



Department for
Communities and
Local Government

Registration of new town or village greens: Proposed amendments to Schedule 1A (Exclusion of Right under section 15) to the Commons Act 2006

Impact assessment

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Title: Registration of new town or village greens – Proposed amendments to Schedule 1A (Exclusion of Right under section 15) to the Commons Act 2006

IA No:

Lead department or agency: Department for Communities and Local Government

Other departments or agencies: Department for Environment, Food and Rural Affairs

Impact Assessment

Date: 04/12/2013

Stage: Validation

Source of intervention: Domestic

Type of measure: Secondary Legislation

Contact for enquiries: Thomas Selley
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Summary: Intervention and Options

RPC Opinion: Green

Cost of Preferred (or more likely) Option

Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as
£0	£0	£0	Yes	Zero net cost

What is the problem under consideration? Why is government intervention necessary?

Overlapping consent regimes create delay, complexity and cost for business. Many applications for town or village green registration are reactive to development proposals and cut across development that is planned, under consideration, or has received planning permission. The Growth and Infrastructure Act 2013 amended the Commons Act 2006 by restricting the right to apply for town or village green registration where decisions on whether development should proceed have been, or are being, taken in the planning system. The further amendments, that are the subject of these regulations, are intended to refine the system and extend the provisions to protect development proposed or permitted under Local Development Orders, Neighbourhood Development Orders, and Transport and Works Act Orders.

What are the policy objectives and the intended effects?

- To add new terminating events to the provisions already introduced for local and neighbourhood plan preparation, to ensure that the exclusion of the right to apply for town or village green registration does not remain in place where development is no longer proposed in a plan.
- To set additional trigger and terminating events in order to protect development proposed or permitted by virtue of three matters not included in Schedule 1A of the Commons Act 2006, namely in relation to Local Development Orders, Neighbourhood Development Orders and orders under the Transport & Works Act 1992.
- To support Government reforms to remove an overlapping consent process and allow decisions to be taken through the democratically accountable planning system.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

1) Do nothing. Maintain the trigger and terminating events for town and village green applications introduced as part of the Growth and Infrastructure Act 2013 without adding any additional trigger and terminating events.

2) Option 1 (Preferred Option)

–Add additional terminating events to Schedule 1A to cover some of the less frequently occurring situations that can arise in the preparation of local and neighbourhood plans.

–Add additional trigger and terminating events to Schedule 1A in order to protect development proposed or permitted by virtue of three matters not already included in Schedule 1A, namely in relation to Local Development Orders, Neighbourhood Development Orders and orders under the Transport & Works Act 1992.

The Government has chosen to seek Parliamentary approval for the second option further to the intentions indicated during the Parliamentary stages of the Growth and Infrastructure Act 2013.

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base. Yes - All	Micro	< 20	Small	Medium	Large
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: NA		Non-traded: N/A

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____

Date: _____

Summary: Analysis & Evidence Policy Option 1

Description: – Add additional terminating events to Schedule 1A of the Commons Act 2006 to cover some of the less frequently occurring situations that can arise in the preparation of local and neighbourhood plans.

-Add additional trigger and terminating events to Schedule 1A in order to protect development proposed or permitted by virtue of three matters not already included in Schedule 1A, namely in relation to Local Development Orders, Neighbourhood Development Orders and orders under the Transport & Works Act 1992.

FULL ECONOMIC ASSESSMENT

Price Base Year 2013	PV Base Year 2013	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	0
High	0	0	0
Best Estimate	0	0	0

Description and scale of key costs by 'main affected groups'

There may be small additional costs to Commons Registration Authorities, local planning authorities and the Planning Inspectorate arising from increased administrative costs in town and village green applications because of the need to consider the additional trigger and terminating points. However we estimate that these costs will be minimal and they should be outweighed by a reduction in the number of town and village green applications being submitted.

Opportunities for communities or individuals to apply to register town or village greens are reduced by the new trigger points. However this is consistent with the intentions of the reforms to the registration process to reduce the potential for applications to impact on development proposals under consideration in the planning system.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0
High	0	0	0
Best Estimate	0	0	0

Description and scale of key benefits by 'main affected groups'

The introduction of the additional trigger and terminating events will build on the benefits from the town and village green reforms included in the Growth and Infrastructure Act 2013. The additional trigger events will reduce the number of town and village green applications which are reactive to plans to develop land. This will reduce costs to landowners and developers of having to oppose applications, and the delays caused by those applications. The reduced number of applications will also provide a benefit to registration authorities by reducing processing costs.

