

SCHEDULES

SCHEDULE 20

Section 139

CONSEQUENTIAL AMENDMENTS RELATING TO PART 7

Acquisition of Land Act 1981 (c. 67)

- 1 The Acquisition of Land Act 1981 is amended as follows.
- 2 (1) Section 12 (notice of compulsory purchase by local and other authorities) is amended as follows.
 - (2) In the title, for “and occupiers” insert “, occupiers and others”.
 - (3) In subsection (2)—
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of Part 7 of the Environment Act 2021) relating to the land.”
- 3 (1) Paragraph 3 of Schedule 1 (notice of compulsory purchase by Ministers) is amended as follows.
 - (2) In the title, for “and occupiers” insert “, occupiers and others”.
 - (3) In sub-paragraph (2)—
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of Part 7 of the Environment Act 2021) relating to the land.”

Housing and Planning Act 2016 (c. 22)

- 4 The Housing and Planning Act 2016 is amended as follows.
- 5 (1) Section 203 (power to override easements and other rights) is amended as follows.
 - (2) In subsections (1)(b) and (4)(b)—
 - (a) the words after “breaching” become sub-paragraph (i), and
 - (b) after that sub-paragraph insert “, or
 - (ii) an obligation under a conservation covenant.”
 - (3) In subsection (10)—
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b)(ii) insert “, or

Status: This is the original version (as it was originally enacted).

(c) a breach of an obligation under a conservation covenant owed to the National Trust.”

6 (1) Section 204 (compensation for overridden easements etc) is amended as follows.

(2) In subsection (1), after “section 203” insert “(1)(a) or (b)(i) or (4)(a) or (b)(i)”.

(3) After subsection (1) insert—

“(1A) But a person is not liable to pay compensation under this section for breaching an obligation under a conservation covenant.”

7 In section 205(1) (interpretation), at the appropriate place insert—

““obligation under a conservation covenant” has the same meaning as in Part 7 of the Environment Act 2021;”.

Neighbourhood Planning Act 2017 (c. 20)

8 The Neighbourhood Planning Act 2017 is amended as follows.

9 In section 20 (notice requirements relating to taking temporary possession), at the end insert—

“(10) For the purposes of subsection (1), a person entitled to the benefit of an obligation under a conservation covenant is to be treated as having an interest in the land to which the obligation relates.”

10 In section 23 (compensation), after subsection (5) insert—

“(5A) For the purposes of subsections (2) and (3), the person is not entitled to compensation under this section by virtue of being the person entitled to the benefit of an obligation under a conservation covenant.”

11 (1) Section 27 (powers of acquiring authority in temporary possession of land) is amended as follows.

(2) In subsection (3)—

(a) omit the “or” at the end of paragraph (a), and

(b) at the end of paragraph (b), insert “, or

(c) causing a person to be in breach of an obligation under a conservation covenant relating to the land.”

(3) After subsection (4) insert—

“(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.”

(4) In subsection (6)—

(a) omit the “or” at the end of paragraph (a), and

(b) at the end of paragraph (b), insert “, 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.”

12 In section 30 (interpretation), at the appropriate place, insert—

““obligation under a conservation covenant” has the same meaning as in Part 7 of the Environment Act 2021;”.