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SCHEDULES

[^{F1}SCHEDULE A1

COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN GENERAL VESTING DECLARATION

Textual Amendments

- F1** Sch. A1 inserted (3.2.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 18 para. 6**; S.I. 2017/75, reg. 3(k) (with reg. 5)

Modifications etc. (not altering text)

- C1** Sch. A1 excluded (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **32(3)** (with arts. 4, 50)
- C1** Sch. A1 excluded (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **31(3)(b)** (with arts. 31(4), 37)
- C1** Sch. A1 excluded (22.12.2021) by The Morlais Demonstration Zone Order 2021 (S.I. 2021/1478), arts. 1, **26(3)(b)** (with arts. 15, 50, Sch. 11 para. 29)
- C1** Sch. A1 excluded (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **32(3)(b)** (with arts. 4, 32(4), 50)
- C1** Sch. A1 excluded (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **23(3)** (with art. 23(4))
- C1** Sch. A1 excluded (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **35(3)(b)**
- C1** Sch. A1 excluded (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **21(4)(b)** (with arts. 24(8), 33(2))
- C1** Sch. A1 excluded (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **24**
- C1** Sch. A1 excluded (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **24(3)(b)** (with arts. 24(4), 40, 41)
- C1** Sch. A1 excluded (10.3.2022) by The Thurrock Flexible Generation Plant Development Consent Order 2022 (S.I. 2022/157), arts. 1, **25(b)** (with Sch. 8 Pt. 6 para. 19)
- C1** Sch. A1 excluded (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **31(3)(b)** (with arts. 31(4), 51)
- C1** Sch. A1 excluded (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **27(3)(b)** (with arts. 5, 27(4))
- C1** Sch. A1 excluded (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **26(3)(b)(4)** (with arts. 55, 56)
- C1** Sch. A1 excluded (9.2.2021) by The A1 Birtley to Coal House Development Consent Order 2021 (S.I. 2021/74), arts. 1, **30(3)(b)** (with arts. 5, 30(4), Sch. 27 para. 36)
- C1** Sch. A1 excluded (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **32(3)** (with arts. 4, 32(4))
- C1** Sch. A1 excluded (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), arts. 1, **30(3)(b)** (with arts. 30(4), 58, 59)
- C1** Sch. A1 excluded (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **33(4)(b)** (with art. 33(5))

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- C1 Sch. A1 excluded (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **24(3)(b)** (with art. 24(4), Sch. 9 para. 144)
- C1 Sch. A1 excluded (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **27(4)(b)** (with art. 27(5))
- C1 Sch. A1 excluded (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **31(3)(b)** (with arts. 4, 31(4), 53)
- C1 Sch. A1 excluded (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **31(3)** (with arts. 4, 31(4), 45, Sch. 9 paras. 6, 46, 54(1))
- C1 Sch. A1 excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **25(3)(b)** (with art. 25(4))
- C1 Sch. A1 excluded (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **25(3)(b)** (with art. 25(4))
- C1 Sch. A1 excluded (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **30(3)(b)** (with arts. 6, 30(4), 34)
- C1 Sch. A1 excluded (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **23(3)(b)** (with arts. 7, 23(4))
- C1 Sch. A1 excluded (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **25(3)(b)** (with arts. 7, 25(4))
- C1 Sch. A1 excluded (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **24(3)(b)** (with arts. 40, 41)
- C1 Sch. A1 excluded (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **27(4)(b)** (with arts. 51, 57)
- C1 Sch. A1 excluded (30.4.2020) by The A585 Windy Harbour to Skipool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **27(3)(b)** (with arts. 5, 27(4), 44)
- C1 Sch. A1 excluded (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **29(3)(b)** (with arts. 4, 29(4), 37)
- C1 Sch. A1 excluded (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **27(3)(b)** (with arts. 5, 27(4), 44)
- C1 Sch. A1 excluded (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **23(3)** (with arts. 23(4), 40, 41, Sch. 9 Pt. 5 para. 18)
- C1 Sch. A1 excluded (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **32(3)(b)** (with arts. 5, 32(4), 36)
- C1 Sch. A1 excluded (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **32(3)(b)** (with arts. 5, 32(4), 53, Sch. 8 paras. 6, 64)
- C1 Sch. A1 excluded (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **21(3)(b)** (with arts. 21(4), 37)
- C1 Sch. A1 excluded (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **29(3)(b)** (with arts. 5, 29(4))
- C1 Sch. A1 excluded (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **24(3)(b)** (with arts. 24(4), 41, 42, Sch. 16)
- C1 Sch. A1 excluded (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **31(3)(b)** (with arts. 4, 31(4), 47)
- C1 Sch. A1 excluded (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1(1), **31(3)(b)** (with arts. 3(1), 31(4))
- C1 Sch. A1 excluded (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **25(3)** (with arts. 25(4), 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4)
- C1 Sch. A1 excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **30-32** (with art. 46(2), Sch. 19 para. 61)
- C1 Sch. A1 excluded (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **22(3)** (with arts. 22(4), 32(2))
- C1 Sch. A1 excluded (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **22(3)(b)** (with arts. 22(4), 31(2))

