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STATUTORY INSTRUMENTS

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**2022 No. 934**

**The A428 Black Cat to Caxton Gibbet  
Development Consent Order 2022**

**PART 5**

**POWERS OF ACQUISITION AND POSSESSION OF LAND**

**Modification of Part 1 of the 1965 Act**

**33.**—(1) Part 1 of the 1965 Act, as applied to this Order by section 125(1) (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows.

(2) In section 4A(1)(2) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 26 (time limit for exercise of authority to acquire land compulsorily) of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022”.

(3) In section 11A(3) (powers of entry: further notice of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”;
- (b) in subsection (2), after “land” insert “under that provision”.

(4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 266 (time limit for exercise of authority to acquire land compulsorily) of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022”.

(5) In Schedule 2A(4) (counter-notice requiring purchase of land not in notice to treat)—

(a) for paragraphs 1(2) and 14(2) substitute—

“(2) But see article 35(3) (acquisition of subsoil or airspace only) of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022, which excludes the acquisition of subsoil or airspace only from this Schedule”; and

(b) after paragraph 29, end insert—

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(1) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).  
(2) Section 4A was inserted by section 202(1) of the Housing and Planning Act 2016.  
(3) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.  
(4) Schedule 2A was inserted by section 216(3) of, and paragraphs 1 and 3 of Schedule 17 to, the Housing and Planning Act 2016.

## “PART 4

### INTERPRETATION

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under articles 22 (protective works to buildings), 40 (temporary use of land for carrying out the authorised development) or 41 (temporary use of land for maintaining the authorised development) of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022.”.