

Status: Point in time view as at 01/10/2011.

Changes to legislation: Countryside and Rights of Way Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 [^{F1}(other than land which is coastal margin and is, or forms part of, a coastal route strip)] .

Textual Amendments

- F1** Words in Sch. 1 para. 1 added (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 2**

- 2 Land covered by buildings or the curtilage of such land.
3 Land [^{F2}(other than coastal margin)] within 20 metres of a dwelling.

Textual Amendments

- F2** Words in Sch. 1 para. 3 inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 3**

- 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 [^{F3}(other than, in the case of land used for the purposes of a golf course, land which is coastal margin and is, or forms part of, a coastal route strip)] .

Textual Amendments

- F3** Words in Sch. 1 para. 7 added (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 4**

- 8 [^{F4}Land which does not fall within any of the preceding paragraphs and is covered by—
(a) works used for the purposes of a statutory undertaking (other than flood defence works, or sea defence works, on land which is coastal margin), or

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- (b) works used for the purposes of an electronic communications code network,
or the curtilage of any such land.]

Textual Amendments

- F4** Sch. 1 para. 8 substituted (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 5**
- F5** Words in Sch. 1 para. 8 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 165(3)** (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

- 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 [^{F6}(other than coastal margin)] within 20 metres of a building which is used for housing livestock, not being a temporary or moveable structure.

Textual Amendments

- F6** Words in Sch. 1 para. 10 inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 6**

- 11 Land covered by pens in use for the temporary reception or detention of livestock.
- 12 Land [^{F7}(other than coastal margin)] habitually used for the training of racehorses.

Textual Amendments

- F7** Words in Sch. 1 para. 12 inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 7**

- 13 Land the use of which is regulated by byelaws under section 14 of the ^{M1}Military Lands Act 1892 or section 2 of the ^{M2}Military Lands Act 1900.

Marginal Citations

- M1** 1892 c. 43.
M2 1900 c. 56.

- [^{F8}13A. Land which is coastal margin and is, or forms part of, a regulated caravan or camping site (other than land which is, or forms part of, a coastal route strip).

Textual Amendments

- F8** Sch. 1 paras. 13A-13D inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 8**

- 13B. Land which is coastal margin and is, or forms part of, a highway (within the meaning of the Highways Act 1980).

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Textual Amendments

F8 Sch. 1 paras. 13A-13D inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 8**

13C. Land which is coastal margin and is, or forms part of, a burial ground (other than land which is, or forms part of, a coastal route strip).

Textual Amendments

F8 Sch. 1 paras. 13A-13D inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 8**

13D. Land which is coastal margin and—
(a) is or forms part of a school playing field, or
(b) is land otherwise occupied by a school and used for the purposes of that school.]

Textual Amendments

F8 Sch. 1 paras. 13A-13D inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 8**

PART II

SUPPLEMENTARY PROVISIONS

14 ^{F9}(1) In this Schedule—

^{F10}“approved section of the English coastal route” means a route in relevant approved proposals, other than an official alternative route,]

^{F11}“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;]

^{F11}“building”—

- (a) includes any structure or erection and any part of a building as so defined, but
- (b) does not include any fence or wall, anything which is a means of access as defined by section 34 or, in the case of land which is coastal margin, any slipway, hard or quay;

and for this purpose “structure” includes any tent, caravan or other temporary or moveable structure;]

^{F12}“burial ground” means a place which, for the time being, is set apart as a churchyard, cemetery or other ground (whether or not consecrated) in which bodies are interred;

“coastal route strip” means—

- (a) land over which the line of an approved section of the English coastal route, or an official alternative route, passes, and

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(b) subject to sub-paragraph (2), land which is adjacent to and within 2 metres either side of such a line;]

“development” and “minerals” have the same meaning as in the ^{M3}Town and Country Planning Act 1990;

[^{F13}“official alternative route” has the same meaning as in section 3A;]

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

[^{F14}“regulated caravan or camping site” means—

(a) land which is used for the purposes of a caravan site (within the meaning of section 1(4) of the Caravan Sites and Control of Development Act 1960) by virtue of—

