



# Local Government, Planning and Land Act 1980

## 1980 CHAPTER 65

### PART XIV

#### LAND—MISCELLANEOUS

##### *Development land*

#### **116 Assessment of development land**

- (1) If the Secretary of State directs an authority to do so, it shall make an assessment of land which is in its area and which is in its opinion available and suitable for development for residential purposes.
- (2) In connection with any assessment under subsection (1) above, the authority shall comply with such directions as the Secretary of State may give.
- (3) In particular, he may give directions about any consultations to be made prior to the assessment (whether with other authorities or with builders or developers or other persons), about the way any consultation is to be made, and about producing reports of assessments and making copies of the reports available to the public, and directions that an authority is to make the assessment alone or jointly with another authority or authorities.
- (4) The following are authorities for the purposes of this section, namely—
  - (a) (in the application of the section to England and Wales) the councils of counties, districts and London boroughs and the Greater London Council;
  - (b) (in the application of the section to Scotland) regional, general and district planning authorities.

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### *Derelict Land*

#### **117 Extension of powers to make grants for reclamation of land**

(1) The following subsections shall be substituted for subsection (1) of section 9 of the Local Government Act 1966 (grants for reclamation of derelict land): —

“(1) Subject to the provisions of this section, the Secretary of State may, with the consent of the Treasury, pay to any person out of money provided by Parliament grants of such amounts and payable at such times and subject to such conditions as he may from time to time determine in respect of relevant expenditure which is incurred by that person on land to which this subsection applies.

(1A) The land to which subsection (1) above applies is land—

- (a) which is derelict, neglected or unsightly land requiring reclamation or improvement; or
- (b) which is required for purposes connected with the reclamation or improvement of land such as is mentioned in paragraph (a) above.

(1B) In subsection (1) above "relevant expenditure" means expenditure incurred—

- (a) in or in connection with the carrying out after the passing of the Local Government, Planning and Land Act 1980 of works approved by the Secretary of State for the reclamation or improvement of the land ; or
- (b) in or in connection with the carrying out of any such works as appear to the Secretary of State to be expedient for the purpose of enabling the land to be brought into use.

(1C) If subsection (1) above applies to land by virtue of subsection (1A)(a) above, "relevant expenditure" also includes expenditure incurred in or in connection with carrying out a survey of the land, with the approval of the Secretary of State, for the purpose of determining whether any works for its reclamation or improvement or for the purpose of enabling it to be brought into use should be undertaken (whether or not such works are carried out).

(1D) In relation to a local authority—

- (a) the land to which subsection (1) above applies includes, in addition to land such as is mentioned in subsection (1A) above, land which is not derelict, neglected or unsightly, but which is likely to become derelict, neglected or unsightly by reason of actual or apprehended collapse of the surface as the result of the carrying out of underground mining operations which have ceased to be carried out before the grant is paid and which were not excluded operations; and

(b) subsection (1) above shall have effect as if " relevant expenditure " included—

- (i) expenditure incurred in or in connection with the acquisition at any time by the authority with the approval of the Secretary of State of any land to which subsection (1) above applies, including any land to which it applies by virtue of paragraph (a) above; and

(ii) expenditure incurred in or in connection with the carrying out of works such as are mentioned in subsection (1B)(a) above on or after 1st April 1967 but before the passing of the Local

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Government, Planning and Land Act 1980 other than works so carried out on land to which subsection (1) only applies by virtue of paragraph (a) above.

(1E) In subsection (ID)(a) above " excluded operations " means underground mining operations for the purpose of the working and getting of coal, or of coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal."

(2) The following subsections shall be substituted for subsections (1) to (5) of section 8 of the Local Employment Act 1972 (derelict land):—

“(1) Where it appears to the Secretary of State—

(a) that any land in a development area or intermediate area (in this section referred to as ' the relevant land ')—

(i) is derelict, neglected or unsightly, or

(ii) is not derelict, neglected or unsightly, but is liable to become derelict, neglected or unsightly by reason of actual or apprehended collapse of the surface as the result of the carrying out of underground mining operations which have ceased to be carried out and which were not excluded operations ; and

(b) that steps should be taken for the purpose of enabling it to be brought into use, or of improving its appearance,

he may, with the consent of the Treasury, make to the council of the county or district in which it is situated such grants as are mentioned in subsection (1A) below.

(1A) The grants that may be made under subsection (1) above are grants—

(a) towards the cost of the exercise of any power of the council to acquire the relevant land or any other land which is reasonably required for the purpose of enabling the relevant land to be brought into use, or of improving its appearance;

(b) towards the cost of the carrying out by the council, for the purpose of enabling the relevant land to be brought into use or of improving its appearance, of any work on that land or any other land ; and

(c) towards the cost of carrying out a survey of the relevant land, with the approval of the Secretary of State, for the purpose of determining whether any works for the purpose of enabling the relevant land to be brought into use or of improving its appearance should be undertaken (whether or not such works are carried out.)

