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STATUTORY INSTRUMENTS

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**2022 No. 433**

**The East Anglia TWO Offshore Wind Farm Order 2022**

**PART 5**

**Powers of acquisition**

**Acquisition of subsoil or airspace only**

**24.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of, or the airspace over, the land referred to in article 18 (compulsory acquisition of land) or article 20 (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole, or an interest in the whole, of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over, land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act as modified by Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of new restrictions);
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) Section 153(4A) (reference of objection to Upper Tribunal: general) of the 1990 Act.

(4) Paragraphs (2) and [<sup>F1</sup>(3) do] not apply where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

**F1** Words in art. 24(4) substituted (22.12.2022) by [The East Anglia TWO Offshore Wind Farm \(Correction\) Order 2022 \(S.I. 2022/1399\)](#), art. 1(2), [Sch.](#)

**Commencement Information**

**I1** Art. 24 in force at 22.4.2022, see [art. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The East Anglia TWO Offshore Wind Farm Order 2022, Section 24.