There will also be a benefit to local communities of land being developed in accordance with planning permission or development plan allocation, that otherwise would have remained undeveloped due to a town or village green registration. In addition to this the additional proposals outlined here will create another benefit by removing the restriction on applications for town or village green registration that would have otherwise remained exempt under the town or village green reforms in the Growth and Infrastructure Act 2013.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
Local Development Orders and Transport and Works Act Orders are infrequently used, but important procedures for granting planning permission. Neighbourhood Development Orders are a new procedure, and no orders have been made to date, preventing us from monetising the effects. A majority of respondents to the consultation support the extension of protection for development proposed or permitted under these procedures. This supports the policy objective that decisions on the use of land should be taken through the planning system and related consent regimes. We will mitigate the risks by keeping the reforms under review.		

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0	Yes	Zero Net Cost
Benefits: 0		
Net: 0		

Problem under consideration

In the past, a substantial number of applications to register land as a town or village green, which are currently free to applicants, have delayed development and resulted in large costs to other parties. Where applications affected development proposals, the town or village green registration system could undermine the democratically accountable planning process by preventing or delaying development that was needed or supported by the wider community. Many applications failed but nevertheless incurred long delays, uncertainty and costs to local authorities and business (landowners and developers).

The Growth and Infrastructure Act 2013 has reformed the system for making applications to register land as a new town or village green, to help stop the misuse of such applications that undermine planned development, whilst protecting its use to safeguard cherished community spaces and ensure the protection of genuine town and village greens. Section 16 is particularly important for landowners, developers and other users of the planning system. This inserts a new section 15C and Schedule 1A into the Commons Act 2006. The effect is that the right to apply to register land as a new town or village green is excluded where a 'trigger' event in Schedule 1A related to the development of the land occurs, and becomes exercisable again if a corresponding 'terminating' event occurs.

These new provisions stop applications to register land as a town or village green cutting across decisions on development made through the planning system. To achieve this, section 16 now prevents town or village green applications where certain trigger events occur, for example:

- where a planning application has been publicised;
- where an application for development consent under the Nationally Significant Infrastructure Project regime is publicised;
- where land is identified for potential development in local and neighbourhood plans which have been published for consultation

The prevention of town or village green applications after these trigger events means that local communities are able to promote, support or object to development in their areas through plan making and the determination of planning applications and development consent orders; as well as removing uncertainty for business through the planning process. The right to make a town or village green application resumes when specified terminating events have been reached. The intention is that where there is no proposal for development on the land in question, or when a development proposal has been considered, rejected and the right to appeal has run its course, then an application to register the land as a town or village green can be considered in the normal way.

The list of trigger and terminating events in Schedule 1A was constructed to encompass only the main planning processes that were included in Defra's 2011 consultation on proposed reforms to the system for making town or village green applications. New section 15C(5) of the Commons Act 2006 gives the Secretary of State power, subject to a resolution of each House of Parliament, to amend Schedule 1A including by adding new trigger and terminating events. During the Parliamentary stages of the Growth and Infrastructure Bill, the Government announced its intention to include some additional trigger and terminating events in Schedule 1A.

Evidence submitted during the passage of the Growth and Infrastructure Bill through Parliament underlined the need for additional terminating events to ensure that all outcomes in plan-making are covered and that we avoid the situation where the exclusion on town or village green applications fails to lift even where there was no longer an active development proposal, which

would be contrary to our policy. Consequently Ministers announced their intention to consult on laying a draft order to add new terminating events in order to deal with this issue.

Additional trigger and terminating events were also consulted on in order to protect development proposed or permitted by virtue of three matters not already included in Schedule 1A, namely in relation to Local Development Orders, Neighbourhood Development Orders and orders under the Transport & Works Act 1992.

The additional proposals consulted on are part of the Government's reforms to remove an overlapping consent process and allow decisions on the use of land to be taken through the planning system. These proposals do not affect town or village greens that are already registered.

What are the policy objectives and the intended effects?

The policy objectives of the proposed amendments to Schedule 1A (Exclusion of Right under section 15) to the Commons Act 2006 are:

- To add new terminating events to the provisions already introduced for local and neighbourhood plan preparation, to ensure that the exclusion of the right to apply for town or village green registration does not remain in place where development is no longer proposed in a plan.
- To set additional trigger and terminating events in order to protect development proposed or permitted by virtue of three matters not included in Schedule 1A of the Commons Act 2006, namely in relation to Local Development Orders, Neighbourhood Development Orders and orders under the Transport & Works Act 1992.
- To support Government reforms to remove an overlapping consent process and allow decisions to be taken through the democratically accountable planning system.

