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Welsh Government

Consultation – summary of response

Registration of town and village greens

August 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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- A. List of respondents by category

1. Introduction

- 1.1 The 'Registration of town and village greens' consultation document was launched on 23 October 2017 and was open for responses until 2 February 2018. A total of 7 specific questions were set out in the consultation document, with a standard form provided for ease of response. Comments were also made outside of the standard questions.
- 1.2 This document details a summary of responses to the consultation, the Welsh Government's response and the next steps. It is separated into two further sections.
- 1.3 Section 2 provides an overall statistical summary of the consultation and provides details of how the consultation was conducted.
- 1.4 Section 3 provides a summary of all responses received. This includes:
- A summary of the key findings under each consultation question;
 - A statistical analysis of the views expressed on each consultation question, where statistics could be extracted;
 - A summary and analysis of the key themes generated for each question;
 - The Welsh Government's response to that analysis; and
 - An explanation of what the Welsh Government will do following the response to each question.
- 1.5 In analysing and summarising the response to this consultation, this report will not address the following:
- **Comments which revisit the principles set out in the Planning (Wales) Act 2015:** Comments on this aspect were sought in the 'Positive Planning' consultation paper on the draft Planning Bill for Wales. The Act has been subject to scrutiny and has been passed by the National Assembly for Wales;
 - **Clarifications sought to matters of detail:** It is the intention that, when in force, the new processes will be supplemented by guidance. That guidance will seek to clarify matters of detail raised in this consultation paper;
- Comments on individual cases or decisions before or made by the Welsh Ministers:** Given the statutory role of the Welsh Ministers in the planning process it is not possible for them, or anyone else within the Welsh Government, to comment on a decision to which they are, or

may be party. To do so could prejudice the position of the Welsh Government.

- **Matters outside the scope of the consultation:** Where comments have been made that are relevant to this consultation but were made in relation to matters outside of the scope of the question, efforts have been made to summarise under the correct question. However, comments outside of the remit of this consultation will not be addressed. Those matters include subject areas which are outside the remit of the Commons Act 2006 as well as policy matters which are outside the competence of the Welsh Ministers; and
- **Comments which incorrectly interpret the proposed policy and existing legislation:** Responses have been received which request changes to policy which, in fact, either reflect the intentions set out in the consultation paper or reflect existing legislation which is to be unchanged.

2. Responses

- 2.1 On 23 October 2017 over 200 stakeholders, including individuals and organisations were notified by email of the publication of the consultation paper. These were drawn from the core consultation list held by the Planning Directorate of the Welsh Government. This included all local authorities (which are the Commons Registration Authorities) in Wales, public bodies, special interest groups and other groups. The consultation was made available on the Welsh Government's consultation website.
- 2.2 The consultation generated 22 responses and we are grateful to all those who responded. All the consultation responses have been read and considered as part of this analysis.
- 2.3 A consultation form was provided as an annex to the consultation document and separately on the Welsh Government's consultation website. Respondents were asked to assign themselves to one of six broad respondent categories. Table 1 below shows the breakdown of respondents.

Table 1 – Breakdown of Respondents		
Category	Number	% of total
Business / Planning Consultants	0	0%
Local Authorities (including National Park Authorities)	6	27%
Government Agency / Other Public Sector	5	22%
Professional Bodies / Interest Groups	7	31%
Voluntary Sector	2	10%
Others (other groups not listed)	2	10%
Total	22	

2.4 Consultation questions 1 - 6 posed policy specific questions. The questions required one of the following responses; ‘yes’, ‘yes (subject to further comment)’ or ‘no’. A statistical overview of the responses, showing the nature of the responses to questions is presented as part of the analysis to each question in section 3 of this document. Where respondents did not specify a particular answer, these were considered and recorded as ‘don’t know’.

Table 2: Consultation Questions	
Q1	Do you agree the information required in paragraph 2.4 is appropriate? Should any additional information be included within a statement?
Q2	Do you agree it would be reasonable for a landowner to have their statement signed by a representative of their choosing if they are unable to sign the statement themselves? If not, why not?
Q3	Do you agree commons registration authorities should be able to charge their own fee for the administration and processing of a statement, with the aim of recovering the cost of providing this service? If not, why not?
Q4	Should any further information be contained in the register, in addition to what is proposed in paragraph 2.19?
Q5	Do you agree the register required to be kept and maintained by commons registration authorities should be in both electronic and paper forms? If not, why not?
Q6	Do you agree with our proposals to provide a period of 28 days for landowners (or their appointed representative) to submit any revised information or documentation to remedy a material error? If not, why not?

