



Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 2

COMPULSORY PURCHASE ETC

CHAPTER 1

TEMPORARY POSSESSION OF LAND

PROSPECTIVE

27 Powers of acquiring authority in relation to land

- (1) Subject to subsection (4) and to any regulations under section 29, where an acquiring authority takes temporary possession of land compulsorily by virtue of section 18(2), the authority may use the land as if it had acquired all interests in it.
- (2) In particular, the acquiring authority may—
 - (a) remove or erect buildings or other works, and
 - (b) remove any vegetation,to the extent that it would be able to do so if it had acquired all interests in the land.
- (3) The acquiring authority may use land as described in subsection (1) even if this involves—
 - (a) interfering with a relevant right or interest,^{F1}...
 - (b) breaching a restriction as to the user of land arising by virtue of a contract [^{F2}, or
 - (c) causing a person to be in breach of an obligation under a conservation covenant relating to the land.]

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Neighbourhood Planning Act 2017, Section 27. (See end of Document for details)

(4) But the acquiring authority may use the land only for the purposes for which temporary possession was required, as described in the authorising instrument (see section 19(7)(b)).

[^{F3}(4A) The acquiring authority is not bound by an obligation under a conservation covenant relating to the land by virtue of acquiring a right to use the land under this section.]

(5) Nothing in this section authorises an interference with—

- (a) a right of way on, under or over land that is a protected right, or
- (b) a right of laying down, erecting, continuing or maintaining apparatus on, under or over land if it is a protected right.

(6) Nothing in this section authorises—

- (a) an interference with a relevant right or interest annexed to land belonging to the National Trust which is held by the National Trust inalienably, ^{F4}...
- (b) a breach of a restriction as to the user of land which does not belong to the National Trust—
 - (i) arising by virtue of a contract to which the National Trust is a party, or
 - (ii) benefiting land which does belong to the National Trust [^{F5}, or
- (c) a use of land that causes a person (or, if the person were to permit or suffer the use, would cause the person) to be in breach of an obligation under a conservation covenant relating to the land owed to the National Trust.]

(7) For the purposes of subsection (6)—

- (a) “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
- (b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.

(8) In this section—

“protected right” means—

- (a) a right vested in, or belonging to, a statutory undertaker for the purpose of carrying on its statutory undertaking, or
- (b) a right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network (and expressions used in this paragraph have the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003);

“statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;

“statutory undertaking” is to be read in accordance with section 262 of the Town and Country Planning Act 1990 (meaning of “statutory undertakers”).

Textual Amendments

F1 Word in s. 27(3)(a) omitted (30.9.2022) by virtue of [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 20 para. 11\(2\)\(a\)](#) (with s. 144); S.I. 2022/48, reg. 5(d)

F2 S. 27(3)(c) and word inserted (30.9.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 20 para. 11\(2\)\(b\)](#) (with s. 144); S.I. 2022/48, reg. 5(d)

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- F3** S. 27(4A) inserted (30.9.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 11(3)** (with s. 144); S.I. 2022/48, reg. 5(d)
- F4** Word in s. 27(6)(a) omitted (30.9.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 11(4)(a)** (with s. 144); S.I. 2022/48, reg. 5(d)
- F5** S. 27(6)(c) and word inserted (30.9.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 20 para. 11(4)(b)** (with s. 144); S.I. 2022/48, reg. 5(d)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Neighbourhood Planning Act 2017, Section 27.