Policy Options

1) Option 1 (Do Nothing)

Maintain the trigger and terminating events for town and village green applications introduced as part of the Growth and Infrastructure Act 2013 without adding the any additional trigger and terminating events.

2) Option 2 (Preferred Option)

-Set additional terminating events to cover some of the less frequently occurring situations that can arise in the preparation of local and neighbourhood plans.

-Set additional trigger and terminating events in order to protect development proposed or permitted by virtue of three matters not already included in Schedule 1A, namely in relation to Local Development Orders, Neighbourhood Development Orders and orders under the Transport & Works Act 1992.

To ensure all outcomes in plan-making are covered and to avoid the situation where the exclusion on town or village applications remains in place, even where land is no longer identified for potential development, the Government has chosen to seek Parliamentary approval for the second option.

Consultation Response

We received responses from 37 organisations, including local authorities, developers, the Law Society, Local Government Association, Open Spaces Society and Royal Town Planning Institute. A summary of responses is included at Table 1. In general most respondents supported the proposals and no major concerns were raised. Proposals where there was a more even split of responses related to:

Q2 – Is 2 years an appropriate new terminating event from when a draft local plan is published for consultation?

Opposing views were expressed on the proposed 2 year time period for the additional terminating event for local and neighbourhood plans. Some respondents consider that 2 years is too short a period, whereas other respondents considered that 2 years is too long a period. From the evidence we have on timings for plan preparation, 2 years appears to be a reasonable time period in which to expect the completion of a Local Plan. In particular, setting a longer period would pull against our work with local authorities to get plans in place quickly. However, this is a matter that will be kept under review.

Q9 - Are the proposed trigger and terminating events appropriate for Neighbourhood Development Orders?

No neighbourhood development orders have been made to date, so none of the responses relate to actual experience. We proposed a simple and consistent catch all time period for all orders that we consider will provide sufficient time for the relevant procedures to be completed and orders made. Although some respondents question whether 2 years is long enough, there is no evidence to justify a longer period. This is a matter that will be kept under review as such orders are made.

In response to other questions, some respondents considered that the trigger events as set out in the Act should be set earlier to avoid a spoiling application to register land as a green (e.g. to cover consultation with a community, or request for a screening opinion under the Environmental Assessment Directive, before an application is submitted, or at the initial community engagement stage of plan-making process). These trigger events were not part of the consultation as Parliament only legislated on them earlier this year. We think the trigger events are proportionate and the risk with setting them earlier in the planning process is that the right to register an application for a town or village green could be stopped for a lengthy and indeterminate period which would be difficult to justify. Therefore we currently see no justification for moving the trigger events to earlier in the planning process.

Table 1 – Summary of Consultation Responses

Question	Response		
	Yes	No	Neither
1. Do you agree with a new terminating event of 2 years from when a draft local plan is published for consultation?	27	7	2
2. If yes, is 2 years appropriate? If not what different period would you suggest?	14	13	9
3. Do you agree with a new terminating event of 2 years from when a draft neighbourhood plan is published for consultation?	28	4	4
4. If yes, is 2 years appropriate? If not what different period would you suggest?	19	9	8
5. Do you agree that protection from town or vaillage green applications should be extended to local development orders?	28	6	2
6. If yes, do you agree that the proposed trigger and terminating events are appropriate?	22	8	6
7. Do you agree that where development has started but not completed at a time when permission under an local development order is withdrawn, but permission to complete the development remains in place, the terminating event should not be treated as having occurred?	27	6	3
8. Do you agree that protection from town or village green applications should be extended to neighbourhood development orders?	27	7	2
9. If yes, do you agree that the proposed trigger and terminating events are appropriate?	15	13	8
10. Do you agree that where development has started but not completed at a time when permission under an neighbourhood development order is withdrawn, but permission to complete the development remains in place, the terminating event should not be treated as having occurred?	26	7	3
11. Do you agree that protection from town or village green applications should be extended to Transport and Works Act Orders which include a request for deemed planning permission?	21	8	7
12. If yes, do you agree that the proposed trigger and terminating events are appropriate?	22	2	12
13. Can you provide any evidence or insights on the likely impact of the proposals outlined in this document?	16	17	3
Other responses – 3 covering various matters			

Summary of Costs and Benefits

The reforms to the town and village green application process proposed in this policy are intended to build on the reforms included in the Growth and Infrastructure Act 2013. Therefore in order to consider the costs and benefits to business, we have considered the costs and benefits from the previous reforms, whether those costs and benefits will be furthered through this policy as well as any new costs and benefits created from this policy. The magnitude of costs and benefits will depend significantly on the volume of applications and specifically the extent to which these additional reforms prevent or delay development.

