



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IX

ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Extinction of certain rights affecting acquired or appropriated land

237 Power to override easements and other rights.

- (1) Subject to subsection (3), the erection, construction or carrying out or maintenance of any building or work on land which has been acquired or appropriated by a local authority for planning purposes (whether done by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves—
- interference with an interest or right to which this section applies, or
 - a breach of a restriction as to the user of land arising by virtue of a contract.

- [^{F1}(1A) Subject to subsection (3), the use of any land in England which has been acquired or appropriated by a local authority for planning purposes (whether the use is by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is in accordance with planning permission even if the use involves—
- interference with an interest or right to which this section applies, or
 - a breach of a restriction as to the user of land arising by virtue of a contract.]

- (2) Subject to subsection (3), the interests and rights to which this section applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (3) Nothing in this section shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land which is—
- a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or

Status: Point in time view as at 12/08/2012. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 237 is up to date with all changes known to be in force on or before 24 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)

- (b) a right conferred by or in accordance with the ^{F2}electronic communications code] on the operator of ^{F3}an electronic communications code network] .
- (4) In respect of any interference or breach in pursuance of subsection (1) ^{F4}[or (1A)] , compensation—
- (a) shall be payable under section 63 or 68 of the ^{M1}Lands Clauses Consolidation Act 1845 or under section 7 or 10 of the ^{M2}Compulsory Purchase Act 1965, and
- (b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where—
- (i) the compensation is to be estimated in connection with a purchase under those Acts, or
- (ii) the injury arises from the execution of works on ^{F5}[or use of,] land acquired under those Acts.
- (5) Where a person deriving title under the local authority by whom the land in question was acquired or appropriated—
- (a) is liable to pay compensation by virtue of subsection (4), and
- (b) fails to discharge that liability,
- the liability shall be enforceable against the local authority.
- (6) Nothing in subsection (5) shall be construed as affecting any agreement between the local authority and any other person for indemnifying the local authority against any liability under that subsection.
- (7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) ^{F6}[or (1A)] .

Textual Amendments

- F1** S. 237(1A) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 194, 241, [Sch. 9 para. 4\(2\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F2** Words in s. 237(3)(b) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 103\(1\)\(b\)\(2\)\(a\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)
- F3** Words in s. 237(3)(b) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 103\(1\)\(b\)\(2\)\(b\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)
- F4** Words in s. 237(4) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 194, 241, [Sch. 9 para. 4\(3\)\(a\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F5** Words in s. 237(4)(b)(ii) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 194, 241, [Sch. 9 para. 4\(3\)\(b\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F6** Words in s. 237(7) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 194, 241, [Sch. 9 para. 4\(4\)](#) (with s. 226); S.I. 2009/400, [art. 3](#)

Marginal Citations

- M1** 1845 c.18.
M2 1965 c.56.

Status:

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