



Department
for Environment
Food & Rural Affairs

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Interim Guidance to Commons Registration Authorities on Section 15C of the Commons Act 2006

**(Exclusion of the right to apply under section
15(1) of the Commons Act 2006 to register new
town or village greens)**

April 2013

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www.gov.uk/town-and-village-greens-how-to-register

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commons.villagegreens@defra.gsi.gov.uk

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Contents

Introduction	1
What has changed?	3
What is a trigger event?	3
What is a terminating event?	4
Who is affected by the change?	5
How will I (the commons registration officer) know if the right to apply is excluded?	6
Don't I need to formally accept an application before checking whether the right to apply is excluded?	7
Which is the relevant planning authority?	7
What if the exclusion applies to only part of the land?	9
What happens where no trigger event has occurred on the land?	9
What happens where an application is submitted just before a trigger event occurs?	9
What happens where the period of grace commenced before both a trigger event and its corresponding terminating event occurred?	9
What happens where a trigger event and its corresponding terminating event has occurred on the land?	9
What happens where more than one trigger event has occurred on the land?	9
What happens where a trigger event occurred on land prior to the commencement of the new legislation?	10
What happens where a local plan was adopted in, say 2009, which has identified the land in question for development?	10
What happens where a corresponding terminating event occurred on land prior to the commencement of the new legislation?	10
What if I receive an application under section 15(8) of the 2006 Act?	10
Annex A – Template letter to local planning authorities and the Planning Inspectorate seeking their confirmation of trigger and terminating events.....	11

Annex B – Section 15C of the Commons Act 2006 (as inserted by section 16 of the Growth and Infrastructure Act 2013) 13

Annex C - Schedule 1A of the Commons Act 2006 (inserted by section 16(2) of the Growth and Infrastructure Act 2013) 15

Introduction

1. In July 2011 the Government published a consultation on the registration of new town and village greens due to increasing concerns about the impact of greens applications on the planning system. The Government places great importance on the planning system to support efficiency, effectiveness and growth. This is partly why the Government committed to delivering the *Penfold review*¹ recommendation to reduce the impact of the greens registration system on the planning system. The Penfold review looked into whether non-planning consents discourage or delay investment in development projects.
2. It was announced in October 2012 that the law on the registration of new greens would be amended through the Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012. On 25 April the Bill received Royal Assent and consequently became the Growth and Infrastructure Act 2013.
3. Section 16 of the 2013 Act will amend the law on the registration of new town and village greens under section 15(1) of the Commons Act 2006. It does this by inserting new provisions – section 15C and schedule 1A into the 2006 Act - which exclude the right to apply to register land as a green when any one of a number of events, known as ‘trigger events’, have occurred within the planning system in relation to that land.
4. The trigger events are prescribed by Schedule 1A to the Commons Act 2006. For example, where an application for planning permission is first publicised then the right to apply to register that land as a green is excluded. This will ensure that decisions regarding whether land should be developed or not may be taken within the planning process.
5. The new section 15C(2) of the Commons Act 2006 provides for ‘terminating events’, which are also set out in new Schedule 1A to that Act. If a terminating event occurs in relation to the land in question, then the right to apply for registration of a green under section 15(1) is again exercisable. For example, if the right to apply to register land has been excluded because an application for planning permission has been publicised, the right to apply for registration of the land as a green again becomes exercisable if planning permission is refused and all means of challenging that refusal have run their course
6. The change takes effect from 25 April 2013, and affects applications under section 15(1) of the Commons Act 2006 made on or after that date. Applications made before that date are unaffected and should proceed to determination as normal.

¹ The Penfold review was published on 18 July 2012: www.gov.uk/government/publications/penfold-review-of-non-planning-consents

