

Status: Law In Force

Town and Country Planning Act 1990 c. 8

Part IX ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

Acquisition for planning and public purposes

This version in force from: **June 7, 2006 to present**

(version 4 of 4)

226.— Compulsory acquisition of land for development and other planning purposes.

(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area [...] ¹—

[

(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land; or

] ²

(b) [which] ³ is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

[

(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area.

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[...] ⁵

[

(2A) The Secretary of State must not authorise the acquisition of any interest in Crown land unless—

(a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and

(b) the appropriate authority consents to the acquisition.

] ⁶

(3) Where a local authority exercise their power under subsection (1) in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—

(a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use; or

(b) where that land forms part of a common or open space or fuel or field garden allotment, any land which is required for the purpose of being given in exchange for the land which is being acquired.

(4) It is immaterial by whom the local authority propose that any activity or purpose mentioned in subsection (1) or (3)(a) should be undertaken or achieved (and in particular the local authority need not propose to undertake an activity or to achieve that purpose themselves).

(5) Where under subsection (1) the Secretary of State has power to authorise a local authority to whom this section applies to acquire any land compulsorily he may, after the requisite consultation, authorise the land to be so acquired by another authority, being a local authority within the meaning of this Act.

(6) Before giving an authorisation under subsection (5), the Secretary of State shall—

(a) if the land is in a non-metropolitan county [in England] ⁷, consult with the councils of the county and the district;

(b) if the land is in a metropolitan district, consult with the council of the district; [...] ⁸

[

(bb) if the land is in Wales, consult with the council of the county or county borough; and

] ⁸

(c) if the land is in a London borough, consult with the council of the borough.

(7) The Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under this section.

(8) The local authorities to whom this section applies are the councils of counties, [county boroughs,] ⁹ districts and London boroughs.

[

(9) Crown land must be construed in accordance with Part 13.

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Notes

1. Word repealed by Planning and Compulsory Purchase Act 2004 c. 5 Sch.9 para.1 (October 31, 2004: repeal came into force on August 6, 2004 as SI 2004/2097 for the purpose of the making of or making provision for secondary legislation; October 31, 2004 as SI 2004/2593 otherwise)
2. Substituted by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.99(2)(b) (October 31, 2004)
3. Word inserted by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.99(2)(c) (October 31, 2004)
4. Added by Planning and Compulsory Purchase Act 2004 c. 5 Pt 8 s.99(3) (October 31, 2004)
5. Repealed by Planning and Compulsory Purchase Act 2004 c. 5 Sch.9 para.1 (October 31, 2004: repeal came into force on August 6, 2004 as SI 2004/2097 for the purpose of the making of or making provision for secondary legislation; October 31, 2004 as SI 2004/2593 otherwise)
6. Added by Planning and Compulsory Purchase Act 2004 c. 5 Sch.3 para.3(2) (June 7, 2006)
7. Words inserted after first "county" by Local Government (Wales) Act 1994 c. 19 Sch.6(II) para.24(6)(a) (April 1, 1996)
8. Added by Local Government (Wales) Act 1994 c. 19 Sch.6(II) para.24(6)(b) (April 1, 1996)
9. Words inserted by Local Government (Wales) Act 1994 c. 19 Sch.6(II) para.24(6)(b) (April 1, 1996)
10. Added by Planning and Compulsory Purchase Act 2004 c. 5 Sch.3 para.3(3) (June 7, 2006)

Modifications

Whole Document	Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1
	Modified in relation to Directive waste by Waste Management Licensing Regulations 1994/1056, Sch. 4(I) para. 11
Pt IX s. 226	Modified for the purposes of application of the legislation to the Isles of Scilly by Town and Country Planning (Isles of Scilly) Order 2005/2085, art. 4(1)(a)
	Modified in relation to the Isles of Scilly by Town and Country Planning (Isles of Scilly) Order 2013/2148, Sch. 2 para. 1, art. 4

Subject: Planning

Keywords: Compulsory purchase; Development; Local authorities' powers and duties; Planning control; Power to promote well-being

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