

## SCHEDULE 1

### Amendments of Part 1 of the CROW Act

## PART 1

### Excepted land for purposes of Part 1 of the CROW Act

1. Schedule 1 to the CROW Act is amended as follows.
2. In paragraph 1 (land on which soil has been disturbed by ploughing etc), at the end add “(other than land which is coastal margin and is, or forms part of, a coastal route strip)”.
3. In paragraph 3 (land within 20 metres of a dwelling), after “Land” insert “(other than coastal margin)”.
4. In paragraph 7 (land used for the purposes of a golf course, racecourse or aerodrome), at the end add “(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)”.
5. For paragraph 8(1) (land covered by works used for the purposes of a statutory undertaking etc) substitute—
  - “8. 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
    - (b) works used for the purposes of an electronic communications code network,or the curtilage of any such land.”.
6. In paragraph 10 (land within 20 metres of building for housing livestock), after “Land” insert “(other than coastal margin)”.
7. In paragraph 12 (land habitually used for training of racehorses), after “Land” insert “(other than coastal margin)”.
8. After paragraph 13 insert—
  - “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).
  - 13B. Land which is coastal margin and is, or forms part of, a highway (within the meaning of the Highways Act 1980(2)).
  - 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).
  - 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.”.
9. In paragraph 14—
  - (a) renumber the existing provision as sub-paragraph (1),
  - (b) before the definition of “building” insert—

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(1) Paragraph 8 was amended by the Communications Act 2003, section 406(1) and Schedule 17, paragraph 165(1) and (3).

(2) 1980 c. 66.

*Status: This is the original version (as it was originally made).*

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

(c) for the definition of “building” substitute—

““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;”,

(d) after that definition insert—

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

(e) after the definition of “development” and “minerals” insert—

““official alternative route” has the same meaning as in section 3A;”,

(f) after the definition of “ploughing” and “drilling” insert—

““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<sup>(3)</sup>) 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<sup>(4)</sup>) 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;”, and

(g) after sub-paragraph (1) add—

“(2) Where relevant approved proposals contain a proposal under section 55D(2)(c) of the National Parks and Access to the Countryside Act 1949<sup>(5)</sup> for the landward or seaward boundary of any part of a coastal route strip excluded from a description of

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<sup>(3)</sup> 1960 c. 62.

<sup>(4)</sup> 1936 c. 49.

<sup>(5)</sup> Section 55D was inserted by section 302 of the 2009 Act.

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.”.

**10.** After that paragraph insert—

“**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.”.