(i) a site licence issued under Part 1 of that Act (caravan site licences),

(ii) a certificate issued under paragraph 5 of Schedule 1 to that Act (sites approved by exempted organisations), or

(iii) paragraph 11 of that Schedule (land occupied by a local authority as a caravan site), or

(b) land which is used for the purposes of a site for tents or other moveable dwellings (within the meaning of section 269 of the Public Health Act 1936) by virtue of a licence issued under subsection (1)(i) of that section (disregarding any certificate under subsection (6) of that section which has the effect of a licence);

“relevant approved proposals” has the same meaning as in section 3A;]

“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 ^{M4}Gas Act 1986,

(c) any water or sewerage undertaker,

(d) any holder of a licence under section 6(1) of the ^{M5}Electricity Act 1989, or

(e) the Environment Agency, [^{F15}a universal service provider (within the meaning of [^{F16}Part 3 of the Postal Services Act 2011]) in connection with the provision of a universal postal service (within the meaning of [^{F17}that Part])][^{F18}, the Civil Aviation Authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)];

“statutory undertaking” means—

(a) the undertaking of a statutory undertaker [^{F19}(which, in the case of a universal service provider (within the meaning of [^{F16}Part 3 of the Postal Services Act 2011]), means his undertaking so far as relating to the provision of a universal postal service (within the meaning of [^{F17}that Part]) [^{F20}and, in the case of a person who holds a licence under Chapter I of Part I of the Transport Act 2000, means that person’s undertaking as licence holder]), or

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(b) an airport to which Part V of the ^{M6}Airports Act 1986 applies.

[^{F21}(2) Where relevant approved proposals contain a proposal under section 55D(2)(c) of the National Parks and Access to the Countryside Act 1949 for the landward or seaward boundary of any part of a coastal route strip excluded from a description of excepted land by paragraph 1, 7, 13A or 13C to coincide with a physical feature identified in the proposal, the boundary in question is to coincide with that feature.]

Textual Amendments

- F9** Sch. 1 para. 14(1): Sch. 1 para. 14 renumbered as Sch. 1 para. 14(1) (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(a)**
- F10** Words in Sch. 1 para. 14(1) inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(b)**
- F11** Words in Sch. 1 para. 14(1) substituted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(c)**
- F12** Words in Sch. 1 para. 14(1) inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(d)**
- F13** Words in Sch. 1 para. 14(1) inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(e)**
- F14** Words in Sch. 1 para. 14(1) inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(f)**
- F15** Sch. 1 para. 14: words in definition of “statutory undertaker” in para. (e) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 136(1)(2)**
- F16** Words in Sch. 1 para. 14(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 156(a)**; S.I. 2011/2329, art. 3
- F17** Words in Sch. 1 para. 14(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 156(b)**; S.I. 2011/2329, art. 3
- F18** Sch. 1 para. 14: words in definition of “statutory undertaker” in para. (e) substituted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 9(a)**
- F19** Sch. 1 para. 14: words in definition of “statutory undertaking” inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 136(1)(3)**
- F20** Sch. 1 para. 14: words in definition of “statutory undertaking” in para. (a) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. 1 Pt. II para. 9(b)**
- F21** Sch. 1 para. 14(2) added (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 9(g)**

Marginal Citations

- M3** 1990 c. 8.
M4 1986 c. 44.
M5 1989 c. 29.
M6 1986 c. 31.

[^{F22}14A. In paragraph 5, the reference to the getting of minerals by surface working does not include the removal by any person of sand or shingle from an area of foreshore or beach which is coastal margin, in pursuance of a right which is enjoyed by the person under any grant or reservation, local or personal Act, Royal charter or letters patent or by prescription.]

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Textual Amendments

F22 Sch. 1 para. 14A inserted (E.) (6.4.2010) by [The Access to the Countryside \(Coastal Margin\) \(England\) Order 2010 \(S.I. 2010/558\)](#), art. 1(2), **Sch. 1 para. 10**

- 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 ^{M7}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 ^{M8}Town and Country Planning Act 1990 as being lawful for the purposes of that Act.

Marginal Citations

M7 1990 c. 8.

M8 1990 c. 8.

- 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.

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