



Planning Act 2008

2008 CHAPTER 29

PART 5

APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 3

ASSISTANCE FOR APPLICANTS AND OTHERS

53 Rights of entry

- (1) Any person duly authorised in writing by the [^{F1}Secretary of State] may at any reasonable time enter any land for the purpose of surveying and taking levels of it^[F2], or in order to facilitate compliance with the provisions mentioned in subsection (1A),] in connection with—
- an application for an order granting development consent, whether in relation to that or any other land, that has been accepted by the [^{F1}Secretary of State],
 - a proposed application for an order granting development consent, or
 - an order granting development consent that includes provision authorising the compulsory acquisition of that land or of an interest in it or right over it.

^[F3](1A) Those provisions are any provision of or made under an Act for the purpose of implementing—

- Council Directive [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended from time to time,
 - Council Directive [92/43/EC](#) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended from time to time, or
 - any EU instrument from time to time replacing all or any part of either of those Directives.]
- (2) Authorisation may be given by the [^{F4}Secretary of State] under subsection (1)(b) in relation to any land only if it appears to the [^{F4}Secretary of State] that—

Status: Point in time view as at 08/09/2022.

Changes to legislation: Planning Act 2008, Section 53 is up to date with all changes known to be in force on or before 10 June 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)

- (a) the proposed applicant is considering a distinct project of real substance genuinely requiring entry onto the land,
- ^{F5}(b)
- ^{F5}(c)
- (3) Subject to subsections (9) and (10), power conferred by subsection (1) to survey land includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals or other matter in it.
- [^{F6}(3A) Power conferred by subsection (1) for the purpose of complying with the provisions mentioned in subsection (1A) includes power to take, and process, samples of or from any of the following found on, in or over the land—
- (a) water,
- (b) air,
- (c) soil or rock,
- (d) its flora,
- (e) bodily excretions, or dead bodies, of non-human creatures, or
- (f) any non-living thing present as a result of human action.]
- (4) A person authorised under subsection (1) to enter any land—
- (a) must, if so required, produce evidence of the person's authority, and state the purpose of the person's entry, before so entering,
- (b) may not demand admission as of right to any land which is occupied unless 14 days' notice of the intended entry has been given to the occupier, and
- (c) must comply with any other conditions subject to which the [^{F7}Secretary of State's] authorisation is given.
- (5) A person commits an offence if the person wilfully obstructs a person acting in the exercise of power under subsection (1).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where any damage is caused to land or chattels—
- (a) in the exercise of a right of entry conferred under subsection (1), or
- (b) in the making of any survey for the purpose of which any such right of entry has been conferred,
- compensation may be recovered by any person suffering the damage from the person exercising the right of entry.
- (8) Any question of disputed compensation under subsection (7) must be referred to and determined by the [^{F8}Upper Tribunal].
- (9) No person may carry out under subsection (1) any works authorised by virtue of subsection (3) unless notice of the person's intention to do so was included in the notice required by subsection (4)(b).
- (10) The authority of the appropriate Minister is required for the carrying out under subsection (1) of works authorised by virtue of subsection (3) if—
- (a) the land in question is held by statutory undertakers, and
- (b) they object to the proposed works on the ground that execution of the works would be seriously detrimental to the carrying-on of their undertaking.

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(11) In subsection (10)—

“the appropriate Minister” means—

(a) in the case of land in Wales held by water or sewerage undertakers, the Welsh Ministers, and

(b) in any other case, the Secretary of State;

“statutory undertakers” means persons who are, or who are deemed to be, statutory undertakers for the purposes of any provision of Part 11 of TCPA 1990.

Textual Amendments

- F1** Words in s. 53(1) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 12(2)**; S.I. 2012/628, art. 7(a)
- F2** Words in s. 53(1) inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 136(2)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)
- F3** S. 53(1A) inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 136(3)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)
- F4** Words in s. 53(2) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 12(2)**; S.I. 2012/628, art. 7(a)
- F5** S. 53(2)(b)(c) repealed (1.4.2012) by Localism Act 2011 (c. 20), **ss. 136(4)**, 240(2), **Sch. 25 Pt. 20** (with s. 144); S.I. 2012/628, art. 7
- F6** S. 53(3A) inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 136(5)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)
- F7** Words in s. 53(4)(c) substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 12(3)**; S.I. 2012/628, art. 7(a)
- F8** Words in s. 53(8) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 292** (with Sch. 5)

Commencement Information

- I1** S. 53 in force at 1.10.2009 by S.I. 2009/2260, **art. 2(b)**

Status:

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