

SCHEDULE 1

Regulation 3

Form A

NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

[THE (a) DEVELOPMENT CONSENT ORDER]

The above order, which was made on the [(b)] by the [Infrastructure Planning Commission] [Secretary of State for (c)] (d), includes provision authorising the compulsory acquisition of [land] [and] [the new rights] (d) described in the Schedule.

[This land] [The land over which the new rights are to be acquired] (d) was acquired by (e) for the purposes of their undertaking and the Secretary of State is satisfied that [it is used] [an interest in it is held] (d) for the purposes of carrying out their undertaking.

The Secretary of State for [(e)], in exercise of powers under section [127(2)] [127(5)] (d) of the Planning Act 2008, has certified that the Secretary of State is satisfied that the nature and situation of the land in question are such that

[it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.]

[it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.] (d)

The certificate becomes operative on (b).

SCHEDULE

(f)

[date and signature]

Notes

(a) Insert the title of the order and the year it is made

(b) Insert the relevant date

(c) Insert title of Secretary of State

(d) Delete material which is inapplicable

(e) Insert the name of the authority

(f) Insert a description of all the land (and/or new rights, if any) comprised in the order. This need not repeat anything said in the order itself, but must be in terms which enable interested persons to readily understand how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form B

NOTICE OF SECRETARY OF STATE'S CERTIFICATE UNDER SECTION 131(10) OR 132(10) OF THE PLANNING ACT 2008

[(a)]

The above application, which has been submitted to the Infrastructure Planning Commission by [(b)], seeks an order granting development consent which authorises the compulsory acquisition of [land] [a right over land] [(c)] forming part of [a common] [an open space] [a fuel or field garden allotment] [by the creation of a new right over that land] [(c)]. [The land] [and] [the rights] [is] [are] [(c)] described in the Schedule [1] [(c)] to this notice.

Such an order must be subject to special parliamentary procedure unless the Secretary of State issues a certificate in accordance with section [131(3)(b)] [132(2)(b)] [(c)] of the Planning Act 2008 ('the Act'). The Secretary of State for [(d)] in exercise of powers under section [131(3)(b)] [132(2)(b)] [(c)] of the Act, has certified that the Secretary of State is satisfied that

[replacement land has been or will be given in exchange for the order land, and, the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.]

[replacement land has been or will be given in exchange for the order right, and, the replacement land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent). The land which has or will be given in exchange is described in Schedule 2 to this notice.]

[the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and, the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.]

[the order land, when burdened with the order right, will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public.]

[the order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway] and, the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.] [(c)]

The certificate becomes operative on the date on [(g)].

SCHEDULE [1]

[(e)]

[SCHEDULE 2] [(c)]

[(f)]

[Date and signature]

Notes

(a) *Insert IPC application reference*

(b) *Insert the name of the applicant*

(c) *Delete material which is inapplicable*

(d) *Insert the title of the relevant Secretary of State*

(e) *Insert a description of the land and new rights to which the certificate relates. If the details of new rights are lengthy a suitable summary may be included*

(f) *If land is to be (or has been) given in exchange, this should be described here*

(g) *Insert the relevant date*

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Form C

NOTICE OF COMPULSORY ACQUISITION UNDER SECTION 134(7) OF THE PLANNING ACT 2008

[THE (a) DEVELOPMENT CONSENT ORDER]

[(b)]

NOTICE OF AUTHORISATION OF COMPULSORY ACQUISITION

The above order, made under the Planning Act 2008 by the [Infrastructure Planning Commission] [Secretary of State for (c)] (d) and published on [(e)], includes provision authorising the compulsory acquisition [of land] [existing rights over land] [of a right over land by creating a new right over it] (d) as described in the Schedule.

The order includes provision authorising the acquisition for the purpose of [(f)].

A copy of the order has been deposited at [(g)] and may be inspected at all reasonable hours.

A person aggrieved by the order may challenge the order only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review during the period of 6 weeks beginning with the day on which the order was published (or, if later, the day on which the statement of reasons for making the order is published).

