

UK Parliament Acts/T/TO-TT/Town and Country Planning Act 1990 (1990 c 8)/Part IX Acquisition and Appropriation of Land for Planning Purposes, etc (ss 226-246)/226 Compulsory acquisition of land for development and other planning purposes

## **Part IX Acquisition and Appropriation of Land for Planning Purposes, etc**

### ***Acquisition for planning and public purposes***

#### **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 . . .—

[(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

(b) [which] 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.]

(2) . . .

[(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.]

(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], 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;
  - [(bb) if the land is in Wales, consult with the council of the county or county borough;] and
  - (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,] districts and London boroughs.

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

## NOTES

### Derivation

Sub-ss (1)–(4) derived from the Town and Country Planning Act 1971, [s 112\(1\), \(1A\)–\(1C\)](#), and the Local Government, Planning and Land Act 1980, s 91(1); sub-s (5) derived from the Town and Country Planning Act 1971, s 112(2); sub-s (6) derived from the Town and Country Planning Act 1971, [s 112\(3\)](#), and the Local Government Act 1972, s 179(3), Sch 30; sub-s (7) derived from the Town and Country Planning Act 1971, s 112(4), and the Acquisition of Land Act 1981, Sch 4, para 1, Sch 6, Part I; sub-s (8) derived from the Town and Country Planning Act 1971, [s 112\(5\)](#), and the Local Government Act 1972, s 179(3), Sch 30.

### Initial Commencement

#### *Specified date*

Specified date: 24 August 1990: see s 337(2).

### Extent

This Act does not extend to Scotland: see s 337(3).

### Amendment

Sub-s (1): word omitted repealed by the [Planning and Compulsory Purchase Act 2004, ss 99\(1\), \(2\)\(a\), 120, Sch 9](#).

Date in force: 31 October 2004 (except in relation to a compulsory purchase order made before that date): see [SI 2004/2593, art 2\(a\), \(e\)\(vi\)](#) and the [Planning and Compulsory Purchase Act 2004, s 99\(5\)](#).

Sub-s (1): para (a) substituted by the [Planning and Compulsory Purchase Act 2004, s 99\(1\), \(2\)\(b\)](#).

Date in force: 31 October 2004 (except in relation to a compulsory purchase order made before that date): see [SI 2004/2593, art 2\(a\)](#) and the [Planning and Compulsory Purchase Act 2004, s 99\(5\)](#).

Sub-s (1): in para (b) word “which” in square brackets inserted by the [Planning and Compulsory Purchase Act 2004, s 99\(1\), \(2\)\(c\)](#).

Date in force: 31 October 2004 (except in relation to a compulsory purchase order made before that date): see [SI 2004/2593, art 2\(a\)](#) and the [Planning and Compulsory Purchase Act 2004, s 99\(5\)](#).

Sub-s (1A): inserted by the [Planning and Compulsory Purchase Act 2004, s 99\(1\), \(3\)](#).

Date in force: 31 October 2004 (except in relation to a compulsory purchase order made before that date): see [SI 2004/2593, art 2\(a\)](#) and the [Planning and Compulsory Purchase Act 2004, s 99\(5\)](#).

Sub-s (2): repealed by the [Planning and Compulsory Purchase Act 2004, ss 99\(1\), \(4\), 120, Sch 9](#).

Date in force: 31 October 2004 (except in relation to a compulsory purchase order made before that date): see [SI 2004/2593, art 2\(a\), \(e\)\(vi\)](#) and the [Planning and Compulsory Purchase Act 2004, s 99\(5\)](#).

Sub-s (2A): inserted by the [Planning and Compulsory Purchase Act 2004, s 79\(4\), Sch 3, para 3\(1\), \(2\)](#).

Date in force: 7 June 2006: see [SI 2006/1281, art 2\(a\), \(c\)](#).

Sub-ss (6), (8): words in square brackets inserted by the [Local Government \(Wales\) Act 1994, s 20\(4\), Sch 6, para 24\(6\)](#).

Sub-s (9): inserted by the [Planning and Compulsory Purchase Act 2004, s 79\(4\), Sch 3, para 3\(1\), \(3\)](#).

Date in force: 7 June 2006: see [SI 2006/1281, art 2\(a\), \(c\)](#).

#### **Modification**

References to the Crown or an emanation of the Crown shall be treated as including the Assembly Commission: the National Assembly for Wales Commission (Crown Status) (No 2) Order 2007, [SI 2007/1353, art 4\(1\), \(2\)\(b\)](#).

#### **See Further**

See further: the High Speed Rail (London—West Midlands) Act 2017, ss 22(7), 50(6).

See further: the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017, [SI 2017/430, art 9\(2\)](#).

See further: the [High Speed Rail \(West Midlands—Crewe\) Act 2021, s 47\(4\)](#).

#### **Transfer of Functions**

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, [SI 1999/672, art 2, Sch 1](#).

<b>Document information</b>
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Town and Country Planning Act 1990

**Date made**

24/05/1990