apply in circumstances where development of the land may be completed by virtue of provision made in the local development order under section 61C(1) of the 1990 Act.
- 4 Paragraphs (b) to (d) of the entry in the second column corresponding to paragraph 7B do not apply in circumstances where development of the land may be completed by virtue of provision made in the local development order under section 61D(1)(13) of the 1990 Act.

- 5 Paragraph (a) of the entry in the second column corresponding to paragraph 7D does not apply in circumstances where development of the land may be completed by virtue of provision made in the neighbourhood development order under section 61L(1) of the 1990 Act.

- 6 Paragraph (c) of the entry in the second column corresponding to paragraph 7D does not apply in circumstances where development of the land may be completed by virtue of section 61L(7) of the 1990 Act.

Commons Act 2006 section 15 Wales

15 Registration of greens

- (1) Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.
- (2) This subsection applies where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - (b) they continue to do so at the time of the application.
- (3) This subsection applies where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
 - (b) they ceased to do so before the time of the application but after the commencement of this section; and
 - (c) the application is made within the period of two years beginning with the cessation referred to in paragraph (b).
- (4) This subsection applies (subject to subsection (5)) where—
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
 - (b) they ceased to do so before the commencement of this section; and
 - (c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).
- (5) Subsection (4) does not apply in relation to any land where—
 - (a) planning permission was granted before 23 June 2006 in respect of the land;
 - (b) construction works were commenced before that date in accordance with that planning permission on the land or any other land in respect of which the permission was granted; and
 - (c) the land—
 - (i) has by reason of any works carried out in accordance with that planning permission become permanently unusable by members of the public for the purposes of lawful sports and pastimes; or
 - (ii) will by reason of any works proposed to be carried out in accordance with that planning permission become permanently unusable by members of the public for those purposes.

- (6) In determining the period of 20 years referred to in subsections (2)(a), (3)(a) and (4)(a), there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.
- (7) For the purposes of subsection (2)(b) in a case where the condition in subsection (2)(a) is satisfied—
 - (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6), those persons are to be regarded as continuing so to indulge; and
 - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land “as of right”.
- (8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.
- (9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.
- (10) In subsection (9)—
 - ‘relevant charge’ means—
 - (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);
 - (b) in relation to land which is not so registered—
 - (i) a charge registered under the Land Charges Act 1972 (c 61); or
 - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c 20), which is not registered under the Land Charges Act 1972;
 - ‘relevant leaseholder’ means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.

61 Interpretation

- (1) In this Act—
 - ‘land’ includes land covered by water;
- (3) In this Act—
 - (a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;
 - (b) reference to land registered in the register of title are references to land the fee simple of which is so registered.

February 2014