Defra's September 2012 Impact Assessment¹ for the initial town or village green application reforms as part of the Growth and Infrastructure Act 2013 referenced a 2009 study of a sample of successful and unsuccessful town or village green applications². The study considered it seemingly problematic that two parallel systems (the town and village green registration system and the town and country planning system) existed with minimal communication between them. The study found that 40% of surveyed sites were associated with planning applications to develop the site. Although the study could not conclusively prove the reason for each town or village green application being made, a separate study conducted by the Association of Commons Registration Authorities (of England and Wales) of 129 town or village green applications submitted between 2003 and 2008 concluded that:

“Large numbers of applications for the registration of new town and village greens have been made, most of which are stimulated following announcements of proposed development of the land in question. However it would be erroneous to consider that all such applications are spurious, vexatious or used as delaying tactics.”

Defra's Impact Assessment for the initial town or village green application reforms as part of the Growth and Infrastructure Act provided some information about how town and village green applications have impacted development and the costs associated with this. Included in the Impact Assessment was the following table which shows some examples of the costs of legal representation and the various costs due to delays. The information is taken from the associated consultation for that Impact Assessment.

¹ Reforms to the town and village green registration system <http://www.parliament.uk/documents/impact-assessments/IA12-037.pdf>

² CCRI and Asken Ltd for Defra, *Study of determined town and village green applications* (2009). <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=16581>

Table 2 –Costs incurred by developers and landowners due to delay

Site Name		Length of Delay (years)	Estimated costs
Housing Associations			
Hastoe Housing	Marsh Gibbon	2.5	£85,000
Eden Housing Association	Lark Lane, Devon	2	£10,000
Arcadia Housing	Smart's Green, S Glos	2	£70,000
Orwell Housing	Flowton Road, Somersham	2	£70,000
Housing Plus	Silverdene, Penkridge	2	N/K
Home Group	Pontefract, Wakefield	2	£10,000
Sainsbury	Mildenhall	1	£70,000
Joseph Rowntree Housing Trust	Derwent Thorpe, York		
North Norfolk District Council	Holt, North Norfolk	2	£10,000
Impact Housing	South Lakeland	3	£17,500
First Wessex	Gosport	2	£5,000
Other landowner/developer			
n/k	Chickenley Heath, Kirklees	n/k	£45,000
Ecclesbourne School	School Playing Field, Duffield, Derbyshire	n/k	£100,000
Malvern St James School	No application: money spent trying to prevent one	n/k	£5,000
n/k	Ellcliffe Quarries, Allerton, Bradford	n/k	£60,000
n/k	Ashton Vale, Bristol	n/k	£500,000
Kitewood Estates	Crowborough, East Sussex	n/k	£50,000
Kitewood Estates		n/k	£60,000
Bloor Homes	Groby, Leicester	n/k	£72,000
Annington Properties Ltd	Whitby	n/k	£180,000
(Name withheld)	Midlands	n/k	£100,000
The Robsons	Dark Lane, Calverton	n/k	£850

The table demonstrates the variety of different types of landowners and developers impacted by town and village green applications. It also shows delays ranging from 1 to 3 years with estimated costs of between £850 and £500,000. This range makes it difficult to accurately monetise the benefits to developers that these further reforms might make.

Defra's Impact Assessment also includes the following table, again created from examples in the associated consultation. The table details some examples of the high costs that Commons Registration Authorities, who are responsible for maintaining town and village green registers, can incur in determining or opposing contentious applications.