2.5 A list of respondents and the categories they were assigned to can be found in Annex A of this report. Where respondents have asked for their details to be withheld, they will appear as “Anonymous” under the appropriate category, with the exception of private individuals, all of whom will appear as “Anonymous” in order to comply with the General Data Protection Regulations. An ‘Index of Responses’ and copies of the consultation responses received will be published in their original form (redacted for all individuals, even if not requested) on the Welsh Government’s consultation website alongside this report.

3. Summary of responses

Q1	Do you agree the information required in paragraph 2.4 is appropriate? Should any additional information be included within a statement?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Businesses / Planning Consultants	0	0	0	0	0
B	Local Authorities (including National Park Authorities)	2	4	0	0	6
C	Government Agency/Other Public Sector	2	2	0	1	5
D	Professional Bodies/Interest Groups	1	3	0	3	7
E	Voluntary Sector	0	1	0	1	2
F	Others (other groups not listed)	1	1	0	0	2
Total all respondents		6	11	0	5	22

	Yes/Yes subject to comment	No
Total Respondents indicating a response	17	0
Overall Percentage	100%	0%

Statistical review

- 3.1 Of those respondents who answered either 'Yes', 'Yes (subject to further comment)' or 'No' to the consultation question, all agreed the information contained in paragraph 2.4 of the consultation paper was appropriate. Five respondents submitted their response as 'Don't know'.

Key themes

- 3.2 The key themes in response to question 1 were as follows:
- Agreement and support for the information to be contained in a landowner statement (set out in paragraph 2.4 of the consultation paper); and
 - Suggested additions to the information to be contained in a landowner statement.

Overview

- 3.3 Although respondents agreed the proposed information to be contained in a landowner statement was appropriate, a number of them also suggested additional information which could be included, such as:
- The name and address of the landowner and appointed representative;
 - The email address and telephone number of the landowner(s);
 - Proof of land ownership (i.e. registry title or title deeds);
 - Community in which the land is located;
 - Any local name by which the land is known; and
 - An Ordnance Survey plan.
- 3.4 However, clarification was sought from two respondents regarding whether landowner statements would be combined with existing deposits under section 31(6) of the Highways Act 1980, as is the current process in England.

Welsh Government response

- 3.5 We agree with the majority of suggested additions to the landowner statements relating to information specific to local communities and will seek to ensure this is captured within the landowner statement.
- 3.6 Clarification was also sought on why the Welsh Government has not considered a joint statement containing a landowner statement and deposits under section 31(6) of the Highways Act 1980. This is because the Welsh Ministers do not have the necessary powers to make provision for fees

payable in relation to a joint statement under section 31(6) of the Highways Act 1980 and section 15A of the Commons Act 2006.

- 3.7 Furthermore, because we consider it necessary for Commons Registration Authorities (“CRAs”) to be reimbursed for the work they are required to undertake in processing and advertising statements deposited with them, it would be unreasonable to request CRAs to undertake additional work, for which they would not be able to charge a fee to recover their own costs.

Next steps

- 3.8 We will seek to include the name, address and contact details of landowners within a landowner statement to help improve clarity, however, rather than requiring proof of land ownership by way of registry title or title deeds, it is our intention to ensure a ‘statement of truth’ is included as part of a landowner statement, which will require applicants to declare all information provided is true. Failure to do so will result in an applicant committing fraud.
- 3.9 To improve flexibility, we will also provide an opportunity for landowners to include information relating to their land, including any relevant local information.
- 3.10 Applicants will also be required to submit an Ordnance Survey map as part of the landowner statement. It is, however, our intention for a map to constitute part of the validation process for depositing landowner statements and therefore, a statement will not be accepted, unless accompanied by a map.

