

PLANNING ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 9, Chapter 1: Changes related to development consent regime

Sections 174: Planning obligations

279. This section allows the promoter of a nationally significant infrastructure project to enter into agreements with local authorities, in the same way as a developer seeking planning permission under TCPA 1990.
280. Only the Commission or (as the case may be) the Secretary of State will be able subsequently to modify or discharge a planning obligation entered into in connection with an application (or proposed application) for an order granting development consent. It will be for the local planning authority to enforce the obligation. Provision is made concerning legal challenges in connection with planning obligations.

Sections 175 and 176: Blighted land: England and Wales / Blighted land: Scotland

281. A national policy statement identifying a location as a suitable (or potentially suitable) location for a nationally significant infrastructure project may create blight at that location, reducing land values and making it hard to sell the land. Blight may also result from an application being made for an order granting development consent authorising the compulsory acquisition of land or from such authorisation being given.
282. **Section 175** amends TCPA 1990 (which extends to England and Wales), so as to allow owner occupiers adversely affected in this way to have the benefit of the existing statutory provisions relating to blight. The effect of subsection (6) is that the “appropriate authority” (who should receive the blight notice) in the case of blight caused by a national policy statement is the statutory undertaker named as an appropriate person to carry out the development in the national policy statement, or the Secretary of State where there is no such named undertaker. The Secretary of State is to determine any disputes as to who should be the appropriate authority. Subsection (4) prevents the appropriate authority from serving a counter-notice to a blight notice on grounds of having no intention of conducting the development. Subsection (7) makes it clear that the “appropriate enactment” for a blight notice is the development consent order, or the draft order in the terms applied for.
283. **Section 176** makes equivalent provision for blight caused in Scotland by an order granting development consent which authorises the compulsory acquisition of land, or an application for such an order, or by a national policy statement identifying a location as a suitable (or potentially suitable) location for an oil or gas cross-country pipe-line.

Section 177: Grants for advice and assistance: England and Wales

284. **Section 177** amends section 304A(1) of TCPA 1990, so as to ensure that the Secretary of State may make grants for advice and assistance, in connection with applications for development consent under this Act.

Section 178: Grants for advice and assistance: Scotland

285. This section gives the Secretary of State the power to make grants for the purpose of assisting with the provision of advice and assistance in connection with any matter related to the application of the Planning Act to Scotland.