

SCHEDULE 10

Restricted works on common land

Modifications to secondary legislation

1.—(1) The Works on Common Land, etc. (Procedure) (Wales) Regulations 2012⁽¹⁾ in relation to applications under section 38(1) of the Commons Act 2006, apply with the following modifications.

(2) In regulation 2(2) the definition of “the determining authority” (“*yr awdurdod sy’n penderfynu*”) is read as if sub-paragraph (b) and the word “or” preceding it, are omitted.

(3) Regulations 4 to 9 do not apply.

(4) Regulation 10(1) is read as if for “to the determining authority by the date specified in the notice of application” there is substituted “to the Welsh Ministers before the expiry of the representation period.”

(5) Regulation 10(3) to (6) does not apply.

(6) Regulations 11 to 18 do not apply.

2.—(1) The 2016 Order applies with the following modifications.

(2) Article 2 (interpretation) is read as if at the appropriate place there is inserted—

““common land” (“*tir comin*”) means land of a type specified in section 38(5)(a) and (b) of the Commons Act 2006;”.

(3) Article 12 (applications: general requirements) is read as if the application must be accompanied by—

(a) a map showing the common land on which the works are proposed to be carried out, with—

(i) the boundary of the common land marked in green; and

(ii) the site of the proposed works marked in red;

(b) (if appropriate) a plan or drawing of the proposed works; and

(c) if the land is registered common land, a copy of the relevant entry in the register of common land kept by the relevant commons registration authority under section 1 of the Commons Act 2006.

(4) Article 18 (publicity for applications for planning permission: Welsh Ministers) is read as if the requisite notice includes—

(a) the name of the applicant;

(b) the name of the common land affected by the proposed works;

(c) a description of the proposed works, and their location.

(5) Article 18(2)(b) is read as if the requisite notice must be sent to—

(a) the owner of the land on which the works are proposed (if the owner is not the applicant);

(b) any other person occupying the land;

(c) if the land is registered common land, the occupier of any property shown in the register of common land as being property to which rights of common over the land are attached and who the applicant believes to be exercising those rights or likely to be affected by the application;

(1) S.I. 2012/737 (W. 97).

Status: This is the original version (as it was originally made).

- (d) any other person known to the applicant to be entitled to exercise rights of common over the land and who the applicant believes to be exercising those rights or likely to be affected by the application;
 - (e) the community council (if any) for the area in which the works are proposed.
- (6) Article 18(3) is read as if the information to be published on a website maintained by the Welsh Ministers must include the matters listed in sub-paragraph (4)(a) to (c).
- (7) Article 19(2) is read as if there is substituted—
- “(2) The local planning authority must give notice by site display, in a form supplied to them by the Welsh Ministers, for not less than 21 days at the principal places of entry to (or, if there are no such places, at a conspicuous place on the boundary of) the common land on which the works are proposed.”
- (8) Article 29(3) is read as if there is substituted—
- “(3) The decision must state, with reasons, whether consent to the proposed works is—
- (a) granted as sought in the application;
 - (b) granted only in part, or subject to modifications or conditions; or
 - (c) refused.”

3. In regulation 2 of these Regulations in their application to consent requested under section 38(1) of the Commons Act 2006, reference to an “appointed person” (“*person penodedig*”) is to the person appointed by the Welsh Ministers under regulation 3 of the Works on Common Land, etc. (Procedure) (Wales) Regulations 2012.