

Changes to legislation: Commons Act 2006, SCHEDULE 1A is up to date with all changes known to be in force on or before 23 May 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) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 1A

Section 15C

[^{F2}EXCLUSION OF RIGHT UNDER SECTION 15: ENGLAND]

Textual Amendments

- F1** Sch. 1A inserted (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), s. 35(2), [Sch. 4](#)
- F2** Sch. 1A title substituted (6.9.2015 for specified purposes, 22.10.2018 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 53\(3\)](#), [58\(2\)\(b\)\(4\)\(b\)](#); S.I. 2018/1022, art. 2(a) (with art. 3)

Trigger events

1. An application for planning permission [^{F3}, or permission in principle,] in relation to the land which would be determined under section 70 of the 1990 Act is first publicised in accordance with requirements imposed by a development order by virtue of section 65(1) of that Act.

2. An application for planning permission [^{F3}, or permission in principle,] made in relation to the land under section 293A of the 1990 Act is first publicised in accordance with subsection (8) of that section.

3. A draft of a development plan document which identifies the land for potential

Terminating events

- (a) The application is withdrawn.
- (b) A decision to decline to determine the application is made under section 70A of the 1990 Act.
- (c) In circumstances where planning permission [^{F4} or permission in principle] is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld.
- (d) In circumstances where planning permission is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.
- (a) The application is withdrawn.
- (b) In circumstances where planning permission is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld.
- (c) In circumstances where planning permission [^{F4} or permission in principle] is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.
- (a) The document is withdrawn under section 22(1) of the 2004 Act.

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development is published for consultation in accordance with regulations under section 17(7) of the 2004 Act.

- (b) The document is adopted under section 23(2) or (3) of that Act (but see paragraph 4 of this Table).
 - [The period of two years beginning with the day on which the document is published for consultation expires.]

4. A development plan document which identifies the land for potential development is adopted under section 23(2) or (3) of the 2004 Act.

- (a) The document is revoked under section 25 of the 2004 Act.
- (b) A policy contained in the document which relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of that Act.

[^{F6}4A. A local planning authority first publicise their intention to enter land in Part 2 of a register under section 14A of the Planning and Compulsory Purchase Act 2004 in accordance with requirements imposed by regulations under that section.]

[^{F6}The period of 10 weeks, beginning with the date of first publication of their intention, expires without the land being entered on Part 2 of the register.]

[^{F6}4B. A local planning authority first publicise the entry of land in Part 2 of a register under section 14A of the Planning and Compulsory Purchase Act 2004 in accordance with requirements imposed by regulations under that section.]

[^{F6}A permission in principle granted under section 59A(1)(a) of the Town and Country Planning Act 1990, in relation to the land allocated for development in the register, expires by virtue of section 59A(7).]

5. A proposal for a neighbourhood development plan which identifies the land for potential development is published by a local planning authority for consultation in accordance with regulations under paragraph 4(1) of Schedule 4B to the 1990 Act as it applies by virtue of section 38A(3) of the 2004 Act.

- (a) The proposal is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act (as it applies by virtue of section 38A(3) of the 2004 Act).
- (b) The plan is made under section 38A of the 2004 Act (but see paragraph 6 of this Table).
 - [The period of two years beginning with the day on which the proposal is published for consultation expires.]

6. A neighbourhood development plan which identifies the land for potential development is made under section 38A of the 2004 Act.

- (a) The plan ceases to have effect.
- (b) The plan is revoked under section 61M of the 1990 Act (as it applies by virtue of section 38C(2) of the 2004 Act).
- (c) A policy contained in the plan which relates to the development of the land in question is superseded by another policy by virtue of section 38(5) of the 2004 Act.

7. A development plan for the purposes of section 27 or 54 of the 1990 Act, or anything treated as contained in such a plan by virtue of Schedule 8 to the 2004 Act, continues to have effect (by virtue of

The plan ceases to have effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.

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that Schedule) on the commencement of section 16 of the Growth and Infrastructure Act 2013 and identifies the land for potential development.

[^{F8}7A. A draft of a local development order under section 61A(2) of the 1990 Act which would grant permission for operational development of the land is first published for consultation in accordance with provision included (by virtue of paragraph 1 of Schedule 4A to that Act) in a development order made under section 59 of that Act.]

[^{F8}(a) The draft is withdrawn.]

[^{F8}(b) The order is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act) (but see paragraph 7B of this Table).]

[^{F8}(c) The period of two years beginning with the day on which the draft is published for consultation expires.]

[^{F8}7B. A local development order which grants permission for operational development of the land is adopted by resolution of the local planning authority (and, accordingly, comes into effect by virtue of paragraph 3 of Schedule 4A to the 1990 Act).]

[^{F8}(a) Where the order includes (by virtue of section 61C(1) of the 1990 Act) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes.]

[^{F8}(b) The order is revoked under section 61A(6) or 61B(8)(a) of that Act.]

[^{F8}(c) A revision of the order prepared under paragraph 2 of Schedule 4A to that Act which provides that operational development of the land is no longer permitted is adopted.]

[^{F8}(d) A direction is given under provision included in the order by virtue of section 61C(2) of that Act specifying that the permission granted by the order does not apply in relation to the land.]

[^{F8}7C. A draft of a neighbourhood development order which would grant permission for operational development of the land is first published for consultation by a local planning authority in accordance with regulations made under paragraph 4(1) of Schedule 4B to the 1990 Act.]

[^{F8}(a) The draft is withdrawn under paragraph 2(1) of Schedule 4B to the 1990 Act or treated as so withdrawn by virtue of paragraph 2(2) of that Schedule.]

[^{F8} The order is made under section 61E(4) of that Act (but see paragraph 7D of this Table).]