Q2	Do you agree it would be reasonable for a landowner to have their statement signed by a representative of their choosing if they are unable to sign the statement themselves? If not, why not?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Businesses / Planning Consultants	0	0	0	0	0
B	Local Authorities (including National Park Authorities)	3	2	1	0	6
C	Government Agency/Other Public Sector	1	3	0	1	5
D	Professional Bodies/Interest Groups	2	1	1	3	7
E	Voluntary Sector	0	1	0	1	2
F	Others (other groups not listed)	1	1	0	0	2
Total all respondents		7	8	2	5	22

	Yes/Yes subject to comment	No
Total Respondents indicating a response	15	2
Overall Percentage	88%	12%

Statistical Overview

- 3.11 The majority of respondents agreed with our proposal for a landowner to have their statement signed by a representative of their choosing if they were unable to sign a statement themselves.
- 3.12 Government Agency / Other Public Sector, the Voluntary Sector and Other groups all agreed with the proposals with no objections. The majority of LPAs and Government Agency / Other Public Sector groups also agreed, however, one respondent from each of these groups disagreed with the proposal.

Key themes

- 3.13 The key themes in response to question 2 were as follows:
- General agreement and support for the proposal allowing landowners to have their statement signed by a representative if they are unable to themselves; and
 - Of those who agreed, comments suggested a representative should be a person of authority, rather than a friend or relative.

Overview

- 3.14 The majority of respondents agreed and supported the proposal for landowners to have their statement signed by a representative if they were unable to do so themselves.
- 3.15 However, multiple respondents from various stakeholder groups specified any representative must be an agent or a solicitor, rather than a friend or relative, as having a friend or relative as a representative could be a contentious issue and any potential fraudulent claims need to be avoided. Similarly, another respondent suggested a mechanism should be in place to ensure if a landowner is particularly vulnerable, they have not been coerced into making a statement.
- 3.16 A Government Agency / Other Public Sector respondent and a Voluntary Sector respondent each suggested alternatives which would see a representative signing a statutory declaration confirming the capacity in which they are acting and that they are authorised to do so, or for a landowner statement to be supported by a certificate made by an authorised person.
- 3.17 One respondent disagreed with the proposal on that basis it would distance the landowner from the truth even more by adding another tier of persons being able to sign a landowner statement, which could lead to fraudulent claims.

Welsh Government response

- 3.18 We acknowledge the concerns raised by respondents, who, despite agreeing with the proposal, suggested there are opportunities for vulnerable landowners to be taken advantage of, or for fraudulent statements to be submitted, if they can be signed by a friend or relative.
- 3.19 Therefore, we will seek to resolve this issue by only allowing a landowner(s) or a duly authorised representative to sign a landowner statement.

Next steps

- 3.20 It is our intention to include a 'statement of truth' as part of the landowner statement. The person signing the statement, whether this be the applicant or their representative, will be required to declare the information contained in a statement and the depositing of a statement itself is being done so honestly and does not cause loss, or the risk of loss. Therefore, any fraudulent or dishonest statements may constitute an offence under the Fraud Act 2006, with a suitable penalty.

Q3	Do you agree commons registration authorities should be able to charge their own fee for the administration and processing of a statement, with the aim of recovering the cost of providing this service? If not, why not?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Businesses / Planning Consultants	0	0	0	0	0
B	Local Authorities (including National Park Authorities)	3	3	0	0	6
C	Government Agency/Other Public Sector	1	2	1	1	5
D	Professional Bodies/Interest Groups	2	1	1	3	7
E	Voluntary Sector	0	1	0	1	2
F	Others (other groups not listed)	1	1	0	0	2
Total all respondents		7	8	2	5	22

	Yes/Yes subject to comment	No
Total Respondents indicating a response	15	2
Overall Percentage	88%	12%

Statistical overview

3.21 The majority of respondents agreed with our proposal for CRAs having the power to charge their own fee for the administration and processing of landowner statements. All stakeholder groups were generally positive, however one Government Agency / Other Public Sector respondent and one Professional Body / Interest Group respondent disagreed with the proposal.

Key themes

3.22 The key themes in response to question 3 were as follows:

- The majority of respondents agreed with our proposal for CRAs to be prescribed the power for charging their own fee for the administration and processing of a land owner statement;
- Fees must be reasonable and based on cost recovery; and
- Some concerns regarding a lack of consistency for fees across Wales.

Overview

3.23 Although the majority of respondents, from a variety of stakeholder groups, agreed CRAs should be able to charge a fee to land owners who submit a statement for the purposes of cost recovery, a number of comments were raised which suggested the Welsh Government should consider prescribing a set fee (or at least a cap) in legislation. This would help provide a consistent approach across Wales.