Table 3 – Commons Regulation Authorities application processing costs

Local Authority	Site	Success	Cost (£)
Kirklees	Chickenley Heath	n/k	21,134
Derbyshire	n/k	n/k	13,000
Derbyshire	n/k	n/k	20,000
Bristol	Whitchurch	n/k	105,000
Bristol	Filwood Park	n/k	31-38,000
Poole	Castle Park	n/k	60,000
Norfolk	Branksome	n/k	75,000
Norfolk	Wells-next-the-Sea Tug Boat Yard/Favor Parker Quay	Partly	17,000
Norfolk	Hunstanton Upper and Lower Greens	Rejected	7,000
Norfolk	Aylsham Land at 'The Mill'	Rejected	21,000
Norfolk	Melton Constable 'Green' Grove Rd	Rejected	30,000
Norfolk	Worstead, Briggate Mill	Rejected	24,000

The table shows a significant cost range of between £7,000 and £105,000. This again makes it extremely difficult to define any consistent cost to Commons Registration Authorities per contentious application.

In addition to wide ranging information on the cost to developers and Commons Registration Authorities, the current volume of Local Development Orders, Neighbourhood Development Orders and Transport and Works Act Orders is very low.

Between 14 March 2011 – 1 November 2013, the Secretary of State has been informed of fifty nine Local Development Orders. There is no data on the numbers prepared before March 2011, since their introduction in 2004, but indications are that take up was very low until enterprise zones were established.

To date there have been no Neighbourhood Development Orders made since their introduction as part of the Localism Act in 2011. As of 1 November 2013, sixteen are being brought forward, but there is no predicted data for how many there might be in the future.

Data from the Department for Transport indicates that in 2011, six Transport and Works Act Orders were made, in 2012 nine orders were made and in 2013 eight orders have been made, as of 1 November 2013

Taking into account the wide ranging costs to developers and Commons Registration Authorities and the low volumes of Orders impacted by these additional reforms, we cannot accurately monetise the benefits to business. The previous changes in the Growth and Infrastructure Act 2013 were estimated to give a 30% to 50% range for the reduction in town or village green applications from the reforms. These additional measures will provide a marginal increase that will depend on the bespoke nature of individual schemes and registration applications.

Cost to Commons Registration Authorities, Local Planning Authorities and the Planning Inspectorate – Potential Increased Administrative Costs

The introduction of additional trigger and terminating events means that these issues will need to be considered by Commons Registration Authorities, who have responsibility for processing town and village green applications. The Commons Registration Authorities will, where necessary, consult relevant local planning authorities and the Planning Inspectorate, in respect of whether any of the new trigger or terminating events have occurred, to determine if land is eligible for a town or village green application. This is likely to create a small additional administrative cost for the authorities involved and the Planning Inspectorate, but we estimate that these costs will be minimal and no greater than assessed for the original exclusions introduced in the Growth and Infrastructure Act 2013. They should also be outweighed by the cost benefits from the expected reduction in town and village green applications.

Cost to those wanting to register land as a town or village green – Reduced opportunity

The additional trigger events in respect of Local Development Orders, Neighbourhood Development Orders and Orders under the Transport and Works Act included in these reforms will reduce the opportunity for those wanting to make a town or village green application. Land will be excluded from town or village green applications that otherwise would have remained eligible under the initial reforms as part of the Growth and Infrastructure Act 2013.

This in turn will create a non-monetised cost to local communities and users of recreational space that may now be lost to development as a result of the additional trigger events. However all planning applications made in relation to land that may previously have been blocked due to a town or village green application will still be assessed on their individual merits by the local planning authority. In addition to this, local planning authorities and communities will have ability to designate land as Local Green Space as set out in paragraphs 76 to 78 of the National Planning Policy Framework as part of their development plan preparation. This will enable communities to achieve special protection for green areas of particular importance to them, where such areas are identified through local and neighbourhood plan preparation and are consistent with the local planning of sustainable development.

If no orders come forward in respect of land, then the current system for applying for town or village green registration will apply in the normal way. The proposals do not affect town or village greens that are already registered.

Benefit to developers and landowners – Reduced holding costs

The main benefit of this policy will be from the savings to landowners and developers based on reduced delay (reduced holding costs) and being able to bring forward development more quickly. It should also reduce the need for developers to consider insurance against a town or village green application and increase investor confidence. Micro businesses are in scope of the proposals as this is a deregulatory measure that will benefit them, in the same manner that it will benefit all developers and landowners. Table 2 gives a good indication of the range of costs that have been incurred by developers and landowners as a result of town or village green applications. The Validation Impact Assessments for Clause 1³ and Section 26⁴ for the Growth and Infrastructure Act, both recently validated by the Regulatory Policy Committee, set out both the significant benefit associated with bringing development forward more quickly but also the uncertainty around the value for individual schemes.

