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## SCHEDULES

### SCHEDULE 13

Section 149.

#### BLIGHTED LAND

*Land allocated for public authority functions in development plans etc.*

1

<sup>F1</sup> .....

#### Textual Amendments

**F1** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 18\(2\)](#), [Sch. 9](#) (with s. 111); [S.I. 2004/2202](#), [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 4 and in [S.I. 2005/2722](#), art. 7); [S.I. 2005/2847](#), [art. 2](#) Sch. 1 (subject to transitional provisions and savings in art. 3); [2008 c. 29](#), ss. [204](#), [241](#) (and subject to savings in s. 226)

[<sup>F2</sup>1A Land which is identified for the purposes of relevant public functions by a development plan document for the area in which the land is situated.

#### Notes

- (1) Relevant public functions are—
  - (a) the functions of a government department, local authority, National Park authority or statutory undertakers;
  - (b) the establishment or running by a public telecommunications operator of a telecommunication system.
- (2) For the purposes of this paragraph a development plan document is—
  - (a) a development plan document which is adopted or approved for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, the 2004 Act);
  - (b) a revision of such a document in pursuance of section 26 of the 2004 Act which is adopted or approved for the purposes of Part 2 of the 2004 Act;
  - (c) a development plan document which has been submitted to the Secretary of State for independent examination under section 20(1) of the 2004 Act;
  - (d) a revision of a development plan document in pursuance of section 26 of the 2004 Act if the document has been submitted to the Secretary of State for independent examination under section 20(1) of that Act.
- (3) But Note (2)(c) and (d) does not apply if the document is withdrawn under section 22 of the 2004 Act at any time after it has been submitted for independent examination.
- (4) In Note (2)(c) and (d) the submission of a development plan document to the Secretary of State for independent examination is to be taken to include the holding of an independent examination by the Secretary of State under section 21 or section 27 of the 2004 Act.]

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**Textual Amendments**

**F2** Sch. 13 para. 1A inserted (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 18\(3\)](#) (with s. 111); S.I. 2004/2202, [art. 2](#) (subject to transitional provisions and savings in [art. 4](#)); S.I. 2005/2847, [art. 2](#) (with transitional provisions and savings in [art. 3](#))

[<sup>F3</sup>1B Land in Wales which is identified for the purposes of relevant public functions by a local development plan for the area in which the land is situated.

*Notes*

- (1) Relevant public functions are—
  - (a) the functions of the National Assembly for Wales, a government department, local authority, National Park authority or statutory undertakers;
  - (b) the establishment or running by a public telecommunications operator of a telecommunications system.
- (2) For the purposes of this paragraph a local development plan is—
  - (a) a local development plan which is adopted or approved for the purposes of Part 6 of the Planning and Compulsory Act 2004 (in this paragraph, the 2004 Act);
  - (b) a revision of a local development plan in pursuance of section 70 of the 2004 Act which is adopted or approved for purposes of Part 6 of the 2004 Act;
  - (c) a local development plan which has been submitted to the National Assembly for independent examination under section 64(1) of the 2004 Act;
  - (d) a revision of a local development plan in pursuance of section 70 of the 2004 Act if the plan has been submitted to the National Assembly for independent examination under section 64(1) of that Act.
- (3) But Note (2)(c) and (d) does not apply if the plan is withdrawn under section 66 of the 2004 Act at any time after it has been submitted for independent examination.
- (4) In Note (2)(c) and (d) the submission of a local development plan to the National Assembly for independent examination is to be taken to include the holding of an independent examination by the National Assembly under section 65 or section 71 of the 2004 Act.]

**Textual Amendments**

**F3** Sch. 13 para. 1B inserted (5.10.2005) by [Planning and Compulsory Purchase Act 2004 \(Commencement No. 4 and Consequential, Transitional and Savings Provisions\) \(Wales\) Order 2005 \(S.I. 2005/2722\)](#), [art. 3\(3\)](#) (with [art. 7](#))

2 <sup>F4</sup> .....

**Textual Amendments**

**F4** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 118, 120, 121, [Sch. 6 para. 18\(2\)](#), [Sch. 9](#) (with s. 111); S.I. 2004/2202, [art. 2](#) Sch. 1 (subject to transitional provisions and savings in [art. 4](#) and in S.I. 2005/2722, [art. 7](#)); S.I.

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2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204, 241** (and subject to savings in s. 226)

3 **F5** .....

#### Textual Amendments

**F5** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 120, 121**, [Sch. 6 para. 18\(2\)](#), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204, 241** (and subject to savings in s. 226)

4 **F6** .....

