

Status: Point in time view as at 25/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 16

NEW SCHEDULE 1A TO THE COMMONS ACT 2006

In the Commons Act 2006, after Schedule 1 insert—

“SCHEDULE 1A

Section 15C

EXCLUSION OF RIGHT UNDER SECTION 15

Trigger events

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

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- (a) The application is withdrawn.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 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- (a) The application is withdrawn.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 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- (a) The document is withdrawn under section 22(1) of the 2004 Act.
 - (b) The document is adopted under section 23(2) or (3) of that Act (but see paragraph 4 of this Table).

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| <p>4. A development plan document which identifies the land for potential development is adopted under section 23(2) or (3) of the 2004 Act.</p> | <ul style="list-style-type: none"> (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. |
| <p>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.</p> | <ul style="list-style-type: none"> (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). |
| <p>6. A neighbourhood development plan which identifies the land for potential development is made under section 38A of the 2004 Act.</p> | <ul style="list-style-type: none"> (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. |
| <p>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 that Schedule) on the commencement of section 16 of the Growth and Infrastructure Act 2013 and identifies the land for potential development.</p> | <p>The plan ceases to have effect by virtue of paragraph 1 of Schedule 8 to the 2004 Act.</p> |
| <p>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.</p> | <ul style="list-style-type: none"> (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). |
| <p>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.</p> | <ul style="list-style-type: none"> (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 |

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expires without the development having been begun.

Interpretation

In this Schedule—

- “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.

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.”

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