7. The Growth and Infrastructure Act 2013 makes two other amendments directly related to the law on town and village greens.
 - Section 14 of the 2013 Act amends section 15(3)(c) of the 2006 Act – which applies where recreational use of land as of right has ceased before an application is made. This change will come into force on a date to be appointed by order. Extant guidance will be amended to reflect this change, so it does not feature in this guidance.
 - The introduction of landowner statements, which bring to an end recreational use as of right on the land to which the statement relates, through new sections 15A and 15B of the Commons Act 2006 (as inserted by section 15 of the 2013 Act). Section 15A makes provision for the deposit of landowner statements as well as accompanying maps and section 15B provides for certain information relating to such deposits to be recorded on a publicly available register. These provisions will come into force on a date to be appointed by order (and will be supported by regulations) so do not feature in this interim guidance, but it will be expanded at the appropriate time to incorporate guidance on sections 15A and 15B.
8. Unless stated otherwise all references in this guidance to ‘application’, ‘the right to apply’, and ‘exclusion’ should be taken to mean (respectively) an application under section 15(1) of the Commons Act 2006 to register land as a town or village green, the right to apply for the same and exclusion of the right to apply for the same.
9. This is interim guidance for commons registration authorities, and their officers who carry out the greens registration function, in England. This guidance may eventually be subsumed within extant guidance on greens. Separate guidance is provided to applicants.
10. This guidance is not an authoritative statement of the law, which is ultimately a matter for the courts.

What has changed?

11. Section 16 of the Growth and Infrastructure Act 2013 has amended the law on registering new town and village greens by inserting a new section 15C and Schedule 1A into the Commons Act 2006. A copy of section 16 can be found in Annex B of this guidance.
12. Section 15C(1) of the Commons Act 2006 excludes the right to apply when a prescribed event, known as a 'trigger event', has occurred within the planning system in relation to that land.
13. At any time when the right to apply is excluded in respect of land, a commons registration authority cannot accept any application to register that land as a green. The right to apply remains excluded until and if a corresponding 'terminating event' occurs in respect of the land.
14. The trigger and terminating events are set out in Schedule 1A to the 2006 Act, which is inserted by section 16 of, and Schedule 4 to, the Growth and Infrastructure Act 2013. A copy of Schedule 1A can be found in Annex C of this guidance.

What is a trigger event?

15. Trigger events are events related to the development of land which occur within the planning system. Where any such event has occurred in relation to land, the right to make an application for registration of that land as a town or village green is excluded.
16. The full list of trigger events is set out in the first column in Schedule 1A to the Commons Act 2006. Some examples of trigger events include:
 - the first publication of an application for planning permission for the land, which will include circumstances where planning permission is subsequently granted
 - the publication by the local planning authority of a draft local plan or neighbourhood plan² proposal which identifies the land for potential development;
 - the adoption or making by the local planning authority of a local plan or neighbourhood plan which identifies the land for potential development;

² Schedule 1A to the 2006 Act refers to a 'development plan document' and 'neighbourhood development plan' but they are generally referred to as 'local plans' or 'neighbourhood plans'.

- a proposed application for development consent under the Nationally Significant Infrastructure project regime is first publicised by the applicant; and
- an application for development consent under the Nationally Significant Infrastructure project regime which has been accepted by the Secretary of State (in practice the Planning Inspectorate) is first publicised by the applicant.

17. There are nine trigger events in Schedule 1A each of which relates to a specific planning mechanism. For each trigger event, there are a number of corresponding terminating events specified in Schedule 1A (see next question below). The local planning authority (or authorities) and the Planning Inspectorate, as appropriate, will have information as to whether a trigger event or terminating event has occurred in relation to the land.

18. Note that there are no trigger events in relation to permitted development rights. Therefore the exclusion will not apply to land on which permitted development has taken place, unless a trigger event has occurred in relation to that land for another reason.

19. If a trigger event has occurred on land then the right to apply to register it as a green is excluded. Therefore a commons registration authority cannot accept any application to register that land as a town or village green. This rule applies even where a trigger event occurred prior to the commencement of section 15C.

20. The legislation allows new trigger events to be added through secondary legislation, as well as existing trigger events to be amended or omitted.

What is a terminating event?

21. Every trigger event has corresponding “terminating events”. Where the right to apply has been excluded because a trigger event has occurred, if one of the corresponding terminating events occurs this will mean that the right to apply again becomes exercisable. From that point it will be possible to apply to register land as a town or village green. As with trigger events, this rule applies even where a terminating event occurred prior to the commencement of section 15C. Note the position may be more complex where more than one trigger event has occurred in relation to the land (see paragraph 52 below).

