

PLANNING (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 Town and Village Greens

Section 52 – Statement by owner to end use of land as of right

185. This section makes amendments to section 15A of the Commons Act 2006 so as to apply that section to Wales.
186. Applications can be made to register land as a town or village green under section 15 of the 2006 Act, broadly, where the land has been used “as of right” for lawful sports and pastimes by a significant number of people in the local community for at least twenty years. Use as of right means without force, secrecy or permission, the rationale being that a landowner must know and acquiesce in the land being so used.
187. Under section 15A of the 2006 Act, an owner of land may deposit a statement and map with the commons registration authority, the effect of which is to bring to an end any period during which persons have undertaken sports and pastimes on the land in question as of right.

Section 53 – Exclusion of right to apply for registration

188. This section makes amendments to section 15C of the Commons Act 2006 so as to apply that section to Wales.
189. Section 15C excludes the right of a person to apply for the registration of a town or village green under section 15(1) in certain circumstances. The circumstances in which the right is excluded in Wales are set out in a new Schedule 1B to the Commons Act 2006, the text of which is set out in Schedule 6.

Section 54 – Applications to amend registers: power to make provision about fees

190. This section amends section 24 of the Commons Act 2006, which confers power on the Welsh Ministers to make regulations about applications to amend the register of common land and town or village greens.
191. The effect of the amendment is that fees may be payable not only to the person to whom the application is made, but also to the person who determines the application (if different), for example where an application is made to the commons registration authority but referred to the Planning Inspectorate for determination. The aim of this section is to allow for greater flexibility and targeting of fees, subject to secondary legislation and Assembly scrutiny.