

SCHEDULES

SCHEDULE 1

Section 1(2).

EXCEPTED LAND FOR PURPOSES OF PART I

PART I

EXCEPTED LAND

- 1 Land on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees.
- 2 Land covered by buildings or the curtilage of such land.
- 3 Land within 20 metres of a dwelling.
- 4 Land used as a park or garden.
- 5 Land used for the getting of minerals by surface working (including quarrying).
- 6 Land used for the purposes of a railway (including a light railway) or tramway.
- 7 Land used for the purposes of a golf course, racecourse or aerodrome.
- 8 Land which does not fall within any of the preceding paragraphs and is covered by works used for the purposes of a statutory undertaking or a telecommunications code system, or the curtilage of any such land.
- 9 Land as respects which development which will result in the land becoming land falling within any of paragraphs 2 to 8 is in the course of being carried out.
- 10 Land within 20 metres of a building which is used for housing livestock, not being a temporary or moveable structure.
- 11 Land covered by pens in use for the temporary reception or detention of livestock.
- 12 Land habitually used for the training of racehorses.
- 13 Land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900.

PART II

SUPPLEMENTARY PROVISIONS

- 14 In this Schedule—
“building” includes any structure or erection and any part of a building as so defined, but does not include any fence or wall, or anything which is a means of access as defined by section 34; and for this purpose “structure” includes any tent, caravan or other temporary or moveable structure;

Status: This is the original version (as it was originally enacted).

“development” and “minerals” have the same meaning as in the Town and Country Planning Act 1990;

“ploughing” and “drilling” include respectively agricultural or forestry operations similar to ploughing and agricultural or forestry operations similar to drilling;

“statutory undertaker” means—

- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power,
- (b) any public gas transporter, within the meaning of Part I of the Gas Act 1986,
- (c) any water or sewerage undertaker,
- (d) any holder of a licence under section 6(1) of the Electricity Act 1989, or
- (e) the Environment Agency, the Post Office or the Civil Aviation Authority;

“statutory undertaking” means—

- (a) the undertaking of a statutory undertaker, or
- (b) an airport to which Part V of the Airports Act 1986 applies.

- 15 (1) Land is not to be treated as excepted land by reason of any development carried out on the land, if the carrying out of the development requires planning permission under Part III of the Town and Country Planning Act 1990 and that permission has not been granted.
- (2) Sub-paragraph (1) does not apply where the development is treated by section 191(2) of the Town and Country Planning Act 1990 as being lawful for the purposes of that Act.
- 16 The land which is excepted land by virtue of paragraph 10 does not include—
 - (a) any means of access, as defined by section 34, or
 - (b) any way leading to such a means of access,
 if the means of access is necessary for giving the public reasonable access to access land.
- 17 Land which is habitually used for the training of racehorses is not to be treated by virtue of paragraph 11 as excepted land except—
 - (a) between dawn and midday on any day, and
 - (b) at any other time when it is in use for that purpose.