3.24 Other comments stated any fee should also include any costs relating to publicity and notification requirements which CRAs would be required to undertake. For example, an LPA stated if CRAs are required to erect site notices, this would result in inequalities due to widely differing travel distances and times, particularly those more rural authorities. An alternative proposal was put forward which suggested applicants should be responsible for undertaking any publicity and notification requirements.

3.25 One LPA agreed with the proposal, claiming the ability for CRAs to set their own fee reflects the varying staff undertaking this work between different CRAs.

3.26 Those respondents who disagreed with the proposals cited a lack of consistency across Wales as an issue, leaving open the possibility of a 'postcode lottery'.

Welsh Government response

- 3.27 There was overall support for the proposal for CRAs to charge their own fee for the administration and processing of a landowner statement, although the lack of a standard fee prescribed in legislation raised concerns among some respondents who felt this lack of consistency would not be beneficial.
- 3.28 However, evidence has suggested the majority of local authorities do not have dedicated Common Land Officers who would be responsible for landowner statements. Therefore, staff costs will vary between local authorities, as well as overhead costs. It is these reasons why we consider it more appropriate for CRAs to charge a fee to suit their own circumstances and achieve cost recovery, rather than prescribing a standard fee which may benefit some CRAs, whilst disadvantaging others.

Next steps

- 3.29 It is intended to proceed with providing CRAs with the power to charge their own fee for the processing and administration of landowner statements, although the level of fee will not be prescribed in legislation.
- 3.30 Guidance will be issued to CRAs which will advise their fee be based on cost recovery following the introduction of the legislation.

Q4	Should any further information be contained in the register, in addition to what is proposed in paragraph 2.19?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Businesses / Planning Consultants	0	0	0	0	0
B	Local Authorities (including National Park Authorities)	3	3	0	0	6
C	Government Agency/Other Public Sector	1	2	1	1	5
D	Professional Bodies/Interest Groups	2	1	1	3	7
E	Voluntary Sector	0	1	0	1	2
F	Others (other groups not listed)	1	1	0	0	2
Total all respondents		7	8	2	5	22

	Yes/Yes subject to comment	No
Total Respondents indicating a response	15	2
Overall Percentage	88%	12%

Statistical overview

- 3.31 The majority of respondents agreed additional information should be contained in the register to what was proposed in the consultation paper.
- 3.32 Only one Government Agency / Other Public Sector respondent and one Professional Body / Interest Group respondent considered all the information proposed in the consultation paper was appropriate and required no further additions.

Key themes

- 3.33 The key theme in response to question 4 was:
- The majority of respondents considered it would be beneficial to keep additional information in a register.

Overview

- 3.34 Of those respondents who considered additional information is required, the following recommendations were put forward by a variety of respondents:
- Adequate evidence of land ownership (i.e. land registry confirmation document);
 - Current use, byelaws in force and any licences;
 - The date a statement and map was received by the CRA; and
 - The date on which a statement will cease to have effect.
- 3.35 One Government Agency / Other Public Sector respondent also felt organising land by district is too ambiguous and 'ward' may not identify well with the public. For ease of understanding, it was suggested using 'communities' instead.

Welsh Government response

- 3.36 As addressed in Question 1, rather than requiring proof of land ownership by way of registry title or title deeds, it is our intention to ensure a 'statement of truth' is included as part of a landowner statement, which will require applicants to declare all information provided is true. Failure to do so will result in an applicant committing fraud.
- 3.37 We also acknowledge differences between authorities at the local level and how land or areas are categorised. In order to make registers as user friendly as possible, we will endeavour to accommodate CRAs in this respect by allowing land to be organised in the manner which best suits a particular location.

Next steps

- 3.38 It is our intention to include the date a statement and map was received by a CRA as part of the information to be contained in a register as this information may be useful to a number of stakeholders.
- 3.39 To encourage ease of access and in recognition of local differences in terms of identifying administrative areas, we will also provide flexibility for CRAs to organise landowner statements by 'community', as well as 'district' and 'ward'.

