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STATUTORY INSTRUMENTS

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**1992 No. 1492**

**The Town and Country Planning General Regulations 1992**

*General*

**Claims for compensation and purchase notices**

**12.**—(1) A claim for compensation made to a local planning authority under section 107 (including section 107 as applied by section 108), 114, 115, 144, 186 or 250 of the 1990 Act, or a purchase notice served on the council of a district or London borough under section 137 of that Act, shall be in writing and shall be served on that authority or council by delivering it at the offices of the authority or council, or by sending it by pre-paid post.

(2) The time within which any such claim or notice as is mentioned in paragraph (1) is served shall be 12 months from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Secretary of State may at any time in any particular case allow.

**Marking of certain notices and documents**

**13.** The manner in which any notice or document referred to in subsection (2) of section 329 of the 1990 Act shall be marked in order that it shall be taken to be duly served under paragraph (b) of that subsection shall be by inscribing clearly and legibly upon the notice or document, and upon the envelope containing it, the words “Important — This Communication affects your Property”.

**Application of the Public Health Act 1936 to certain notices**

**14.**—(1) The provisions of sections 276, 289 and 294 of the Public Health Act 1936<sup>(1)</sup> (“the 1936 Act”) shall apply in relation to steps required to be taken by an enforcement notice, to requirements of a notice under section 207(1) of the 1990 Act, and to steps required to be taken by a notice under section 215 of that Act, as if—

- (a) references to a local authority were references to a local planning authority;
- (b) references (in whatever form) to the execution of works under the 1936 Act were references—
  - (i) in the case of an enforcement notice or a notice under section 215 of the 1990 Act, to the taking of steps required to be taken by the notice; and
  - (ii) in the case of a notice under section 207(1) of the 1990 Act, to the planting of trees of specified sizes and species;
- (c) references in section 289 of the 1936 Act to the occupier were references to a person having an interest in the premises other than the owner; and
- (d) the reference in section 294 of the 1936 Act to “expenses under this Act” were a reference to expenses incurred in the taking of steps or the planting of trees, as the case may be.

(2) The expenses recoverable by a local planning authority under section 178(1) of the 1990 Act are, until recovered, a charge that is binding on successive owners of the land to which the

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(1) 1936 c. 49.

enforcement notice relates and the charge shall take effect as from the date of the completion by the local planning authority of the steps required to be taken by the enforcement notice.

### **Concurrent procedure for acquisition of land and extinguishment of rights of way**

**15.—(1)** Where—

(a) under section 226 of the 1990 Act a compulsory purchase order for the acquisition of any land has been made by a local authority to whom that section applies and submitted to the Secretary of State in accordance with the provisions of the Acquisition of Land Act 1981(2), or

(b) any land has been acquired by a local authority under section 227 of the 1990 Act, the following provisions of this regulation shall have effect to secure that proceedings required to be taken for the purposes of orders under section 251 of the 1990 Act may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished or for the purposes of the acquisition of any other land for the purpose of providing an alternative right of way.

(2) The Secretary of State may on or after such submission or acquisition as is mentioned in paragraph (1) publish in accordance with the provisions of section 252(1) of the 1990 Act notice of an order he proposes to make under section 251 of that Act relating to the extinguishment of any such right of way.

(3) On or after the publication of any such notice, the Secretary of State may prepare in draft, or a local highway authority may make, a compulsory purchase order under section 254(1)(b) of the 1990 Act for the acquisition of land for providing an alternative right of way.

(4) Subject to paragraph (5) any other proceedings required to be taken in connection with the making of an order under section 251 of the 1990 Act may be taken concurrently with the proceedings required to be taken in connection with such an order as is mentioned in paragraph (1)(a) and any other proceedings for the making or confirmation of such a compulsory purchase order as is referred to in paragraph (3) may be taken concurrently with either or both of the said proceedings.

(5) Until the land over which the right of way subsists has been acquired by the local authority—

(i) no order under section 251 of the 1990 Act shall be made, and

(ii) no such compulsory purchase order as is referred to in paragraph (3) shall be made by the Secretary of State or confirmed.

### **Notices and counter-notices relating to planning blight**

**16.** The forms set out in Schedule 2 to these Regulations or forms substantially to the like effect are the prescribed forms for blight notices and counter-notices for the purposes of sections 150(1), 151(1), 161(2) and 162(1) of the 1990 Act.

### **Advertisement and notice of unopposed order revoking or modifying planning permission**

**17.—(1)** A local planning authority shall advertise the fact that an order has been made to which section 99(2) of the 1990 Act applies by publishing an advertisement in the form set out in Part 1 of Schedule 3 to these Regulations or a form substantially to the like effect in a newspaper circulating in the locality.

(2) The notice a local planning authority is required to serve under section 99(3) of the 1990 Act shall be in the form contained in Part 2 of Schedule 3 to these Regulations or a form substantially to the like effect.

## **Revocations**

**18.** The regulations listed in the first column of Schedule 4 to these Regulations are hereby revoked to the extent specified in the third column of that Schedule.