#### Textual Amendments

**F6** Sch. 13 paras. 1-4 repealed (28.9.2004 for E. and 15.10.2005 for W.) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 118, 120, 121**, [Sch. 6 para. 18\(2\)](#), **Sch. 9** (with s. 111); S.I. 2004/2202, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 4 and in S.I. 2005/2722, art. 7); S.I. 2005/2847, **art. 2** Sch. 1 (subject to transitional provisions and savings in art. 3); 2008 c. 29, **ss. 204, 241** (and subject to savings in s. 226)

5 Land indicated in a plan (other than a development plan) approved by a resolution passed by a local planning authority for the purpose of the exercise of their powers under Part III as land which may be required for the purposes of [<sup>F7</sup>relevant public functions (within the meaning of paragraph 1A)] .

6 Land in respect of which a local planning authority—  
(a) have resolved to take action to safeguard it for development for the purposes of [<sup>F8</sup>relevant public functions (within the meaning of paragraph 1A)]  
(b) have been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.

#### *New towns and urban development areas*

7 Land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the <sup>M1</sup>New Towns Act 1981.

#### *Note*

Land shall cease to be within this paragraph when—  
(a) the order comes into operation (whether in the form of the draft or with modifications), or  
(b) the Secretary of State decides not to make the order.

#### Marginal Citations

**M1** 1981 c. 64

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- 8 Land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the New Towns Act 1981.
- 9 Land which is—
- (a) within an area intended to be designated as an urban development area by an order which has been made under section 134 of the <sup>M2</sup>Local Government, Planning and Land Act 1980 but has not come into effect; or
  - (b) within an area which has been so designated by an order under that section which has come into effect.

**Marginal Citations**

M2 1980 c. 65.

*Clearance and renewal areas*

- 10 Land within an area declared to be a clearance area by a resolution under section 289 of the <sup>M3</sup>Housing Act 1985.

**Marginal Citations**

M3 1985 c. 68.

- 11 Land which—
- (a) is surrounded by or adjoining an area declared to be a clearance area by a resolution under section 289 of the <sup>M4</sup>Housing Act 1985, and
  - (b) is land which a local authority have determined to purchase under section 290 of that Act.

**Marginal Citations**

M4 1985 c. 68.

- 12 Land indicated by information published in pursuance of section 92 of the <sup>M5</sup>Local Government and Housing Act 1989 as land which a local authority propose to acquire in exercise of their powers under Part VII of that Act (renewal areas).

**Marginal Citations**

M5 1989 c. 42.

*Highways*

- 13 Land indicated in a development plan (otherwise than by being dealt with in a manner mentioned in [F<sup>9</sup>paragraph 1A]) as—
- (a) land on which a highway is proposed to be constructed, or
  - (b) land to be included in a highway as proposed to be improved or altered.
- 14 Land on or adjacent to the line of a highway proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under

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Part II of the <sup>M6</sup>Highways Act 1980 (or under the corresponding provisions of Part II of the <sup>M7</sup>Highways Act 1959 or section 1 of the <sup>M8</sup>Highways Act 1971), being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part XII of that Act of 1980 (including a power compulsorily to acquire any right by virtue of section 250) may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme.

#### Notes

- (1) In this paragraph the reference to an order or scheme which has come into operation includes a reference to an order or scheme which has been submitted for confirmation to, or been prepared in draft by, the Minister of Transport or the Secretary of State under Part II of that Act of 1980 and in respect of which a notice has been published under paragraph 1, 2 or 10 of Schedule 1 to that Act.
- (2) Note (1) shall cease to apply when—
  - (a) the relevant order or scheme comes into operation (whether in its original form or with modifications), or
  - (b) the Secretary of State decides not to confirm or make the order or scheme.
- (3) In this paragraph the reference to land required for purposes of construction, improvement or alteration as indicated in an order or scheme includes a reference to land required for the purposes of section 246(1) of the Highways Act 1980.

#### Marginal Citations

- M6** 1980 c. 66.  
**M7** 1959 c. 25.  
**M8** 1971 c. 41.

- 15 Land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a highway as proposed to be constructed, improved or altered by that authority.
- [<sup>F10</sup>16 Land comprised in the site of a highway as proposed to be constructed, improved or altered by the Secretary of State if he has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the local planning authority.]