(1B) Grants under this section may be made in such manner as appears to the Secretary of State to be requisite.”

(3) The following subsection shall be inserted after subsection (7) of that section: —

“(8) In this section—

" county " includes Greater London and " district " includes a London borough, and accordingly—

(a) any reference to the council of a county includes a reference to the Greater London Council; and

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(b) any reference to the council of a district includes a reference to the Council of a London borough;

" excluded operations" means underground mining operations for the purpose of the working and getting of coal, or of coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal; and

" land " includes land covered with water.”.

*Miscellaneous provisions about land*

**118 Land: miscellaneous amendments**

Schedule 23 to this Act (which contains miscellaneous amendments about land, including amendments to relax controls) shall have effect.

**119 Planning Boards: land acquisition**

- (1) The Peak Park Joint Planning Board and the Lake District Special Planning Board shall, on being authorised to do so by the Secretary of State, have the same power to acquire land compulsorily as the local authorities to whom section 112 of the Town and Country Planning Act 1971 applies have under that section.
- (2) The Boards shall have the same power to acquire land by agreement as the local authorities mentioned in subsection (1) of section 119 of that Act have under subsection (1)(a) of that section.
- (3) The following sections of that Act shall apply (with the necessary modifications) as if the Boards were local authorities : —
  - 112(1) and (4) (compulsory acquisition)
  - 118 (extinguishment of rights)
  - 119(1)(a) and (3) (acquisition by agreement)
  - 120 (acquisition for purposes of exchange)
  - 121 (appropriation of land forming part of common etc.)
  - 122 (appropriation of land held for planning purposes)
  - 123 (disposal of land held for planning purposes)
  - 124 (development of land held for planning purposes)
  - 125 (buildings of architectural interest etc.)
  - 127 (power to override easements etc.)
  - 128 (consecrated land etc.)
  - 129 (open spaces)
  - 130(3) (displacement of persons).

**120 Compulsory acquisition: exclusion of special parliamentary procedure**

- (1) The Acquisition of Land Acts shall apply to any compulsory acquisition of an interest in land where—
  - (a) the notice of the making or preparation in draft of a compulsory purchase order is first duly published on or after 6th April 1976 (or, in the application of this section to Scotland, 1st September 1976), and

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- (b) the person acquiring the interest is a local authority, the Peak Park Joint or Lake District Special Planning Board, any statutory undertakers or a Minister, subject to the modifications made by this section.
- (2) Paragraph 9 of Schedule 1 to the Act of 1946 or, as the case may be, the Scottish Act of 1947 (special parliamentary procedure for acquisitions from local authorities, statutory undertakers and National Trust) shall not apply to the acquisition except where the interest belongs to the National Trust or the National Trust for Scotland.
- (3) In this section—
- " the Acquisition of Land Acts" means the Acquisition of Land (Authorisation Procedure) Act 1946 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and "the Act of 1946" and "the Scottish Act of 1947 " mean those Acts respectively ;
- " local authority " means—
- (a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,
- (b) in relation to Wales, the council of a county or district,
- (c) in relation to Scotland, a regional, islands or district council, and this section applies to the Isles of Scilly as if the Council of those Isles were the council of a county ;
- " statutory undertakers " means—
- (a) persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water,
- (b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for the purposes of the Town and Country Planning Act 1971 or the Town and Country Planning (Scotland) Act 1972, and
- (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.
- (4) An order under paragraph (c) of the definition of " statutory undertakers " in subsection (3) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section (which re-enacts section 41 of the Community Land Act 1975 with modifications) shall be taken to have come into force on 12 November 1975 but (in relation to the period before the passing of this Act) shall have effect as if the persons mentioned in subsection (1)(b) above included a new town authority (that is, a development corporation as defined in section 2 of the New Towns Act 1965, or in section 2 of the New Towns (Scotland) Act 1968) and a joint board established under section 2 of the Community Land Act 1975, and as if "local authority" meant (in relation to Scotland) a regional, general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973.

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## **121 Certification of appropriate alternative development**

- (1) This section re-enacts section 47 of the Community Land Act 1975 and accordingly shall have effect only in relation to applications, and certificates issued in pursuance of applications, made after 12 December 1975.
- (2) Section 17 of the Land Compensation Act 1961 and section 25 of the Land Compensation (Scotland) Act 1963 (certification of appropriate alternative development) shall each continue to be amended in accordance with subsections (2) to (5) of section 47 of the Community Land Act 1975 and, as amended by those subsections, section 49(3) of the said Act of 1963 and section 172(2) of the Local Government (Scotland) Act 1973, shall have effect as set out in Schedule 24 below.

