

The relevant legislation

Commons Act 2006

Section 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.

Growth and Infrastructure Act 2013

Section 16 - Restrictions on 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”).
- (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—
- specify additional trigger or terminating events;
 - 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.”

Schedule 1A – Exclusion of Right under section 15, Commons Act 2006

Trigger Event	Terminating Event
<p>1. An application for planning permission 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 proceeding 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).</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>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 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). (b) The plan is made under section 38A of the 2004 Act (but see paragraph 6 of this Table).</p>
<p>6. 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. (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.</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 the commencement of section 16 of the Growth and Infrastructure Act 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 of the 2008 Act in relation to the land and 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. (b) The application is publicised under section 56(7) of the 2008 Act (but see paragraph 9 of this Table).</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 2006 Act.</p>	<p>(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 have begun expires without the development having been begun.</p>
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In this Schedule –

- ‘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.