Benefit to developers and landowners – Additional trigger events providing increased protection

This policy will create further savings to developers by introducing new trigger events in respect of Local Development Orders, Neighbourhood Development Orders and Orders under the Transport and Works Act 1992. The right to apply for a town or village green registration will be excluded when any of the trigger events occurs and become exercisable again only if any of the corresponding terminating events occurs. This will reduce the opportunity for submitting applications to frustrate development.

Extending protections to Local Development Orders, Neighbourhood Development Orders and Transport and Works Act Orders will ensure development across the entire planning system is not prohibited by town or village green applications.

Benefits to Commons Registration Authorities – Avoiding contentious or opposing applications

The introduction of additional trigger and terminating events will provide a benefit to Commons Registration Authorities. Table 3 shows the high costs that can be incurred by Commons Registration Authorities in processing town and village green applications. These costs will be reduced by the additional trigger and terminating events which will reduce the scope for submitting such applications.

Benefit to town and village green applicants – Additional terminating event

The new terminating events in relation to Local Plans and Neighbourhood Plans introduced as part of this policy will be of benefit to those wanting to submit town or village green applications. Under the reforms introduced as part of the Growth and Infrastructure Act 2013, the trigger event, at which point the right to apply for a town or village green ceases to apply, occurs when a draft plan is published for consultation by the local planning authority. However the corresponding terminating event would only occur if the draft plan was withdrawn; or if the plan is successfully adopted (in the case of a local plan) or made (in the case of a neighbourhood development plan). That could lead to a situation where, for example, a local plan is found to be unsound but not formally withdrawn; or a neighbourhood plan is not supported at a referendum, and the land remains exempt from a town or

³ RPC12-FT-CLG-1563(3) - 'Clause 1: Option to make planning application directly to Secretary of State'

⁴ RPC12-FT-CLG-1600(3) - 'Section 26: Bringing business and commercial projects within Planning Act 2008 regime'

village green application despite no development taking place. The reforms proposed under this policy introduce an additional terminating event two years after the draft plan is published for consultation. This will ensure the land once again becomes eligible for a town or village green application.

Risks

We are aware of the impacts of town and village green applications on development proposed under the main planning process, and these proposals will minimise the risk of impacts on developments proposed under these procedures which grant deemed consent for specified developments. Relatively few orders have been made, and there is little information to enable us to monetise benefits. However, the consultation responses were supportive of the proposals. We will look to mitigate this risk by keeping the reforms under review.

Direct costs and benefits to business calculations (One-In Two-Out methodology)

The measures outlined in this policy are considered precautionary and this reflects the lack of hard existing evidence available. As the town and village green reforms introduced as part of the Growth and Infrastructure Act 2013 have only just come into force, we do not yet have evidence of what effect the new trigger and terminating events have had on business. The London Borough of Lambeth recently found a town or village green application for the undercroft at the South Bank invalid, as it was made after a trigger event had occurred. It is difficult to predict what effect the additional terminating events introduced as part of this policy will have and to accurately monetise any of the associated costs to business.

To date we are unaware of any instances where town and village green applications have been made to try to prevent development permitted by Local Development Orders or Neighbourhood Development Orders. We are aware of one example of a town and village green application being submitted in response to a proposal under the Transport and Works Act Order.

As part of the consultation we did ask if respondents were able to provide any evidence of the likely impact of the proposals. Several respondents provided details of how they thought the proposals might impact business, but not any specific examples with a monetary value. In addition to this, as noted above, Local Development Orders, Neighbourhood Development Orders and Transport and Works Act Orders are very low in number. Taking into account these low numbers and a lack of evidence of town and village green applications prohibiting development in these areas, we cannot accurately monetise the benefits to business.

In summary, Tables 2 and 3 above show that there are significant costs to developers, landowners and Commons Regulation Authorities caused by town or village green applications which were considered to have been submitted to block development. In most cases applicants for large schemes, whether commercial or residential are submitted by businesses with Table 1 showing that costs can range from £10k to £500k and will be highly dependent on the individual application. It is however clear, regulations that introduce trigger points that remove these costs are of benefit to business.

Given the bespoke nature of each application and each registration there is limited data available on projected benefits and the likelihood of applications being affected. As a result this makes the scale of the benefits difficult to quantify. For this reason, consistent with the Better Regulation Manual paragraph 2.2.3 we have not attempted to quantify these savings further and do not include them in the Equivalent Annual Net Cost to Business. Further, the majority of savings for trigger points in town and village green applications were quantified in the Defra impact assessment so no further quantification is attempted here to avoid double counting.