

Changes to legislation: There are currently no known outstanding effects for the Compulsory Purchase Act 1965, PART 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 2A **E+W**

COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

Textual Amendments

- F1** Sch. 2A inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 17 para. 3**; S.I. 2017/75, reg. 3(g) (with reg. 5)

Modifications etc. (not altering text)

- C1** Sch. 2A excluded by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 7(2)**, 8(2) (as amended (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 3**; S.I. 2017/209, **reg. 2**)
- C1** Sch. 2A modified (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, 23(4), **Sch. 7 para. 9**
- C1** Sch. 2A excluded (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **22(3)** (with arts. 22(4), 32(2))
- C1** Sch. 2A excluded (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **29(3)(a)** (with arts. 4, 29(4), 37)
- C1** Sch. 2A excluded (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **30(3)(a)** (with arts. 30(4), 58, 59)
- C1** Sch. 2A excluded (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **21(4)(a)** (with arts. 24(8), 33(2))
- C1** Sch. 2A excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **27(4)(a)** (with art. 27(5))
- C1** Sch. 2A excluded (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **22(3)(a)** (with arts. 22(4), 31(2))
- C1** Sch. 2A excluded (3.10.2018) by The A19/A184 Testo's Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **27** (with arts. 3(3), 5)
- C1** Sch. 2A excluded (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **26(3)(a)(4)** (with arts. 55, 56)
- C1** Sch. 2A excluded (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **24(3)(a)** (with art. 24(4))
- C1** Sch. 2A excluded (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **25(3)(a)** (with art. 25(4))
- C1** Sch. 2A excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), **arts. 1, 25(3)(a)** (with art. 25(4))
- C1** Sch. 2A excluded (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **31(3)(a)** (with arts. 3(1), 31(4))
- C1** Sch. 2A excluded (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **23(3)(a)** (with arts. 7, 23(4))
- C1** Sch. 2A excluded (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **27(3)(a)** (with arts. 5, 27(4), 44)
- C1** Sch. 2A excluded (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **25(3)(a)** (with arts. 7, 25(4))

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- C1 Sch. 2A excluded (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **27(4)(a)** (with arts. 51, 57)
- C1 Sch. 2A excluded (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **31(3)(a)** (with arts. 31(4), 37)
- C1 Sch. 2A excluded (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **27(3)(a)** (with arts. 5, 27(4), 44)
- C1 Sch. 2A excluded (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **21(3)(a)** (with arts. 21(4), 37)
- C1 Sch. 2A modified (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), art. 1, **Sch. 7 para. 5** (with arts. 41, 42, Sch. 16 para. 66)
- C1 Sch. 2A excluded (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **27(3)(a)** (with arts. 5, 27(4))
- C1 Sch. 2A excluded (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **24(3)(a)** (with art. 24(4), Sch. 9 para. 144)
- C1 Sch. 2A excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **33(4)(a)** (with art. 33(5))
- C1 Sch. 2A excluded (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **28(3)(a)** (with arts. 28(4), 32, Sch. 9 para. 36)
- C1 Sch. 2A excluded (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **23(3)** (with arts. 23(4), 40, 41, Sch. 9 Pt. 5 para. 18)
- C1 Sch. 2A applied (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **26(4)** (with art. 5, Sch. 27 para. 36)
- C1 Sch. 2A excluded (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **30(3)(a)** (with arts. 5, 30(4), Sch. 27 para. 36)
- C1 Sch. 2A excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 6(2)(a), 7(2)(a), 64(1)** (with s. 7(3))
- C1 Sch. 2A excluded (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **31(3)(a)** (with arts. 4, 31(4), 47)
- C1 Sch. 2A excluded (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **26(3)(a)** (with arts. 15, 50, Sch. 11 para. 29)
- C1 Sch. 2A excluded (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **24(3)(a)** (with arts. 41, 42, Sch. 17 para. 66)
- C1 Sch. 2A excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **24(3)(a)** (with arts. 24(4), 41, 42, Sch. 16)
- C1 Sch. 2A excluded (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **25(a)** (with Sch. 8 Pt. 6 para. 19)
- C1 Sch. 2A excluded (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **35** (with art. 55)
- C1 Sch. 2A excluded (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **24(3)(a)** (with arts. 24(4), 40, 41)
- C1 Sch. 2A excluded (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **24(3)(a)** (with arts. 24(4), 40, 41)
- C1 Sch. 2A excluded (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **27(3)(a)** (with art. 27(4))
- C1 Sch. 2A excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **30(3)(a)** (with arts. 6, 30(4), 34)
- C1 Sch. 2A excluded (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **32(3)(a)** (with arts. 5, 32(4), 36)
- C1 Sch. 2A excluded (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **32(3)(a)** (with arts. 4, 32(4), 50)
- C1 Sch. 2A excluded (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **35** (with arts. 35(4), 62, 76, 87, Sch. 19 paras. 4, 78)