SCHEDULE

DESCRIPTION OF THE [LAND][EXISTING RIGHTS] [AND][THE NEW RIGHTS] (d)

(h)

[Date and signature]

Notes

(a) *Insert the title of the order*

(b) *Where the notice is to be affixed, the notice should be addressed at this point to persons occupying or having an interest in the land in question*

(c) *Insert the title of the relevant Secretary of State*

(d) *Delete material which is inapplicable*

(e) *Insert the date on which the order was published*

(f) *Insert the purpose of the acquisition*

(g) *Insert the address at which a copy of the order may be inspected*

(h) *Insert a description of all the land and/or existing or new rights described in the order. This need not repeat any relevant Schedule to the order itself, but must be in terms which enable the reader to appreciate what is included. If the details of the existing or new rights are lengthy, a summary may be included*

SCHEDULE 2

Regulation 7

Table

Table of persons to be notified of the proposed provision

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1; Persons</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed provision.</i>
The Welsh Ministers	All proposed provisions likely to affect land in Wales
The Scottish Executive	All proposed provisions likely to affect land in Scotland
The relevant Northern Ireland Department	All proposed provisions likely to affect land in Northern Ireland
The relevant Regional Planning Body	All proposed provisions likely to affect land in England and Wales
The Health and Safety Executive	All cases
The relevant Strategic Health Authority	All proposed provisions likely to affect land in England and Wales
The relevant Health Board(1)	All proposed provisions likely to affect land in Scotland
Natural England	All proposed provisions likely to affect land in England
The Historic Buildings and Monuments Commission for England	All proposed provisions likely to affect land in England
The relevant fire and rescue authority	All cases
The relevant police authority	All cases
The relevant parish council, or, where the application relates to land in Wales or Scotland the relevant community council	All cases
The Environment Agency	All proposed provisions likely to affect land in England and/or Wales
The Scottish Environment Protection Agency	All proposal provisions likely to affect land in Scotland
The Commission for Architecture and the Built Environment	All proposed provisions likely to affect land in England
The relevant Regional Development Agency	All cases
The Equality and Human Rights Commission	All proposed provisions likely to affect land in England and Wales
The Scottish Human Rights Commission	All proposed provisions likely to affect land in Scotland
The Commission for Sustainable Development	All cases

Note to Table

“relevant” in relation to a body, shall mean the body which has responsibility for the area where the additional land is located.

(1) For the meaning of Health Board see section 2 of the National Health Service (Scotland) Act 1978 (c.29)

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<i>Column 1; Persons</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed provision.</i>
AONB Conservation Boards	All proposed provisions likely to affect an AONB that is managed by a Conservation Board
Royal Commission on Ancient and Historical Monuments of Wales	All proposed provisions likely to affect the historic environment in Wales
The Countryside Council for Wales	All proposed provisions likely to affect land in Wales
The Homes and Communities Agency	All proposed provisions likely to have an effect on its areas of responsibility
The Joint Nature Conservation Committee	All proposed provisions likely to affect the marine environment
The Commission for Rural Communities	All proposed provisions likely to affect rural communities in England
Scottish Natural Heritage	All proposed provisions likely to affect land in Scotland
The Maritime and Coastguard Agency	All proposed provisions likely to affect the maritime or coastal environment, or the shipping industry
The Marine and Fisheries Agency	All proposed provisions likely to affect the marine area in England and Wales
The Scottish Fisheries Protection Agency	All proposed provisions likely to affect the fisheries industry in Scotland
The Civil Aviation Authority	All proposed provisions relating to airports or which are likely to affect an airport or its current or future operation
The Highways Agency	All proposed provisions likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority.
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	All proposed provisions likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE
The relevant Highway Authority	All proposed provisions likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal
Transport for London	All proposed provisions likely to affect transport within, to or from Greater London
The Rail Passengers Council	All proposed provisions likely to affect rail passenger transport

Note to Table

“relevant” in relation to a body, shall mean the body which has responsibility for the area where the additional land is located.

