Draft Order laid before Parliament under section 59(3A) the Commons Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

COMMONS, ENGLAND

The Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2013

Made - - - - ***

Coming into force in accordance with article 1

A draft of this Order has been laid before and approved by Parliament in accordance with section 59(3A) of the Commons Act 2006(**1**).

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 15C(5)(a) and (7) and 59(1) of the Commons Act 2006(**2**), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2013 and shall come into force on the day after the day on which this Order is made.

(2) The Order applies in relation to England only.

Interpretation

2. In this Order, "the 2006 Act" means the Commons Act 2006.

Amendment of Schedule 1A (Exclusion of right under section 15) to the Commons Act 2006

3.—(1) Schedule 1A(**3**) to the 2006 Act is amended as follows.

(2) In the second column of the Table, in the entry corresponding to the trigger event set out in paragraph 3, after paragraph (b) insert—

"(c) The period of two years beginning with the day on which the document is published for consultation expires."

(**1**) 2006 c. 26. Section 59(3A) was inserted by section 16(3) of the Growth and Infrastructure Act 2013 (c. 27).
(**2**) Section 15C was inserted by section 16(1) of the Growth and Infrastructure Act 2013.
(**3**) Schedule 1A was inserted by section 16(1) and (2) of, and Schedule 4 to, the Growth and Infrastructure Act 2013.

(3) In the second column of the Table, in the entry corresponding to the trigger event set out in paragraph 5, after paragraph (b) insert—

"(c) The period of two years beginning with the day on which the proposal is published for consultation expires."

(4) After paragraph 7 insert—

"7A. A draft of a local development order under section 61A(2)(**4**) of the 1990 Act which would grant permission for operational development of the land is first published for consultation in accordance with provision included (by virtue of paragraph 1 of Schedule 4A to that Act(**5**)) in a development order made under section 59 of that Act.	(a) (b) (c)	The draft is withdrawn. The order is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act) (but see paragraph 7B of this Table). The period of two years beginning with the day on which the draft is published for consultation expires.
7B. A local development order which grants permission for operational development of the land is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act).	(a) (b) (c) (d)	Where the order includes (by virtue of section 61C(1) of the 1990 Act(**6**)) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes. The order is revoked under section 61A(6) or 61B(8)(a) of that Act(**7**). A revision of the order prepared under paragraph 2 of Schedule 4A to that Act(**8**) which provides that operational development of the land is no longer permitted is adopted. A direction is given under provision included in the order by virtue of section 61C(2) of that Act specifying that the permission granted by the order does not apply in relation to the land
7C. A draft of a neighbourhood development order which would grant permission for operational development of the land is first published for consultation by a local planning authority in accordance with regulations made under paragraph 4(1) of Schedule 4B to the 1990 Act(**9**).	(a) (b)	The draft is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act or treated as so withdrawn by virtue of paragraph 2(2) of that Schedule. The order is made under section 61E(4) of that Act(**10**) (but see paragraph 7D of this Table).

(**4**) Section 61A was inserted by section 40 of the Planning and Compulsory Purchase Act 2004 (c. 5).
(**5**) Schedule 4A was inserted by section 40 of, and Schedule 1 to, the Planning and Compulsory Purchase Act 2004.
(**6**) Section 61C was inserted by section 40 of the Planning and Compulsory Purchase Act 2004.
(**7**) Section 61B was inserted by section 40 of the Planning and Compulsory Purchase Act 2004.
(**8**) Paragraph 2 of Schedule 4A was amended by sections 188 and 238 of, and Schedule 13 to, the Planning Act 2008 (c. 29).
(**9**) Schedule 4B was inserted by section 116 of, and Schedule 10 to, the Localism Act 2011 (c. 20).
(**10**) Section 61E was inserted by section 116 of, and paragraphs 1 and 2 of Schedule 9 to, the Localism Act 2011.