Q5	Do you agree the register required to be kept and maintained by commons registration authorities should be in both electronic and paper forms? If not, why not?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Businesses / Planning Consultants	0	0	0	0	0
B	Local Authorities (including National Park Authorities)	2	2	2	0	6
C	Government Agency/Other Public Sector	3	1	0	1	5
D	Professional Bodies/Interest Groups	4	0	0	3	7
E	Voluntary Sector	0	1	0	1	2
F	Others (other groups not listed)	1	1	0	0	2
Total all respondents		10	5	2	5	22

	Yes/Yes subject to comment	No
Total Respondents indicating a response	15	2
Overall Percentage	88%	12%

Statistical overview

- 3.40 The majority of respondents agreed with the proposal for registers to be kept and maintained in both electronic and paper formats. Of those who answered 'Yes' or 'Yes, subject to further comment', all Government Agency / Other Public Sector, Professional Bodies / Interest Groups, Voluntary Sector and Other respondents fully supported the proposal.
- 3.41 The majority of LPAs also supported the proposal; however, the only respondents who disagreed with the proposal were of this stakeholder group.

Key themes

- 3.42 The key themes in response to question 5 were as follows:
- Overall agreement with the proposal, with only respondents from the LPA group in disagreement; and
 - Additional information or guidance is required on how registers should be formatted and displayed.

Overview

- 3.43 One of the primary reasons for respondents agreeing with this proposal was not to disadvantage certain groups, most notably, those living in rural areas, who may not have access to online facilities and having both paper and electronic registers would be in the best interests for everyone.
- 3.44 However, two LPAs disagreed with this proposal, with one LPA suggesting having both could lead to discrepancies. Although both respondents acknowledged the difficulties for those in rural areas accessing online facilities, they suggested an alternative proposal which would require CRAs to have in place procedures to enable members of public to view the electronic register in person by visiting council offices and if a paper version of a particular record is required, then this could be printed on request.
- 3.45 Of those who agreed with the proposal, a number of respondents requested further information, including one Government Agency / Other Public Sector respondent who suggested more detail is required about how registers are to be formatted and displayed and how long statements are to be left on a website and one Voluntary Sector respondent who stated registers must be held in a such a way as to enable copies of any information held in them to be taken for any person who requests a copy in person, and provided that the copying is done without recourse to the council's facilities, for no charge to be made.

Welsh Government response

- 3.46 We acknowledge the requirement to keep and maintain both a paper and electronic register could place an unnecessary burden on some CRAs, however, in the interests of fairness, we consider it necessary not to exclude certain groups and individuals, such as those in more rural areas.
- 3.47 We acknowledge, the suggestion to exclude paper registers and only require electronic ones could have merit as CRAs could have procedures in place to allow individuals to view electronic registers at council offices in the same manner as they would a paper register. However, evidence has suggested not all CRAs are currently equipped to publish electronic registers and therefore, it would not be appropriate to impose such requirements at this time, although we will continue to monitor local authorities ability to keep and maintain electronic registers in the future.

Next steps

- 3.48 It is our intention to introduce a requirement for CRAs to keep and maintain both a paper and electronic register for landowner statements. However, CRAs will only be required to publish and make available the paper version of their register, where requested.
- 3.49 To supplement the proposal, we intend to introduce guidance which will provide greater detail on how registers should be kept and maintained.

Q6	Do you agree with our proposals to provide a period of 28 days for landowners (or their appointed representative) to submit any revised information or documentation to remedy a material error? If not, why not?
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Statistical Summary						
Sector		Yes	Yes (subject to further comment)	No	Don't Know	Total
A	Businesses / Planning Consultants	0	0	0	0	0
B	Local Authorities (including National Park Authorities)	5	0	1	0	6
C	Government Agency/Other Public Sector	3	1	0	1	5
D	Professional Bodies/Interest Groups	2	2	0	3	7
E	Voluntary Sector	0	1	0	1	2
F	Others (other groups not listed)	2	0	0	0	2
Total all respondents		12	4	1	5	22

	Yes/Yes subject to comment	No
Total Respondents indicating a response	16	1
Overall Percentage	94%	6%

Statistical overview

3.50 The vast majority of respondents agreed with our proposal to provide a period of 28 days for landowners to submit revised information or documentation to remedy a material error, with only one respondent other than those who answered 'Yes' or 'Yes, subject to further comment' disagreeing.

