



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6 **E+W+S**

#### PLANNING

### CHAPTER 6 **E+W+S**

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

#### **136 Rights of entry for surveying etc in connection with applications **E+W****

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 53(1) (person may be authorised to enter land for the purpose of surveying and taking levels of it) after “taking levels of it” insert “, or in order to facilitate compliance with the provisions mentioned in subsection (1A),”.
- (3) In section 53 after subsection (1) insert—

“(1A) Those provisions are any provision of or made under an Act for the purpose of implementing—

  - (a) Council Directive [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended from time to time,
  - (b) Council Directive [92/43/EC](#) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended from time to time, or
  - (c) any EU instrument from time to time replacing all or any part of either of those Directives.”
- (4) Omit section 53(2)(b) and (c) (until proposed application is made, entry for surveying may be authorised only if compulsory acquisition may be involved and section 42 has been complied with).

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**Changes to legislation:** Localism Act 2011, Section 136 is up to date with all changes known to be in force on or before 14 June 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

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(5) In section 53 after subsection (3) insert—

“(3A) Power conferred by subsection (1) for the purpose of complying with the provisions mentioned in subsection (1A) includes power to take, and process, samples of or from any of the following found on, in or over the land—

- (a) water,
- (b) air,
- (c) soil or rock,
- (d) its flora,
- (e) bodily excretions, or dead bodies, of non-human creatures, or
- (f) any non-living thing present as a result of human action.”

(6) In section 54(1) (application of section 53(1) to (3) to Crown land) for “to (3)” substitute “to (3A)”.

(7) In paragraph 7 of Schedule 12 (modifications of section 53 for the purposes of its application to Scotland) before sub-paragraph (a) insert—

“(za) in subsection (1A), the reference to an Act included an Act of the Scottish Parliament.”.

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**Commencement Information**

**II** S. 136 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

**Changes to legislation:**

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[View outstanding changes](#)

**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):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)