22. Terminating events are set out in the second column of Schedule 1A to the Commons Act 2006. For example, the corresponding terminating events for the publication of an application for planning permission in relation to land are: (a) withdrawal of the planning application; (b) a decision to decline to determine the planning application is made under section 70A of the Town and Country Planning Act 1990; (c) where permission is refused, all means of challenging the refusal in

the UK are exhausted and the decision to refuse planning permission is upheld (or the time limit for an appeal expires without such an appeal being made); and (d) where the planning application is granted, the period within which the development to which that permission relates expires without the development having been begun.

23. The legislation allows new terminating events to be added through secondary legislation, as well as existing terminating events to be amended or omitted.

Who is affected by the change?

24. Both commons registration authorities and prospective applicants are directly affected. The key question for both parties is whether the right to apply has been excluded in relation to the relevant land.

25. Commons registration authorities cannot consider an application where the right to apply has been excluded for that land. Therefore the commons registration authority will need to determine whether the right to apply has been excluded or not, even where an applicant is not aware of any exclusion.

26. Where the commons registration authority knows that an application is imminent, but that the right to apply has been excluded in respect of that land, it may wish to advise the would-be applicant that the right to apply has been excluded. It will need to be certain that the right is not exercisable if it elects to do this, but this could prevent wasted effort on the part of the applicant.

27. There will be cases where would-be applicants may not be aware of the exclusion and submit an application without prior discussion with the commons registration authority. Even so, if the right has been excluded for that land then the commons registration authority must refuse to consider the application.

28. When determining whether an application under section 15(1) may be made within the period of grace allowed by section 15(3)(c), i.e. where recreational use of the land as of right has ceased, any period during which the right to apply is excluded is to be disregarded. In other words, any period of grace would pause when a trigger event occurs, and if a corresponding terminating event subsequently occurred, then the period of grace would start running from where it left off.

29. For example, a trigger event occurs in relation to land at a time when six months of the grace period remains. If a corresponding terminating event occurs on that land, then the period during which the right to apply was excluded will be disregarded and there would be a further six months during which an application for registration of land as a green could be made.

30. To a lesser extent local planning authorities and the Planning Inspectorate are also affected by the legislative change, because as overseers of the planning system, they will hold information on whether a trigger or terminating event has occurred in

relation to land. The commons registration authority relies on local planning authorities and the Planning Inspectorate providing confirmation of whether trigger or terminating events have occurred in relation to land.

How will I (the commons registration officer³) know if the right to apply is excluded?

31. On receipt of an application, you will need to write to:

- each local planning authority for the land to which the application relates; and
- the Planning Inspectorate,

for written confirmation of whether any trigger or terminating events have occurred in relation to the land, and the details of any such events. They will need to know what land is affected so you will need to provide them with a copy of a map of the land. Those confirmations will enable you to decide whether the right to apply under section 15(1) of the 2006 Act has been excluded.

32. An example letter is provided at Annex A, which given the technical complexity of trigger and terminating events, and that such events are overseen by planning authorities and the Planning Inspectorate, you are strongly advised to use.

33. If a trigger event has occurred but a corresponding terminating event has not, then the right to apply is excluded, in which case you must refuse to accept an application.

34. It must be stressed that although a trigger event may have occurred in relation to land, a corresponding terminating event also could have occurred, meaning that the right to apply is again exercisable. If confirmation of whether a corresponding terminating event has occurred is not sought then you cannot know for certain that the right to apply is excluded. Note the position may be complex where more than one trigger event has occurred in relation to the land (see paragraph 52).

35. Each relevant local planning authority and the Planning Inspectorate will need to know the exact location and extent of the land, so a copy of the application map should be enclosed with your letter. If a relevant trigger event and/or a corresponding terminating event has occurred, the letter asks them to return your map (or provide their own) and clearly show the land on which the event(s) occurred. This will be important in cases where only part of the land in question is subject to a trigger or terminating event, or where a mixture of scenarios apply to

³ In the remainder of this guidance, references to 'I' and 'you' mean the relevant commons registration officer or person carrying out that function.

different portions of the land, e.g. a trigger event applies to a small portion of the land but the remainder is not subject to a trigger event.

36. If confirmation is received from a local planning authority or the Planning Inspectorate that a trigger event has occurred (but no corresponding terminating event has occurred) in relation to the land, the right to apply is excluded and the applicant should be informed that the application cannot be accepted unless and until a corresponding terminating event occurs.

