



Land Compensation Act 1973

1973 CHAPTER 26

PART V

PLANNING BLIGHT

Extension of classes of blighted land

68 Land affected by proposed structure and local plans etc.

- (1) In paragraph (a) of section 192(1) of the Act of 1971 (land indicated in a structure plan in force for the relevant district as land which may be required for the purposes of functions of public authorities or as land which may be included in an action area) the reference to a structure plan in force shall include a reference to—
 - (a) a structure plan which has been submitted to the Secretary of State under section 7 of that Act;
 - (b) proposals for alterations to a structure plan which have been submitted to the Secretary of State under section 10 of that Act;
 - (c) modifications proposed to be made by the Secretary of State in any such plan or proposals as are mentioned in the preceding paragraphs, being modifications of which he has given notice in accordance with regulations under Part II of that Act.
- (2) In paragraph (b) of the said section 192(1) (land allocated for the purposes of functions of public authorities by a local plan in force for the relevant district and land defined in such a plan as the site of proposed development for the purposes of any such functions) the reference to a local plan in force shall include a reference to—
 - (a) a local plan of which copies have been made available for inspection under section 12(2) of the Act of 1971 ;
 - (b) proposals for alterations to a local plan of which copies have been made available for inspection, under section 15(3) of that Act;
 - (c) modifications proposed to be made by the local planning authority or the Secretary of State in any such plan or proposals as are mentioned in the preceding paragraphs, being modifications of which notice has been given by

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the authority or the Secretary of State in accordance with regulations under Part II of that Act.

- (3) In section 138(1)(b) of the Town and Country Planning Act 1962 as it has effect by virtue of paragraph 58 of Schedule 24 to the Act of 1971 (provisions corresponding to section 192(1)(b) of the Act of 1971 pending coming into force of local plans) the reference to a development plan shall include a reference to—
- (a) proposals for alterations to a development plan submitted to the Secretary of State under paragraph 3 or 9 of Schedule 5 to the Act of 1971;
 - (b) modifications proposed to be made by the Secretary of State in any such proposals, being modifications of which notice has been given by the Secretary of State by advertisement.
- (4) No blight notice shall be served by virtue of subsection (1) or (2) above at any time after the copies of the plan or proposals made available for inspection have been withdrawn under—
- (a) section 8(6) or 12(5) of the Act of 1971 (directions by Secretary of State requiring further publicity); or
 - (b) section 10B of that Act (withdrawal of structure plans);
- but so much of the said section 10B as provides that a structure plan which has been withdrawn shall be treated as never having been submitted shall not invalidate any blight notice served by virtue of subsection (1)(a) above before the withdrawal of the structure plan.
- (5) No blight notice shall be served by virtue of this section after the relevant plan or alterations have come into force (whether in their original form or with modifications) or the Secretary of State has decided to reject or, in the case of a local plan, the local planning authority have decided to abandon the plan or alterations and notice of the decision has been given by advertisement.
- (6) Where an appropriate authority have served a counter-notice objecting to a blight notice served by virtue of this section, then, if the relevant plan or alterations come into force (whether in their original form or with modifications) the appropriate authority may serve on the claimant, in substitution for the counter-notice already served, a further counter-notice specifying different grounds of objection, and section 195 of the Act of 1971 (reference of objections to Lands Tribunal) shall have effect in relation to the further counter-notice as it has effect in relation to the counter-notice already served:
- Provided that a further counter-notice under this subsection shall not be served—
- (a) at any time after the end of the period of two months beginning with the date on which the relevant plan or alterations come into force; or
 - (b) if the objection in the counter-notice already served has been withdrawn or the Lands Tribunal has already determined whether or not to uphold that objection.
- (7) References in subsections (1) to (3) above to anything done under any of the provisions there mentioned include references to anything done under those provisions as they apply by virtue of section 17 of, or paragraph 4 of Schedule 5 to, the Act of 1971 (default powers of Secretary of State).
- (8) In the application of this section to Greater London—
- (a) the reference to section 10 of the Act of 1971 shall include a reference to paragraph 6 of Schedule 4 to that Act;

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- (b) for the reference to section 12(2) of that Act there shall be substituted a reference to paragraphs 12(2) and 13(2) of that Schedule;
 - (c) for the reference to section 12(5) of that Act there shall be substituted a reference to paragraph 14(3) of that Schedule;
 - (d) for the reference to section 15(3) of that Act there shall be substituted a reference to the said section 15(3) as substituted by paragraph 16(1), and to paragraph 16(4), of that Schedule.
- (9) In this section references to alterations to a local plan include references to its replacement, and references to alterations to a development plan include references to additions to it.
- (10) In relation to land tailing within section 192(1)(b) of the Act of 1971 or section 138(1)(b) of the Town and Country Planning Act 1962, as extended by this section, " the appropriate enactment" for the purposes of sections 192 to 207 of the Act of 1971 shall be determined in accordance with section 206(2) of that Act as if references therein to the development plan were references to any such plan, proposal or modifications as are mentioned in subsection (2)(a), (b) or (c) and subsection (3)(a) or (b) above.