Key themes

3.51 The key themes in response to question 6 were as follows:

- Overwhelming majority of respondents agreed with our proposal, with only one respondent disagreeing; and
- Greater clarity is sought regarding the role and responsibilities of CRAs in identifying such errors.

Overview

3.52 The majority of respondents considered the proposal to be a sensible compromise, should a situation arise where an error is discovered. One LPA also commented the proposed 28 day time period was reasonable.

3.53 A Government Agency / Other Public Sector respondent also agreed with the proposal, although sought greater clarity on the role and responsibilities of CRAs for identifying such errors. For example, acceptance of a statement and entering it into a register should not constitute any guarantee by the CRA of the validity of a statement.

3.54 Another respondent from the Voluntary Sector commented CRAs should have the ability to correct an error in transcribing the deposited information onto a register and if a CRA does correct a material error on a landowner statement, the correction should only have effect from the date of the correction and not apply retrospectively.

3.55 One respondent from the Voluntary Sector disagreed with the proposals, suggesting the onus should be on landowners to ensure their statement is accurate and a fee should be payable to the relevant CRA, if they have to rectify an error or omission.

Welsh Government response

3.56 With the majority of respondents agreeing with our proposals regarding correcting errors, it is our intention to proceed on this basis and introduce this power through subordinate legislation.

- 3.57 However, we do not consider appropriate or necessary for CRAs to be responsible for amending any errors which may be discovered following the submission of a landowner statement as it is our opinion the person(s) submitting the statement should be responsible for ensuring all the information is recorded correctly.
- 3.58 We will also seek to provide further detail and clarity on the processes and procedures CRAs must follow in relation to removal of entries from registers where a material error is found.

Next steps

- 3.59 It is our intention to provide CRAs with the necessary powers to remove a landowner statement, or any of a landowner statement from their register, if they are satisfied information contained in the statement or accompanying map contains a material error.
- 3.60 However, in the interests of fairness, CRAs will be required to provide notice to the relevant landowner(s) of their intention to remove a landowner statement, or any of a landowner statement from their register and allow landowner(s) a period not exceeding 28 days to provide information which rectifies the error(s).
- 3.61 More in depth advice on removal of entries from registers where a material error is found will be made available in guidance.

Q7

Do you have any additional comments to make on the consultation paper?

Where respondents made comments which could not be captured and considered by the consultation under questions 1 – 6, they have been placed here.

Overview

3.62 Some respondents provided additional comments to highlight specific issues or matters for which further clarification was sought. These are addressed by theme below:

Definitions

3.63 One Professional Body / Interest Group respondent commented the definition of “lawful sports and pastimes” remains too loose and allows for individuals and organisations to mount claims when it has been out of good neighbourliness by landowners to their occasional or informal use of land.

Bilingual approach

3.64 Some respondents queried whether all forms relating to landowner statements would be available in Welsh.

Dispute resolution

3.65 One LPA queried in the event of a dispute about historic use of the land for a 20 year period, between the landowner and the public, who would have to provide evidence of that use?

Trigger events

3.66 A number of respondents noted one of the trigger events applied only to a planning permission having been granted. This excludes, and puts at risk those projects where extensive pre-application planning consultations have been undertaken which result in a request for a registration as a means of opposing that particular development.

3.67 One Voluntary Sector respondent also suggested no new trigger events should be added which will undermine the Town and Village Green process and make it more difficult to administer.

Transitional arrangements

- 3.68 One Voluntary Sector respondent suggested it is essential applications to register land as a Town or Village Green are not prejudiced, in particular, where an application is made before the commencement date of the new legislation, ensuring they are not affected by the new rules and regulations.

Period of grace

- 3.69 One LPA respondent and one Professional Body / Interest Group respondent suggested the current two year grace period in which applications to register land as a town or village green following the submission of a landowner statement should be reduced to one year.
- 3.70 Furthermore, one Government Agency / Other Public Sector respondent suggested the period of grace starts from initial receipt of a statement as the time taken to validate and publicise a statement would take some of this time away.

Community and Town Councils

- 3.71 A Government Agency / Other Public Sector respondent requested CRAs be required to provide an annual report, providing up to date details of relevant registers, to the necessary community and town councils.
- 3.72 Similarly, a respondent from the Voluntary Sector commented there should be a requirement for CRAs to notify all relevant community and town councils, once a landowner statement is deposited.

