

PLANNING ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 9, Chapter 1: Changes related to development consent regime

Sections 175 and 176: Blighted land: England and Wales / Blighted land: Scotland

281. A national policy statement identifying a location as a suitable (or potentially suitable) location for a nationally significant infrastructure project may create blight at that location, reducing land values and making it hard to sell the land. Blight may also result from an application being made for an order granting development consent authorising the compulsory acquisition of land or from such authorisation being given.
282. [Section 175](#) amends TCPA 1990 (which extends to England and Wales), so as to allow owner occupiers adversely affected in this way to have the benefit of the existing statutory provisions relating to blight. The effect of subsection (6) is that the “appropriate authority” (who should receive the blight notice) in the case of blight caused by a national policy statement is the statutory undertaker named as an appropriate person to carry out the development in the national policy statement, or the Secretary of State where there is no such named undertaker. The Secretary of State is to determine any disputes as to who should be the appropriate authority. Subsection (4) prevents the appropriate authority from serving a counter-notice to a blight notice on grounds of having no intention of conducting the development. Subsection (7) makes it clear that the “appropriate enactment” for a blight notice is the development consent order, or the draft order in the terms applied for.
283. [Section 176](#) makes equivalent provision for blight caused in Scotland by an order granting development consent which authorises the compulsory acquisition of land, or an application for such an order, or by a national policy statement identifying a location as a suitable (or potentially suitable) location for an oil or gas cross-country pipe-line.