



# Neighbourhood Planning Act 2017

## 2017 CHAPTER 20

### PART 2

#### COMPULSORY PURCHASE ETC

### CHAPTER 1

#### TEMPORARY POSSESSION OF LAND

## 26 Consequential amendments

- (1) The Town and Country Planning Act 1990 is amended in accordance with subsections (2) to (7).
- (2) In section 150 (notices requiring purchase of blighted land), in subsection (1)(b), for “or paragraph 24” substitute “, paragraph 24 or paragraph 24A ”.
- (3) In section 151 (counter-notice objecting to blight notices)—
  - (a) in subsection (4)(b), after “to acquire” insert “ or (in the case of land to which paragraph 24A of Schedule 13 applies) take temporary possession of”, and
  - (b) in subsection (8), for “to acquire that land” substitute “ to acquire or (in the case of land to which paragraph 24A of Schedule 13 applies) to take temporary possession of that land ”.
- (4) In section 155 (effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire)—
  - (a) in the heading, after “acquire” insert “ etc. ”, and
  - (b) in subsection (2)—
    - (i) in paragraph (a), after “appropriate enactment” insert “ , or, in a case to which paragraph 24A of Schedule 13 applies, the temporary possession of land has been authorised by the appropriate enactment, ”,

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Neighbourhood Planning Act 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (ii) in the closing words, after “that order” insert “ or appropriate enactment, ”, and
  - (iii) after “claimant in” insert “ , or the temporary possession of, ”.
- (5) In section 169 (meaning of “appropriate authority” in relation to blighted land), in subsection (1)—
- (a) the words from “by whom” to the end become paragraph (a), and
  - (b) after that paragraph insert “ , or
    - (b) which is authorised to take temporary possession of the land as mentioned in paragraph 24A of Schedule 13.”
- (6) In section 170 (meaning of “appropriate enactment” in relation to blighted land), after subsection (8B) insert—
- “(8BA) In relation to land falling within paragraph 24A of that Schedule “the appropriate enactment” is the instrument mentioned in section 19(2) of the Neighbourhood Planning Act 2017 (procedure for authorising temporary possession etc.) under which the acquiring authority mentioned in section 18(1) of that Act (power to take temporary possession of land) is authorised to take temporary possession of the land.”
- (7) In Schedule 13 (list of categories of land which are blighted land as a result of planning proposals etc. by public authorities), after paragraph 24 insert—
- “24A Land the temporary possession of which is authorised by virtue of section 18(2) of the Neighbourhood Planning Act 2017.”
- (8) In section 172 of the Housing and Planning Act 2016 (right to enter and survey land in connection with proposal to acquire land etc.)—
- (a) in subsection (1)—
    - (i) the words from “to” to the end become paragraph (a), and
    - (ii) after paragraph (a) insert “ , or
      - (b) take temporary possession of land compulsorily under section 18(2) of the Neighbourhood Planning Act 2017.”” and
  - (b) in subsection (6) for the words from “acquiring authority” to the end of the subsection substitute “—
    - (a) “acquiring authority” means a person who could be authorised to acquire compulsorily the land to which the proposal mentioned in subsection (1) relates (regardless of whether the proposal is to acquire an interest in or a right over the land or to take temporary possession of it), and
    - (b) “owner” has the meaning given in section 7 of the Acquisition of Land Act 1981.”

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**Commencement Information**

**II** S. 26(8)(b) in force at 22.9.2017 by S.I. 2017/936, **reg. 3(a)** (with **reg. 5**)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act excluded in part by [S.I. 2020/1297 art. 3\(1\)\(g\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act excluded in part by [S.I. 2021/51 art. 3\(e\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)
- Act excluded in part by [S.I. 2024/564 art. 6\(1\)](#)
- Act restricted by [S.I. 2024/564 Sch. 14 Pt. 3 para. 4\(1\)](#)