



Housing and Planning Act 2016

2016 CHAPTER 22

PART 7

COMPULSORY PURCHASE ETC

Right to enter and survey land

175 Enhanced authorisation procedures etc. for certain surveys

- (1) A written authorisation from the appropriate Minister is required before a person enters and surveys or values land in exercise of the power conferred by section 172 if—
- (a) the land is held by a statutory undertaker,
 - (b) within the notice period mentioned in section 174(1), the statutory undertaker objects to the proposed entry and survey or valuation in writing to the acquiring authority, and
 - (c) the objection is that the proposed entry and survey or valuation would be seriously detrimental to the statutory undertaker carrying on its undertaking.
- (2) In subsection (1)—
- “the appropriate Minister” means—
 - (a) in the case of land in Wales held by a water or sewerage undertaker, the Welsh Ministers, and
 - (b) in any other case, the Secretary of State;
 - “statutory undertaker” means—
 - (a) any person who is, or who is deemed to be, a statutory undertaker for the purposes of section 16 or 17 of the Acquisition of Land Act 1981 or of any provision of Part 11 of the Town and Country Planning Act 1990, and
 - (b) any person in relation to whom the electronic communications code is applied by a direction under section 106(3)(a) of the Communications Act 2003.

Changes to legislation: Housing and Planning Act 2016, Section 175 is up to date with all changes known to be in force on or before 05 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (3) Where the survey or valuation is to take place in a street, the following sections of the New Roads and Street Works Act 1991 apply to the survey or valuation as if it were street works—
- (a) section 55 (notice of starting date of works),
 - (b) section 69 (requirements to be complied with where works likely to affect another person's apparatus in the street), and
 - (c) section 82 (liability for damage or loss caused).
- (4) In the application of those sections references to an “undertaker” are to be read as references to the acquiring authority which authorised the survey or valuation.
- (5) See section 169(4) of the Water Industry Act 1991 and section 171(4) of the Water Resources Act 1991 for additional procedures in relation to the exercise of the power in section 172 on behalf of a water undertaker, the Environment Agency or the Natural Resources Body for Wales.

Modifications etc. (not altering text)

- C1** S. 175 applied (with modifications) (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\), s. 64\(1\), Sch. 2 para. 1\(5\)\(6\)](#)
- C2** S. 175 applied (with modifications) (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\), s. 64\(1\), Sch. 2 para. 8\(2\)\(3\)](#)
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Commencement Information

- I1** S. 175 in force at 13.7.2016 by [S.I. 2016/733, reg. 3\(h\)](#)

Changes to legislation:

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)