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STATUTORY INSTRUMENTS

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**2022 No. 299**

**The Bridgwater Tidal Barrier Order 2022**

**PART 4**

**ACQUISITION AND POSSESSION OF LAND**

*Powers of acquisition*

**Power to acquire subsoil or air-space**

**35.**—(1) The Agency may compulsorily acquire so much of, or such rights in, the subsoil of, or the airspace over, the land referred to in article 31 (power to acquire rights in land) and article 32 (power to acquire 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) Where the Agency acquires any part of, or such rights in, the subsoil of or the airspace over land under paragraph (1) the Agency is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or air-space only—

- (a) Schedule 2A to the 1965 Act (counter-notice requiring purchase of land not in notice to treat) (as modified by article 33 (application of Part 1 of the 1965 Act));
- (b) Schedule A1 to the Compulsory Purchase (Vesting Declaration) Act 1981 (counter-notice requiring purchase of land not in general vesting declaration) (as modified by article 34 (application of the Compulsory Purchase (Vesting Declaration) Act 1981));
- (c) section 153(4A) of the 1990 Act<sup>(1)</sup> (blighted land: proposed acquisition of part interest; material detriment test).

(4) Paragraphs (2) and (3) do not prevent Schedule 2A to the 1965 Act (as modified by article 33 (application of Part 1 of the 1965 Act)) from applying where the Agency acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

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<sup>(1)</sup> Subsection (4A) was inserted by section 200 of the Housing and Planning Act 2016.