

## SCHEDULE 9

Regulation 49

### Deregistration and exchange of common land

#### *Modifications to secondary legislation*

1.—(1) The Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012<sup>(1)</sup> in relation to consent requested under section 16(1) of the Commons Act 2006, apply with the following modifications.

(2) The definition of “inspector” (“*arolygydd*”) in regulation 2(2) 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 the following are inserted at each appropriate place—

““register” (“*cofrestr*”) means a register of common land or a register of town or village greens;”;

““release land” (“*tir a ryddheir*”) has the meaning in section 16(1) of the Commons Act 2006;”;

““replacement land” (“*tir cyfnewid*”) has the meaning in section 16(3) of the Commons Act 2006;”.

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

(a) an Ordnance Map, at a scale of not less than 1:2,500 if available, and in any case not less than 1:10,000, showing—

(i) the boundary of the release land marked in red;

(ii) if the release land constitutes part of the land in a larger register unit, the boundary of the land in that register unit marked in dark green; and

(iii) the boundary of any replacement land marked in light green; and

(b) a copy of the entry in the register which relates to the release land or land including it.

(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 or town or village green affected by the proposal;

(c) the location and area in square metres of the release land;

(d) whether the application includes a proposal for land to be registered as replacement land and, if so, the location and area in square metres of the replacement land;

(e) a brief statement of the reason for the application.

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(1) [S.I. 2012/738 \(W.98\)](#).

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- (5) Article 18(2)(b) is read as if the requisite notice must be sent to—
- (a) any person (other than the applicant) occupying the release land;
  - (b) the occupier of any property shown in the register as being property to which rights of common over the release land are attached and whom the applicant believes to be exercising those rights or likely to be affected by the application;
  - (c) any other person known to the applicant to be entitled to exercise rights of common over the release land and whom the applicant believes to be exercising those rights or likely to be affected by the application; and
  - (d) the community council or councils (if any) for the area in which the release land and the replacement land are situated.
- (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 (e).
- (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)—
- (i) the release land; and
  - (ii) the replacement land (if any).”
- (8) Article 29 (written notice of decision relating to an application) is read as if the Welsh Ministers must also—
- (a) send their order under section 17 of the Commons Act 2006 to the commons registration authority for the area in which the release land and the replacement land (if any) are situated; and
  - (b) send a copy of the order to the applicant.
- 3.—(1)** The following provisions of these Regulations in relation to consent requested under section 16(1) of the Commons Act 2006, apply with the following modifications.
- (2) Regulation 2 (interpretation) is read as if—
- (a) reference to an “appointed person” (“*person penodedig*”) is to the person appointed by the Welsh Ministers under regulation 3 of the Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012 to exercise all or any of their functions in relation to applications under section 16 of the Commons Act 2006 generally or in relation to the application;
  - (b) there is inserted at the appropriate place—
    - ““release land” (“*tir a ryddheir*”) has the meaning in section 16(1) of the Commons Act 2006;” and
    - ““replacement land” (“*tir cyfnewid*”) has the meaning in section 16(3) of the Commons Act 2006;”.
- (3) Regulation 16(1) (site inspections) is read as if for “land to which the application relates” there is substituted “release land and any replacement land”.
- (4) For the purpose of regulation 22 (public notice of hearing) the notice posted or published pursuant to paragraphs (1) and (2) of that regulation must include—
- (a) the location of the release land; and
  - (b) a statement as to whether it is proposed that any land be registered as replacement land and, if so, the location of the replacement land.

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