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- C1 Sch. 2A excluded (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **31(3)(a)** (with arts. 4, 31(4), 53)
- C1 Sch. 2A excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **35(3)** (with arts. 23, 53, Sch. 9 para. 65)
- C1 Sch. 2A excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **30-32** (with art. 46(2), Sch. 19 para. 61)
- C1 Sch. 2A excluded (4.11.2022) by The A47/A11 Thickethorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **32(3)** (with arts. 4, 52, Sch. 9 para. 82)
- C1 Sch. 2A excluded (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **31(3)(a)** (with arts. 31(4), 51)
- C1 Sch. 2A excluded (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **29(3)(a)** (with arts. 5, 29(4))
- C1 Sch. 2A excluded (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **32(3)** (with arts. 4, 32(4))
- C1 Sch. 2A excluded (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **24(3)(a)** (with arts. 24(4), 32, Sch. 10 paras. 26(2), 68)
- C1 Sch. 2A excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **32(3)** (with arts. 4, 50)
- C1 Sch. 2A excluded (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **23(3)** (with art. 23(4))
- C1 Sch. 2A excluded (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **32(3)(a)** (with arts. 5, 32(4), 53, Sch. 8 paras. 6, 64)
- C1 Sch. 2A excluded (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **25(3)** (with arts. 25(4), 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4)
- C1 Sch. 2A excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **27(4)** (with arts. 6(2), 18, 27(5), Sch. 11 paras. 5, 30)
- C1 Sch. 2A excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **31(3)** (with arts. 4, 31(4), 45, Sch. 9 paras. 6, 46, 54(1))
- C1 Sch. 2A excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **24**
- C1 Sch. 2A excluded (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **22(3)** (with arts. 22(4), 43, Sch. 12 paras. 5, 24)
- C1 Sch. 2A excluded (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **38(3)** (with arts. 4, 38(4), 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)
- C1 Sch. 2A excluded (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **28(3)** (with arts. 28(4), 42, 43, Sch. 12)
- C1 Sch. 2A excluded (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **26(3)** (with art. 26(4), Sch. 11)
- C1 Sch. 2A excluded (28.3.2024) by The A66 Northern Trans-Pennine Development Consent Order 2024 (S.I. 2024/360), arts. 1, **27(3)** (with arts. 18, 27(4), 35, Sch. 9)
- C1 Sch. 2A excluded (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **34(3)** (with art. 44, Sch. 15)
- C1 Sch. 2A excluded (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **31(4)** (with arts. 21, 41, Sch. 10)
- C1 Sch. 2A excluded (9.5.2024) by The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (S.I. 2024/564), arts. 1, **22(4)** (with arts. 22(5), 35, 36, Sch. 14)
- C1 Sch. 2A excluded (14.6.2024) by The A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024/733), arts. 1, **34(3)** (with art. 6, Sch. 10)

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PART 1 E+W

COUNTER-NOTICE WHERE ACQUIRING AUTHORITY HAS NOT TAKEN POSSESSION

Introduction

- 1 (1) This Part applies where an acquiring authority—
- (a) serve a notice to treat in respect of part only of a house, building or factory,
 - (b) have not entered on and taken possession of the land to which the notice to treat relates, and
 - (c) have not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land to which the notice to treat relates.
- (2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).
- 2 This Part does not apply by virtue of a notice to treat that is deemed to have been served in respect of part only of a house, building or factory under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).
- 3 In this Part—
- “additional land” means the part of the house, building, or factory not specified in the notice to treat;
 - “house” includes any park or garden belonging to a house;
 - “land proposed to be acquired” means the part of the house, building or factory specified in the notice to treat;
 - “whole of the land” means the land proposed to be acquired and the additional land.

Counter-notice requiring authority to purchase whole of land

- 4 A person who is able to sell the whole of the land (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner's interest in the whole of the land.
- 5 A counter-notice under this Part must be served within—
- (a) the period of 28 days beginning with the day on which the notice to treat was served, or
 - (b) if it would end earlier, the period specified in a repeat notice of entry served in accordance with section 11A.

Effect of counter-notice on notice of entry

- 6 If the owner serves a counter-notice—
- (a) any notice of entry under section 11(1) that has already been served on the owner in respect of the land proposed to be acquired ceases to have effect, and
 - (b) the acquiring authority may not serve a notice of entry (or a further notice of entry) on the owner under section 11(1) in respect of that land unless they are permitted to do so by paragraph 11 or 12.

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Acquiring authority must respond to counter-notice within three months

- 7 On receiving a counter-notice the acquiring authority must decide whether to—
- (a) withdraw the notice to treat,
 - (b) accept the counter-notice, or
 - (c) refer the counter-notice to the Upper Tribunal.
- 8 The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).
- 9 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.
- 10 If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period.

Effects of accepting counter-notice or referring it to the Upper Tribunal

- 11 If the acquiring authority serve notice of a decision to accept the counter-notice—
- (a) the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the whole of the land, and
 - (b) the authority may serve a notice of entry under section 11(1) in relation to the whole of the land.
- 12 If the acquiring authority serve notice of a decision to refer the counter-notice to the Upper Tribunal, the acquiring authority may serve a notice of entry under section 11(1) on the owner in relation to the land proposed to be acquired.
- 13 If the authority have already served one or more notices of entry under section 11(1) in respect of the land proposed to be acquired the period specified in any new notice of entry in relation to that land must be a period that ends no earlier than the end of the period in the most recent notice of entry.]

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