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- C1 Sch. A1 excluded (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **35** (with art. 55)
- C1 Sch. A1 excluded (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **35** (with arts. 35(4), 62, 76, 87)
- C1 Sch. A1 excluded (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **28(3)(b)** (with arts. 28(4), 32, Sch. 9 para. 36)
- C1 Sch. A1 excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 6(2)(b)**, 64(1)
- C1 Sch. A1 excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 7(2)(b)**, 64(1) (with s. 7(3))
- C1 Sch. A1 excluded (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **27(4)** (with arts. 6(2), 18, 27(5), Sch. 11 paras. 5, 30)
- C1 Sch. A1 excluded (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **27** (with arts. 3(3), 5)
- C1 Sch. A1 excluded by 2017 c. 7, s. 7(2) (as amended) (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 2**; S.I. 2017/209, reg. 2
- C1 Sch. A1 excluded (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **24(3)(b)** (with arts. 41, 42, Sch. 17 para. 66)
- C1 Sch. A1 excluded by 2017 c. 7, s. 8(2) (as amended) (24.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(2), **Sch. 14 para. 3**; S.I. 2017/209, reg. 2
- C1 Sch. A1 excluded (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **27(3)(b)** (with art. 27(4))
- C1 Sch. A1 excluded (4.11.2022) by The A47/A11 Thickethorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **32(3)** (with arts. 4, 52, Sch. 9 para. 82)
- C1 Sch. A1 excluded (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), **arts. 1, 24(3)(b)** (with art. 24(4))
- C1 Sch. A1 excluded (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **24(3)(b)** (with arts. 24(4), 32, Sch. 10 paras. 26(2), 68)
- C1 Sch. A1 excluded (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **22(3)** (with arts. 22(4), 43, Sch. 12 paras. 5, 24)
- C1 Sch. A1 excluded (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **38(3)** (with arts. 4, 38(4), 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)

PART 3

DETERMINATION BY THE UPPER TRIBUNAL

Introduction

- 13 This Part applies where, in accordance with paragraph 8, the acquiring authority refer a counter-notice to the Upper Tribunal.

Role of the Upper Tribunal

- 14 (1) The Upper Tribunal must determine whether the severance of the land proposed to be acquired would—
- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
 - (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

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- (2) In making its determination, the Upper Tribunal must take into account—
- (a) the effect of the severance,
 - (b) the proposed use of the land proposed to be acquired, and
 - (c) if that land is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.
- 15 If the Upper Tribunal determines that the severance of the land proposed to be acquired would have either of the consequences described in paragraph 14(1) it must determine how much of the additional land the acquiring authority ought to be required to take in addition to the land proposed to be acquired.

Effect of determination that more land should be acquired

- 16 (1) This paragraph applies where the Upper Tribunal specifies in its determination that the acquiring authority ought to be required to take the whole or part of the additional land (“the specified land”).
- (2) The general vesting declaration and any notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the specified land.
- (3) The Upper Tribunal must order a vesting date for—
- (a) the specified land, and
 - (b) any land proposed to be acquired which has not vested in the authority and for which no vesting date has been specified under paragraph 12.
- [If the vesting date for the specified land is after the vesting date for any land proposed
- ^{F2}(4) to be acquired, the Upper Tribunal's power to award compensation under section 7 of the Compulsory Purchase Act 1965 includes power to award compensation for any loss suffered by the owner by reason of the temporary severance of the land proposed to be acquired from the specified land.]

Textual Amendments

- F2** Sch. A1 para. 16(4) inserted (19.7.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 41, 46(1)**; [S.I. 2017/767](#), reg. 2(j)

Withdrawal of notice to treat following determination

- 17 (1) This paragraph applies where—
- (a) the Upper Tribunal has specified in its determination that the acquiring authority ought to be required to take the whole or part of the additional land (“the specified land”), and
 - (b) the vesting date in relation to the land proposed to be acquired has not passed, and
 - (c) the vesting date in relation to the specified land has not passed.
- (2) The acquiring authority may, within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination, withdraw the notice to treat in relation to the land proposed to be acquired together with the specified land.

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- (3) If the acquiring authority withdraws the notice to treat, the general vesting declaration is to have effect as if it did not include that land.
- (4) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.
- (5) Any dispute as to the compensation is to be determined by the Upper Tribunal.]

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

- Act applied (with modifications) by [S.I. 2020/1297 art. 26](#) (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 applied (with modifications) by [S.I. 2021/51 art. 30](#) (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 applied (with modifications) by [S.I. 2024/174 art. 27](#)
- Act applied (with modifications) by [S.I. 2024/230 art. 29](#)
- Act applied (with modifications) by [S.I. 2024/360 art. 26](#)
- Act applied (with modifications) by [S.I. 2024/393 art. 33](#)
- Act applied (with modifications) by [S.I. 2024/436 art. 30](#)
- Act applied (with modifications) by [S.I. 2024/526 art. 20](#)
- Act applied (with modifications) by [S.I. 2024/564 art. 21](#)