[^{F8}(c) The period of two years beginning with the day on which the draft is published for consultation expires.]

[^{F8}7D. A neighbourhood development order which grants permission for operational development of the land is made under section 61E(4) of the 1990 Act.]

[^{F8}(a) Where the order includes (by virtue of section 61L(1) of the 1990 Act) provision which, however expressed, has the effect that the grant of permission ceases to apply on a particular day, that day passes.]

[^{F8}(b) Where the order provides (by virtue of section 61L(5) of that Act) that development permitted by the order must begin before the end

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of a specified period, that period expires without the development having been begun.]

[^{F8}(c) The order is revoked under section 61M(1) or (2) of the 1990 Act.]

8. A proposed application for an order granting development consent under section 114 of the 2008 Act in relation to the land is first publicised in accordance with section 48 of that Act.

- (a) The period of two years beginning with the day of publication expires.
- (b) The application is publicised under section 56(7) of the 2008 Act (but see paragraph 9 of this Table).

9. An application for such an order in relation to the land is first publicised in accordance with section 56(7) of the 2008 Act.

- (a) The application is withdrawn.
- (b) In circumstances where the application is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld.
- (c) In circumstances where an order granting development consent in relation to the land is made, the period within which the development to which the consent relates must be begun expires without the development having been begun.

[^{F9}10. A notice is published by virtue of section 6 of the Transport and Works Act 1992 that an application has been made under that section, in circumstances where the notice contains a statement that a direction for deemed planning permission in respect of the land under section 90(2A) of the 1990 Act is being applied for.

- (a) The application for a direction is withdrawn.
- (b) In circumstances where the direction is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted.
- (c) In circumstances where the direction is given, the period within which the development to which the direction relates must be begun expires without the development having been begun.]

Textual Amendments

- F3** Words in Sch. 1A inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 44(2)**; S.I. 2016/733, reg. 3(d)
- F4** Words in Sch. 1A inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 44(3)**; S.I. 2016/733, reg. 3(d)
- F5** Words in Sch. 1A inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1), **3(2)** (with art. 4)
- F6** Words in Sch. 1A inserted (E.) (27.3.2017) by [The Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(S.I. 2017/276\)](#), regs. 1, **5(2)**
- F7** Words in Sch. 1A inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1), **3(3)** (with art. 4)
- F8** Words in Sch. 1A inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1), **3(4)** (with art. 4)
- F9** Words in Sch. 1A inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1), **3(5)** (with art. 4)

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Interpretation

In this Schedule—

[^{F10}“operational development” means any development within the meaning of the 1990 Act other than development which consists only of the making of a material change in the use of any buildings or other land;]

“ the 1990 Act ” means the Town and Country Planning Act 1990;

“ the 2004 Act ” means the Planning and Compulsory Purchase Act 2004;

“ the 2008 Act ” means the Planning Act 2008.

Textual Amendments

F10 Words in Sch. 1A inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1) , **3(6)** (with art. 4)

Notes

- 1 For the purposes of this Schedule, all means of challenging a decision in legal proceedings in the United Kingdom are to be treated as exhausted and the decision is to be treated as upheld if, at any stage in the proceedings, the time normally allowed for the making of an appeal or further appeal or the taking of any other step to challenge the decision expires without the appeal having been made or (as the case may be) the other step having been taken.
- 2 Paragraph 7 of the first column of the Table does not apply in relation to a part of a development plan for the purposes of section 27 or 54 of the 1990 Act which consists of—
 - (a) Part 1 of a unitary development plan or alterations to such a Part, or
 - (b) a structure plan or alterations to such a plan.]
- [^{F113}3. Paragraph (a) of the entry in the second column corresponding to paragraph 7B does not apply in circumstances where development of the land may be completed by virtue of provision made in the local development order under section 61C(1) of the 1990 Act.]

Textual Amendments

F11 Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1) , **3(7)** (with art. 4)

- [^{F114}4. Paragraphs (b) to (d) of the entry in the second column corresponding to paragraph 7B do not apply in circumstances where development of the land may be completed by virtue of provision made in the local development order under section 61D(1) of the 1990 Act.]

Textual Amendments

F11 Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1) , **3(7)** (with art. 4)

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- [^{F11}5. Paragraph (a) of the entry in the second column corresponding to paragraph 7D does not apply in circumstances where development of the land may be completed by virtue of provision made in the neighbourhood development order under section 61L(1) of the 1990 Act.]

Textual Amendments

- F11** Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1) , **3(7)** (with art. 4)

- [^{F11}6. Paragraph (c) of the entry in the second column corresponding to paragraph 7D does not apply in circumstances where development of the land may be completed by virtue of section 61L(7) of the 1990 Act.]

Textual Amendments

- F11** Sch. 1A Notes paras. 3-6 inserted (E.) (12.2.2014) by [The Commons \(Town and Village Greens\) \(Trigger and Terminating Events\) Order 2014 \(S.I. 2014/257\)](#), arts. 1(1) , **3(7)** (with art. 4)

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Changes and effects yet to be applied to :

- Sch. 1A words inserted by [2023 c. 55 Sch. 8 para. 27\(b\)\(i\)](#)
- Sch. 1A words inserted by [2023 c. 55 Sch. 8 para. 27\(f\)\(i\)](#)
- Sch. 1A words inserted by [2023 c. 55 Sch. 8 para. 27\(g\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(a\)\(i\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(a\)\(ii\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(b\)\(ii\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(c\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(d\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(e\)](#)
- Sch. 1A words substituted by [2023 c. 55 Sch. 8 para. 27\(f\)\(ii\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 10 para. 6(1B) words substituted by [S.I. 2019/177, reg. 28\(c\)](#) (as amended) by [S.I. 2020/335 reg. 7](#)