## **122 Acquisition and disposal of land by the Crown**

- (1) Where, in exercise of the power conferred by section 2 of the Commissioners of Works Act 1852, section 113 of the Town and Country Planning Act 1971 or section 103 of the Town and Country Planning (Scotland) Act 1972 (acquisition of land necessary for the public service) the Secretary of State has acquired, or proposes to acquire, any land (the " public service land ") and in his opinion other land ought to be acquired together with the public service land—
  - (a) in the interests of the proper planning of the area concerned; or
  - (b) for the purpose of ensuring that the public service land can be used, or developed and used, (together with that other land) in what appears to the Secretary of State to be the best, or most economic, way; or
  - (c) where the public service land or any land acquired, or which the Secretary of State proposes to acquire, by virtue of paragraph (a) or (b) above, forms part of a common or open space or fuel or field garden allotment, for the purpose of being given in exchange therefor,

the said sections 2 and 113, or as the case may be 103, shall apply to that other land as if its acquisition were necessary for the public service.

In the application of this subsection to Scotland the words " or fuel or field garden allotment" shall be omitted.

- (2) The said sections 2, 113 and 103 shall be construed and have effect as if references to land necessary for the public service included land which it is proposed to use not only for the public service but also—
  - (a) to meet the interests of proper planning of the area, or
  - (b) to secure the best, or most economic, development or use of the land, for other purposes.
- (3) The said sections 2, 113 and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—
  - (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty's Government in the United Kingdom is or is to become a member;
  - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
  - (c) of a foreign sovereign Power or the Government of such a Power;

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and for the purposes of paragraph (b) above " treaty " includes any international agreement, and any protocol or annex to a treaty or international agreement.

- (4) Where the Secretary of State proposes to dispose of any of his land and is of the opinion that it is necessary, in order to facilitate that disposal, to acquire adjoining land, then, notwithstanding that the acquisition of that adjoining land is not necessary for the public service, the said section 2 shall apply as if it were necessary for the public service.
- (5) Where the Secretary of State is authorised by the said section 2 to acquire land by agreement for a particular purpose, he may acquire that land notwithstanding that it is not immediately required for that purpose; and any land acquired by virtue of this subsection may, until required for the purpose for which it was acquired, be used for such purpose as the Secretary of State may determine.
- (6) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under the said sections 2, 113 or 103 to such person, in such manner and subject to such conditions as may appear to the Secretary of State to be expedient, and in particular may under this subsection dispose of land held by him for any purpose in order to secure the use of the land for that purpose.
- (7) Any expenditure of the Secretary of State attributable to this section shall be paid out of money provided by Parliament.
- (8) This section (which re-enacts section 37 of the Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (3) there were substituted: —
  - “(3) The said sections 2,113 and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—
    - (a) of any international organisation or institution of which the United Kingdom, or Her Majesty's Government in the United Kingdom, is, or is to become, a member;
    - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;and for the purposes of paragraph (b) above "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.”

## **123 Acquisition of land by the Crown in Northern Ireland**

- (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—
  - (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty's Government in the United Kingdom is or is to become a member;
  - (b) of any office or agency established by such an organisation or institution for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
  - (c) of a foreign sovereign Power or the Government of such a Power;

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and for the purposes of paragraph (b) above " treaty " includes any international agreement, and any protocol or annex to a treaty or international agreement.

(2) The said provisions are section 5(1) of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 and Article 65 of the Land Acquisition and Compensation (Northern Ireland) Order 1973.

(3) This section (which re-enacts section 38 of the Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (1) there were substituted: —

“(1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—

(a) of any international organisation or institution of which the United Kingdom, or Her Majesty's Government in the United Kingdom, is, or is to become, a member;

(b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;

and for the purposes of paragraph (b) above "treaty" includes any international agreement, and any protocol or annex to a treaty or international agreement.”

(4) This section extends to Northern Ireland only.

#### **124 Town development functions**

(1) Subject to subsections (2) and (3) below, the functions under the Town Development Act 1952 which the Local Government Act 1972 conferred on county councils shall cease to be exercisable by such councils.

(2) Nothing in this section shall affect—

(a) any undertaking under section 4 or 10(3) of the Town Development Act 1952 ;  
or

(b) any agreement under section 8 of that Act,

which a county council have given or made before the passing of this Act.

(3) The repeal of section 11 of the Town Development Act 1952 (modification of enactments consequential on participation by county council) shall not affect any orders under that section which are in force at the passing of this Act; and any such order may accordingly be varied or revoked under that section as if this Act had not been passed.

#### **125 Extent of Part XIV**

In this Part of this Act, only sections 116, 118, and 120 to 122 extend to Scotland.