
STATUTORY INSTRUMENTS

2020 No. 1075

**The Great Yarmouth Third River Crossing
Development Consent Order 2020**

PART 5

POWERS OF ACQUISITION AND POSSESSION OF LAND

Powers of Acquisition

Acquisition of subsoil or airspace etc., only

33.—(1) The undertaker may acquire compulsorily so much of, or such rights over, the subsoil beneath, or the surface of, or the airspace above, the land referred to in paragraph (1) of article 25 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) In the case of the Order land specified in columns (1) and (2) of Schedule 8 (land in which only airspace and new rights may be acquired) the undertaker's powers of compulsory acquisition under article 25 (compulsory acquisition of land) are limited to—

- (a) the acquisition of such airspace; and
- (b) the acquisition of such easements or other new rights and the imposition of such restrictive covenants over the airspace and the surface of the land,

as the undertaker may require for or in connection with the authorised development.

(3) Where the undertaker acquires any part of, or rights over, the subsoil beneath, or the surface of, or the airspace over land referred to in paragraphs (1) or (2), the undertaker is not required to acquire an interest in any other part of the land.

(4) The following do not apply in connection with the exercise of the powers under paragraphs (1) and (2) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act as modified by article 31 (modification of Part 1 of the 1965 Act);
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A)^{M1} (blighted land; proposed acquisition of part interest; material detriment test) of the 1990 Act.

(5) Paragraphs (3) and (4) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

(6) References in paragraph (2)(a) to airspace are references to the airspace lying at and above the heights specified in column (3) of Schedule 8, which are heights above Ordnance Datum and references in paragraph (2)(b) to airspace are references to the airspace lying below the airspace referenced in paragraph (2)(a).

Changes to legislation: There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, Section 33. (See end of Document for details)

Commencement Information

II Art. 33 in force at 15.10.2020, see [art. 1](#)

Marginal Citations

M1 [Section 153\(4A\)](#) was inserted by section 200(2) of the [Housing and Planning Act 2016 \(c. 22\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, Section 33.