#### Textual Amendments

- F10** Sch. 13 para. 16 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 70, [Sch. 15 Pt. I para. 14\(1\)](#); S.I. 1991/2067, [art.3](#) (subject to [art. 4](#))

- 17 Land shown on plans approved by a resolution of a local highway authority as land proposed to be acquired by them for the purposes of section 246(1) of the <sup>M9</sup>Highways Act 1980.

#### Marginal Citations

- M9** 1980 c. 66

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- 18 Land shown in a written notice given by the Secretary of State to the local planning authority as land proposed to be acquired by him for the purposes of section 246(1) of the Highways Act 1980 in connection with a [<sup>F11</sup>highway] which he proposes to provide.

#### Textual Amendments

**F11** Words in Sch. 13 para. 18 substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 70, Sch. 15 Pt. I para. 14(2)(with s. 84(5)); S.I. 1991/2067, art.3 (subject to art. 4)

#### *New streets*

- 19 Land which—
- (a) either—
- (i) is within the outer lines prescribed by an order under section 188 of the Highways Act 1980 (orders prescribing minimum width of new streets) or section 159 of the <sup>M10</sup>Highways Act 1959 (which is the predecessor of that section); or
- (ii) has a frontage to a highway declared to be a new street by an order under section 30 of the <sup>M11</sup>Public Health Act 1925 and lies within the minimum width of the street prescribed by any byelaws or local Act applicable by virtue of the order; and
- (b) is, or is part of—
- (i) a dwelling erected before, or under construction on, the date on which the order is made; or
- (ii) the curtilage of any such dwelling.

#### *Note*

This paragraph does not include any land in which the appropriate authority have previously acquired an interest either in pursuance of a blight notice served by virtue of this paragraph or by agreement in circumstances such that they could have been required to acquire it in pursuance of such a notice.

#### Marginal Citations

**M10** 1959 c. 25.

**M11** 1925 c. 71.

#### *General improvement areas*

- 20 Land indicated by information published in pursuance of section 257 of the <sup>M12</sup>Housing Act 1985 as land which a local authority propose to acquire in the exercise of their powers under the provisions of Part VIII of that Act relating to general improvement areas.

#### Marginal Citations

**M12** 1985 c. 68.

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### *Compulsory purchase*

- 21 Land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable.
- 22 Land in respect of which—
- (a) a compulsory purchase order is in force; or
  - (b) there is in force a compulsory purchase order providing for the acquisition of a right or rights over that land;
- and the appropriate authority have power to serve, but have not served, notice to treat in respect of the land or, as the case may be, the right or rights.

#### *Notes*

- (1) This paragraph applies also to land in respect of which—
- (a) a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister, and
  - (b) a notice has been published under paragraph 3(1)(a) of Schedule 1 to the <sup>M13</sup>Acquisition of Land Act 1981 or under any corresponding enactment applicable to it.
- (2) Note (1) shall cease to apply when—
- (a) the relevant compulsory purchase order comes into force (whether in its original form or with modifications); or
  - (b) the Minister concerned decides not to confirm or make the order.

#### **Marginal Citations**

**M13** 1981 c. 67.

- [<sup>F12</sup>23 Land—
- (a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or
  - (b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or
  - (c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land.]

#### **Textual Amendments**

**F12** Sch. 13 para. 23 added (1.1.1993) by Transport and Works Act 1992 (c. 42), s. 16(2); S.I. 1992/2784, art. 2(a), Sch. 1

- [<sup>F13</sup>24 Land falls within this paragraph if—
- (a) the compulsory acquisition of the land is authorised by an order granting development consent, or
  - (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an order granting development consent are exercisable, or

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- (c) an application for an order granting development consent seeks authority to compulsorily acquire the land.]

#### Textual Amendments

**F13** Sch. 13 para. 24 inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), ss. 175(2), 241 (with s. 226); S.I. 2009/400, art. 3; S.I. 2010/101, art. 4 (with art. 6)

*[<sup>F14</sup>Land identified in national policy statements*

#### Textual Amendments

**F14** Sch. 13 para. 25 and cross-heading inserted (6.4.2009 for certain purposes and otherwise 1.3.2010) by Planning Act 2008 (c. 29), ss. 175(2), 241 (with s. 226); S.I. 2009/400, art. 3; S.I. 2010/101, art. 4 (with art. 6)

- 25 Land falls within this paragraph if the land is in a location identified in a national policy statement as suitable (or potentially suitable) for a specified description of development.

#### *Note*

Land ceases to fall within this paragraph when the national policy statement—

- (a) ceases to have effect, or
- (b) ceases to identify the land as suitable or potentially suitable for that description of development.]



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