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STATUTORY INSTRUMENTS

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**2022 No. 820**

**The Northumberland Line Order 2022**

**PART 4**

**ACQUISITION AND POSSESSION OF LAND**

*Temporary possession or use of land*

**Temporary use of land in connection with the development**

**19.**—(1) The Council may, in connection with the development, enter upon and take temporary possession of—

- (a) the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purposes specified in relation to the land in column (3) of that Schedule; and
- (b) subject to paragraph (11), any other land within the Order limits (excluding the land specified in Schedule 8 (land on which temporary rights of access may be exercised)) in respect of which no notice of entry has been served under section 11 (powers of entry)<sup>(1)</sup> of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article the Council must serve notice of the intended entry on the owners and occupiers of the land.

(3) The Council may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the works for the purposes of which temporary possession of that land was taken.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Council must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(5) The Council must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(7) Without affecting article 35 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) (further provision as to compensation for injurious

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(1) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 6 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

affection)(2) of the 1965 Act or under any other enactment in respect of loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order do not apply in relation to the land referred to in paragraph (1)(a) except that the Council is not precluded from acquiring any part of the subsoil of (or rights in the subsoil of or airspace over) that land under article 18 (power to acquire subsoil or airspace only).

(9) Where the Council takes possession of land under this article, it is not required to acquire the land or any interest in it.

(10) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 15(1) (application of Part 1 of the 1965 Act).

(11) Paragraph (1)(b) does not authorise the Council to take temporary possession of any land which it is not authorised to acquire under articles 14 (power to acquire land) or 17 (power to acquire new rights).

(12) The provisions of the Neighbourhood Planning Act 2017(3), insofar as they relate to temporary possession or use of land under this article, do not apply to anything done in connection with the development or the exercise of any powers under this Order.

### **Temporary use of land for access**

**20.**—(1) The Council may use any land specified in Schedule 8 (land on which a temporary right of access may be exercised) for the passage of persons or vehicles (with or without materials, plant and machinery) in connection with the development.

(2) The power under paragraph (1) is exercisable on giving at least seven days' notice (or, where access is urgently required, such notice as is reasonably practicable) to the owners and occupiers of the land.

(3) But paragraph (2) does not require notice to be given in relation to land where notice under that paragraph has already been given in relation to that land.

(4) The Council must pay compensation to the owners and occupiers of the land to which paragraph (1) applies for any loss or damage arising from the exercise of the power conferred by that paragraph.

(5) Any dispute as to a person's entitlement to compensation under paragraph (4), or as to the amount of such compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(6) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 15(1) (application of Part 1 of the 1965 Act).

(7) The provisions of the Neighbourhood Planning Act 2017, insofar as they relate to temporary use of land under this article, do not apply to anything done in connection with the development or the exercise of any powers under this Order.

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(2) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(3) 2017 c. 20.