37. You can consider an application as normal where either:

(a) no trigger event has occurred; or

(b) a trigger event has occurred but a corresponding terminating event has also occurred in relation to the land, which has therefore caused the exclusion of the right to apply to lift.

Don't I need to formally accept an application before checking whether the right to apply is excluded?

38. No, you are advised to seek confirmation on whether the right to apply is excluded in relation to the land prior to formally accepting or acknowledging receipt of an application. This is because if the right is excluded then the application should not be accepted, and this extends to written confirmation of receipt of the application.

39. The rationale for this approach is to avoid time and money being spent advertising and making representations in relation to an application where it subsequently turns out there was no right to apply.

40. However, as a matter of courtesy, you may wish to call the applicant to confirm physical receipt of the documents. In doing so, you should make it clear that this does not constitute formal acceptance or acknowledgement that the application is valid. You can explain that advice from each local planning authority and the Planning Inspectorate is needed before your authority can reach a view on whether or not to accept the application.

Which is the relevant planning authority?

41. You will need to contact each local planning authority which has responsibility for the land in question, and also the Planning Inspectorate. There could be more than one local planning authority which exercises functions in relation to the land in question. The basic position is as follows:

- within Greater London the London borough council will be the local planning authority;

- in metropolitan areas outside London the local planning authority will be the metropolitan district council;
- in non-metropolitan areas, the local planning authority functions will be shared by the district council and county council or held by a unitary authority; and
- certain other bodies, for example National Park authorities, the Broads Authority, and Mayoral Development Corporations will also exercise local planning authority functions in respect of land in their areas.

42. In areas where there are more than one local planning authorities with responsibility for the land (e.g. county and district councils), you will need to contact each of these, plus the Planning Inspectorate.

43. If the land in question crosses the boundary of several planning authorities then, as they will each be responsible for their portion of the land, each should be contacted to confirm whether a trigger event or corresponding terminating event has occurred in relation to its portion.

44. Where responsibility for town and village green registration and planning functions are housed in the same authority, in unitary authorities for example, you are still advised to seek written confirmation as to whether trigger or terminating events have occurred from your planning department. In such cases, you will still need to write to any other local planning authority with responsibility for part of the land, and to the Planning Inspectorate.

45. The Planning Inspectorate has responsibilities for certain trigger events. For example this is the case where planning permission has been refused by the local planning authority, but the matter is referred on appeal to the Planning Inspectorate. The Planning Inspectorate also deals with applications for development consent under the Nationally Significant Infrastructure project regime on behalf of the Secretary of State. This is why the Planning Inspectorate must always be contacted when determining whether a trigger or terminating event has occurred.

46. The Planning Inspectorate can be contacted at:

The Planning Inspectorate
 Customer Support Team
 Room 3/13 Kite Wing
 Temple Quay House
 2 The Square
 Temple Quay
 Bristol
 BS1 6PN

Email: enquiries@pins.gsi.gov.uk

Telephone: 0303 444 500

What if the exclusion applies to only part of the land?

47. For the portion of land not subject to the exclusion, the application should proceed as usual. This is consistent with how commons registration authorities already deal with applications which can only be approved in part. But for the portion of land on which the right to apply has been excluded then the applicant should be informed that that portion of the land cannot be considered for registration as a new green.

What happens where no trigger event has occurred on the land?

48. The application should proceed to determination as normal.

What happens where an application is submitted just before a trigger event occurs?

49. If the application is made before the trigger event has occurred then it should be considered in the usual way.

What happens where the period of grace commenced before both a trigger event and its corresponding terminating event occurred?

50. The trigger event causes the period of grace to pause. But when the terminating event occurs and the right to apply is again exercisable then the period of grace picks up where it left off. See the example at paragraph 29.

What happens where a trigger event and its corresponding terminating event has occurred on the land?

51. Then the right to apply is again exercisable and the commons registration authority can accept an application for consideration as normal. Note this assumes that only one trigger event has taken place in relation to the land.

What happens where more than one trigger event has occurred on the land?

52. Where more than one trigger event has occurred, the right to apply will be excluded if and until a corresponding terminating event has occurred in relation to each trigger event.

What happens where a trigger event occurred on land prior to the commencement of the new legislation?

