
Changes to legislation: *New Towns Act 1981, Paragraph 5A is up to date with all changes known to be in force on or before 22 July 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*

SCHEDULES

SCHEDULE 5

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITION OF STATUTORY UNDERTAKERS’ OPERATIONAL LAND

PART I

Acquisitions by development corporations and local highway authorities

- [^{F1}5A] (1) A development corporation making an application under this Part of this Schedule may include in the application a request for a direction that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored); and if it does so the following provisions of this paragraph apply.
- (2) The corporation must submit a statement of commitments together with the application.
- (3) A “statement of commitments” is a statement of the corporation’s intentions as to what will be done with the project land should the acquisition proceed, so far as the corporation relies on those intentions in contending that the direction would be justified in the public interest.
- (4) Those intentions must include the provision of a certain number of units of affordable housing.
- (5) The notice under paragraph 2 must—
- (a) state that the request has been made and what the effect of the direction would be, and
 - (b) name a place where a copy of the statement of commitments may be seen at all reasonable hours.
- (6) The Secretary of State and the appropriate Minister may permit the corporation to amend the statement of commitments before the decision whether to make an order on the application is made.
- (7) But they may do so—
- (a) only if satisfied that the amendment would not be unfair to any person who duly made or could duly have made an objection for the purposes of paragraph 3, and
 - (b) only if the statement of commitments as amended will still comply with sub-paragraph (4).
- (8) If the Secretary of State and the appropriate Minister decide to make an order on the application under paragraph 3, they may include the direction in the order only if satisfied that the direction is justified in the public interest.

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- (9) If an order is made with the direction included, the notice under paragraph 5 must—
- (a) state the effect of the direction,
 - (b) explain how the statement of commitments may be viewed, and
 - (c) explain that additional compensation may become payable if the statement of commitments is not fulfilled.
- (10) In this paragraph—
- “the project land” means—
- (a) the land proposed to be acquired further to the compulsory purchase order, and
 - (b) any other land that the corporation intends to be used in connection with that land;
- “unit of affordable housing” means a building or part of a building that is constructed or adapted for use as a separate dwelling and—
- (a) in the case of a building in England, is to be used as—
 - (i) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
 - (ii) housing of any other description that is set out in regulations made by the Secretary of State, or
 - (b) in the case of a building in Wales, is to be used as housing of a description that is set out in regulations made by the Welsh Ministers.]

Textual Amendments

- F1** Sch. 5 para. 5A inserted (31.3.2024 for W. for specified purposes, 30.4.2024 for E.) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 190\(3\)\(b\)](#), [255\(7\)](#) (with [s. 247](#)); [S.I. 2024/92](#), [reg. 4](#) (with [reg. 6\(6\)](#)); [S.I. 2024/389](#), [reg. 2\(l\)](#)

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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. 1A(1) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(2) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(4) word inserted by [2023 c. 55 Sch. 16 para. 7\(4\)\(b\)](#)
- s. 1A(4) words substituted by [2023 c. 55 Sch. 16 para. 7\(4\)\(a\)](#)
- s. 1A(5)(a) words substituted by [2023 c. 55 Sch. 16 para. 7\(5\)\(a\)](#)
- s. 1ZA1ZB inserted by [2023 c. 55 s. 172\(2\)](#)
- s. 2(1A) inserted by [2023 c. 55 Sch. 16 para. 8](#)
- s. 3(2B)-(2D) inserted by [2023 c. 55 s. 172\(3\)\(c\)](#)
- s. 3(2ZA)(2ZB) inserted by [2023 c. 55 s. 178\(2\)\(b\)](#)
- s. 7A7B inserted by [2023 c. 55 s. 175\(2\)](#)
- s. 60(1A) inserted by [2023 c. 55 s. 179\(2\)\(b\)](#)
- s. 77(3E) inserted by [2023 c. 55 Sch. 17 para. 1\(3\)](#)
- Sch. 3 para. 10A10B and cross-heading inserted by [2023 c. 55 s. 175\(3\)](#)