Notices publicising a landowner statement

- 3.73 A number of comments were received from a variety of stakeholders concerned with the cost and resource impacts on CRAs having to undertake certain publicity and notification requirements regarding landowner statements.
- 3.74 Comments from a number of LPAs stated the proposed 60 day period for monitoring site notices is too long and should be reduced to 28 days, as, if there is a requirement for CRAs to replace any notice which is damaged, obscured or removed within the 60 day time period, this could become extremely onerous.
- 3.75 An alternative suggestion was for those person(s) who deposited a landowner statement to be responsible for undertaking the proposed publicity and notification works and for part of the statement to include confirmation and evidence they have followed the necessary processes and procedures.

- 3.76 A Government Agency / Other Public Sector respondent queried whether CRAs would be required to display one landowner notice per statement received, or one notice per parcel of land?

Welsh Government response

Definitions

- 3.77 As the term “lawful sports and pastimes” is already established in primary legislation, it is not our intention to consider any revision to this.

Bilingual approach

- 3.78 We intend to publish landowner statements and any accompanying forms in both Welsh and English.

Dispute resolution

- 3.79 In circumstances where an application is submitted to register land a town or village green by a person (or persons) who is not the owner of the land, it would be the responsibility of the person (or persons) making the application to prove the land has been used for lawful sports and pastimes for a period exceeding 20 years.

Trigger events

- 3.80 The trigger and terminating events are already established in primary legislation (the Planning (Wales) Act 2015) and although powers exist for the Welsh Ministers to amend these trigger and terminating events, if considered necessary, it is not currently our intention to do so.

Transitional arrangements

- 3.81 We agree applications to register land as a town or village green submitted before the ‘coming into force’ of proposed new legislation should not be subject to the trigger and terminating proposals set out in the consultation paper and we will seek to ensure this transitional arrangement is included in legislation.

Period of grace

- 3.82 Similar to comments relating to the definition of “lawful sports and pastimes”, the existing two year period of grace applicable to Wales is already established in primary legislation and we have no plans to revise this currently.

Community and Town Councils

- 3.83 We acknowledge the importance of Community and Town Councils in local issues affecting communities and we will seek to include provision within legislation which will require CRAs to serve notice of a deposit of a landowners statement on any person who has previously been asked to be informed.

Notices publicising a landowner statement

- 3.84 Although comments were received which suggested the proposed duty for CRAs to undertake publicity and notification requirements would be too onerous, we do consider this to be necessary and will seek to provide CRAs with the power to charge their own fee, which can be used to recover any costs associated with the processes and procedures associated with landowner statements, including publicity and notification requirements.
- 3.85 Furthermore, we accept the proposed requirement for site notices to be monitored for a period of 60 days and replaced if one is removed, obscured or defaced, can be onerous, particularly for more rural areas. Therefore, we are intending to adopt an approach whereby CRAs will be considered to have complied with the requirements to post site notices, even if those notices are removed, obscured or defaced before the expiry of the 60 day period through no fault or intention of the relevant CRA.
- 3.86 Regarding the number of site notices which should be displayed, it is our intention to require CRAs to display at least one site notice per landowner statement submitted to them. However, we would encourage CRAs to consider the size of the land and the number of entry points to determine whether more than one site notice would be beneficial.

ANNEX A – LIST OF RESPONDENTS BY CATEGORY

The table below indicates the categories to which respondents assigned themselves in completing the consultation form.

Business / Planning Consultants		Local Planning Authority	
	None	003	Pembrokeshire CC
		007	Denbighshire CC
		009	Caerphilly CBC
		010	Carmarthenshire CC
		012	Rhondda Cynon Taff CBC
		017	City and County of Swansea
Government Agency / Other Public Sector		Voluntary Sector	
001	Llanelli Town Council	005	Torfaen Friends of the Earth
002	Abergele Town Council	015	Open Spaces Society
008	Barry Town Council	Other	
011	Powys CC (Commons Registration)	019	Open Spaces Society
016	Conwy Town Council	022	Welsh Government Property Division
Professional Bodies / Interest Groups			
004	CLA Cymru		
006	Pwllheli Town Council		
013	Home Builders Federation		
014	Hirwaun & Penderyn Community Council		
018	Snowdonia Society		
020	St. Dogmaels Community Council		
021	Fields in Trust		