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<i>Column 1; Persons</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed provision.</i>
The Disabled Persons Transport Advisory Committee	All proposed provisions likely to affect access to transport for disabled people
The Coal Authority	All proposed provisions that lie within areas of past, present or future coal mining.
The Office of Rail Regulation and approved operators(2)	All proposed provisions likely to affect the rail transport industry
The Gas and Electricity Markets Authority	All proposed provisions likely to affect gas and electricity markets
The Water Services Regulation Authority	All proposed provisions likely to affect the water industry in England and Wales
The Water Industry Commission of Scotland	All proposed provisions likely to affect the water industry in Scotland
The relevant waste regulation authority	All proposed provisions likely to affect waste infrastructure
The relevant internal drainage board	All proposed provisions likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk
The British Waterways Board	All proposed provisions likely to have an impact on inland waterways or land adjacent to inland waterways
Trinity House	All proposed provisions likely to affect navigation in tidal waters
The Health Protection Agency	All proposed provisions likely to involve chemicals, poisons or radiation which could potentially cause harm to people
The relevant local resilience forum	All cases
Relevant statutory undertakers	All proposed provisions likely to affect their functions as statutory undertakers
The Crown Estate Commissioners	All proposed provisions likely to impact on the Crown Estate
The Forestry Commission	All proposed provisions likely to affect the protection or expansion of forests and woodlands

Note to Table

“relevant” in relation to a body, shall mean the body which has responsibility for the area where the additional land is located.

(2) For the definition of “approved operators” see section 25 of the Planning Act 2008 (c.29).

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SCHEDULE 3

Regulation 9(a)

Notice in accordance with regulation 9(a)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Planning Act 2008

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Notice under regulation 9(a)

The names, addresses for service and contact details of the additional affected persons are –

EITHER

(a) as described in the supplement to Part 1 of the book of reference (persons within Category 1 set out in section 57(1) of the Planning Act 2008 and persons within Category 2 set out in section 57(2) of that Act): **YES/NO (i)**.

OR

(b) as described in the supplement to Part 1 of the book of reference (persons within Category 1 set out in section 57(1) of the Planning Act 2008 and persons within Category 2 set out in section 57(2) of that Act), subject to the changes described in documentation attached to this notice: **YES/NO (i)**.

OR

(c) as described in the documentation attached to this Notice: **YES/NO (i)**

- in relation to the proposed provision to authorise the compulsory acquisition of additional and for
..... at the location of /or along the route of (i).....
.....

(Completed certificate to be received by the Infrastructure Planning Commission no later than 10 working days after the deadline date stating the applicant has fulfilled requirement at either (a), (b) and (c) above)

IPC Case Reference No.:

Applicant:

Signed:

On behalf of:

Date:

Notes:

(i) Delete material which is inapplicable

(ii) Regulation 7 and 8 require the applicant to have: (a) given notice of an accepted proposed provision to the required persons; (b) made available to the required persons a copy of the proposed provision and accompanying documents and information; and (c) publicised the proposed provision in the prescribed manner.

(iii) Section 57 of the Planning Act 2008 defines a person as being within Categories 1 and 2 as follows:

(1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.

(2) A person is within Category 2 of the applicant, after making diligent inquiry, knows that the person; (a) is interested in the land, or (b) has power to either sell or convey the land or to release the land.

(iv) Regulation 9 requires the applicant to certify to the Commission that the applicant has complied with the requirements of regulations 7 and 8.

(v) The book of reference is defined in regulation 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

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SCHEDULE 4

Regulation 9(b)

Certifying compliance with regulations 7 and 8

Planning Act 2008

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Certificate under regulation 9(b) certifying compliance with regulations 7 and 8

I certify that, in compliance with the requirements of regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010—

- (a) notice of the proposed provision was given to the required persons identified in accordance with regulation 7;
- (b) a copy of the proposed provision and accompanying documents and information was made available to the required persons; and
- (c) the proposed provision was published in the required manner

- in relation to the proposed provision to authorise the compulsory acquisition of additional and for.....

.....at the location of /or along the route of (i).....

The deadline date for all representations to be received by the Commission under regulations 7 and 8 was.....

(Completed certificate to be received by the Infrastructure Planning Commission no later than 10 working days after the deadline date stating the applicant has fulfilled all the requirements at (a), (b) and (c) above)

IPC Case Reference No.:

Applicant:

Signed:

Name in capitals:

Date:

Notes

(i) Delete material which is inapplicable