53. The right to apply is excluded in relation to that land. It does not matter how long ago a trigger event occurred prior to the commencement of section 15C – if no corresponding terminating event has occurred in respect of land since that trigger event, then the right to apply for registration of a green is not exercisable.

What happens where a local plan was adopted in, say 2009, which has identified the land in question for development?

54. The adoption of that local plan would constitute a trigger event and the right to apply would be excluded unless and until a corresponding terminating event occurs. Where, for example, that plan has been revoked or a policy identifying land for development has been superseded, then either of these would be a terminating event and the right to apply would no longer be excluded.

What happens where a corresponding terminating event occurred on land prior to the commencement of the new legislation?

55. Then the exclusion does not apply as the occurrence of the corresponding terminating event causes the exclusion to lift (assuming no other trigger event has occurred), and an application can be submitted as normal.

What if I receive an application under section 15(8) of the 2006 Act?

56. The change in the law does not affect such applications, so the application should be considered as normal.

Annex A – Template letter to local planning authorities and the Planning Inspectorate seeking their confirmation of trigger and terminating events

I write on behalf of [\[insert name of commons registration authority\]](#) which has received an [\[enquiry or application under section 15\(1\) of the Commons Act 2006 to register\]](#) land at [\[insert description of land\]](#) as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration by the Growth & Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events (“trigger events”) has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the Commons Act 2006. A copy can be read here: [\[insert link to relevant page on legislation.gov.uk\]](#)

Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in the box further below, and return the completed form and any relevant maps to me at the postal or email address above.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior to the change in the law ([insert date](#)), it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not my authority can accept an application for registration of a green. This decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to [\[insert names of planning authority or authorities\]](#) and the Planning Inspectorate. Please notify me if you aware that any other authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by [\[insert date two weeks from the date of the letter\]](#).

I confirm that <u>no trigger or terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred, but no corresponding terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred but a corresponding terminating event has also occurred</u> on the land	
Further information (Please use this box to explain the type and date of the trigger or terminating events.)	
Details of officer completing this form Name: Address: Email: Phone:	

Annex B – Section 15C of the Commons Act 2006 (as inserted by section 16 of the Growth and Infrastructure Act 2013)

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 [Growth and Infrastructure] 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—

(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.”

(2) Schedule 4 (which inserts the new Schedule 1A to the Commons Act 2006) has effect.

(3) In that Act of 2006, in section 59 (orders and regulations)—

(a) after subsection (3) insert—

“(3A) A statutory instrument containing an order under section 15C(5) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”, and

(b) in subsection (4), after “subsection (3)” insert “or (3A)”.

(4) For the purposes of the application of section 15C of the Commons Act 2006 (as inserted by subsection (1) above), it does not matter whether an event specified in the first column of Schedule 1A to that Act occurred before or on or after the commencement of this section.

(5) The amendment made by subsection (1) does not apply in relation to an application under section 15(1) of the Commons Act 2006 which is sent before the day on which this section comes into force.

Annex C - Schedule 1A of the Commons Act 2006 (inserted by section 16(2) of the Growth and Infrastructure Act 2013)

Trigger events	Terminating events
<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.</p> <p>(b) A decision to decline to determine the application is made under section 70A of the 1990 Act.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>	<p>(a) The document is revoked under section 25 of the 2004 Act.</p> <p>(b) A policy contained in the document which</p>

Act.	relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of that Act.
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>(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> <p>(b) The plan is made under section 38A of that Act (but see paragraph 6 of this Table).</p>
6. A neighbourhood development plan which identifies the land for potential development is made under section 38A of the 2004 Act.	<p>(a) The plan ceases to have effect.</p> <p>(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).</p> <p>(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 that Act.</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 14 of the Growth and Infrastructure Act 2013 and identifies the land for potential development.	The plan ceases to have effect by virtue of paragraph 1 of Schedule 8 to the 2004 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.	<p>(a) The period of two years beginning with the day of publication expires.</p> <p>(b) The application is publicised under section 56(7) of the 2008 Act (but see paragraph 9 of this Table).</p>
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.	<p>(a) The application is withdrawn.</p> <p>(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.</p> <p>(c) In circumstances where an order granting development consent in relation to the land is made, the period within which the development</p>

to which the consent relates must be begun expires without the development having been begun.

Interpretation

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; and

“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.