



Planning Act 2008

2008 CHAPTER 29

PART 9

CHANGES TO EXISTING PLANNING REGIMES

CHAPTER 1

CHANGES RELATED TO DEVELOPMENT CONSENT REGIME

Blighted land

175 Blighted land: England and Wales

- (1) TCPA 1990 is amended as follows.
- (2) In Schedule 13 (blighted land) after paragraph 23 insert—
 - “24 Land falls within this paragraph if—
 - (a) the compulsory acquisition of the land is authorised by an order granting development consent, or
 - (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an order granting development consent are exercisable, or
 - (c) an application for an order granting development consent seeks authority to compulsorily acquire the land.

Land identified in national policy statements

- 25 Land falls within this paragraph if the land is in a location identified in a national policy statement as suitable (or potentially suitable) for a specified description of development.

Status: This is the original version (as it was originally enacted).

Note

Land ceases to fall within this paragraph when the national policy statement—

- (a) ceases to have effect, or
- (b) ceases to identify the land as suitable or potentially suitable for that description of development.”

(3) In section 150(1)(b) (notices requiring purchase of blighted land)—

- (a) for “21 or” insert “21,”,
- (b) after “notes)” insert “or paragraph 24”, and
- (c) after “Schedule 13 and” insert “(except in the case of land falling within paragraph 24(c) of that Schedule)”.

(4) In section 151 (counter-notices objecting to blight notices) after subsection (7) insert—

“(7A) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of paragraph 25 of Schedule 13 do not include those mentioned in subsection (4)(b).”

(5) After section 165 (power of Secretary of State to acquire land affected by orders relating to new towns etc. where blight notice served) insert—

“165A Power of Secretary of State to acquire land identified in national policy statements where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 25 of Schedule 13, the Secretary of State has power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.”

(6) In section 169 (meaning of “the appropriate authority” for purposes of Chapter 2 of Part 6) after subsection (5) insert—

“(6) In relation to land falling within paragraph 25 of Schedule 13, “the appropriate authority” is—

- (a) if the national policy statement identifies a statutory undertaker as an appropriate person to carry out the specified description of development in the location, the statutory undertaker;
- (b) in any other case, the Secretary of State.

(7) If any question arises by virtue of subsection (6)—

- (a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Secretary of State or a statutory undertaker; or
- (b) which of two or more statutory undertakers is the appropriate authority in relation to any land for those purposes,

that question shall be referred to the Secretary of State, whose decision shall be final.

(8) In subsections (6) and (7) “statutory undertaker” means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11.”

Status: This is the original version (as it was originally enacted).

(7) In section 170 (“appropriate enactment” for purposes of Chapter 2) after subsection (8) insert—

“(8A) In relation to land falling within paragraph 24(a) or (b) of that Schedule, “the appropriate enactment” is the order granting development consent.

(8B) In relation to land falling within paragraph 24(c) of that Schedule, “the appropriate enactment” is an order in the terms of the order applied for.

(8C) In relation to land falling within paragraph 25 of that Schedule, “the appropriate enactment” is section 165A.”

(8) In section 171(1) (general interpretation of Chapter 2 of Part 6) at the appropriate place insert—

““national policy statement” has the meaning given by section 5(2) of the Planning Act 2008;”.