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SCHEDULES

[^{F1}SCHEDULE 2A

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)

PART 2

COUNTER-NOTICE WHERE AUTHORITY HAS TAKEN POSSESSION

Introduction

- 14 (1) This Part applies where an acquiring authority—
- (a) have entered on and taken possession of part only of a house, building or factory,
 - (b) did not enter on and take possession of the land in accordance with section 11(1), whether because they had not served a notice to treat or otherwise, 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 which they have entered on and taken possession of.
- (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).
- 15 This Part does not apply if the acquiring authority are deemed to have served a notice to treat in respect of the land proposed to be acquired under section 154(5)

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of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).

16 In this Part—

“additional land” means the part of the house, building, or factory that the authority have not entered on and taken possession of;

“house” includes any park or garden belonging to a house;

“land proposed to be acquired” means the part of the house, building or factory that the authority entered on and took possession of otherwise than in accordance with section 11(1);

“whole of the land” means the land proposed to be acquired and the additional land.

Counter-notice requiring authority to purchase additional land

17 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.

18 A counter-notice under this Part must be served within the period of 28 days beginning with the day on which—

- (a) the owner first had knowledge that the acquiring authority had entered on and taken possession of the land, or
- (b) if later, the owner receives any notice to treat.

Acquiring authority must respond to counter-notice within 3 months

19 On receiving a counter-notice the acquiring authority must decide whether to—

- (a) accept the counter-notice, or
- (b) refer the counter-notice to the Upper Tribunal.

20 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”).

21 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

22 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 accept the counter-notice at the end of that period.

Effects of accepting counter-notice

23 (1) This paragraph applies where the acquiring authority serve notice of a decision to accept the counter-notice.

(2) The compulsory purchase order has effect as if it included the owner’s interest in the additional land.

(3) If the acquiring authority have already served a notice to treat in relation to the land proposed to be acquired, the notice has effect as if it also included the owner’s interest in the additional land.

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- (4) If the acquiring authority have not served a notice to treat, they must serve a notice to treat in relation to the owner's interest in the whole of the land.]

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