



Town and Country Planning Act 1990

1990 CHAPTER 8

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 which—
 - (a) is suitable for and required in order to secure the carrying out of development, redevelopment or improvement; or
 - (b) 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.
- (2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, re-development or improvement shall have regard—
 - (a) to the provisions of the development plan, so far as material;
 - (b) to whether planning permission for any development on the land is in force; and
 - (c) to any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.
- (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

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- (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, 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; 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, districts and London boroughs.

227 Acquisition of land by agreement

- (1) The council of any county, district or London borough may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land under section 226.
- (2) The provisions of Part 1 of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, section 10 and section 31, shall apply in relation to the acquisition of land under this section.

228 Compulsory acquisition of land by the Secretary of State for the Environment

- (1) The Secretary of State for the Environment may acquire compulsorily—
 - (a) any land necessary for the public service; and
 - (b) any land which it is proposed to use not only for the public service but also—
 - (i) to meet the interests of proper planning of the area, or
 - (ii) to secure the best or most economic development or use of the land, otherwise than for the public service.
- (2) Where the Secretary of State has acquired or proposes to acquire any land under subsection (1) (“the primary land”) and in his opinion other land ought to be acquired together with the primary land—
 - (a) in the interests of the proper planning of the area concerned; or
 - (b) for the purpose of ensuring that the primary land can be used, or developed and used, (together with that other land) in what appears to him to be the best or most economic way; or

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- (c) where the primary land or any land acquired, or which he proposes to acquire, by virtue of paragraph (a) or (b) of this subsection or of section 122(1)(a) or (b) of the Local Government, Planning and Land Act 1980, forms part of a common, open space or fuel or field garden allotment, for the purpose of being given in exchange for that land,
he may compulsorily acquire that other land.
- (3) Subject to subsection (4), the power of acquiring land compulsorily under this section shall include power to acquire an easement or other right over land by the grant of a new right.
- (4) Subsection (3) shall not apply to an easement or other right over any land which would for the purposes of the Acquisition of Land Act 1981 form part of a common, open space or fuel or field garden allotment.
- (5) References in this section to the public service include the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty's Government in the United Kingdom is or is to become a member;
 - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
 - (c) of a foreign sovereign Power or the Government of such a Power.
- (6) For the purposes of subsection (5)(b) "treaty" includes any international agreement and any protocol or annex to a treaty or international agreement.
- (7) The Acquisition of Land Act 1981 shall apply to any compulsory acquisition by the Secretary of State for the Environment under this section.

229 Appropriation of land forming part of common, etc

- (1) Any local authority may be authorised, by an order made by that authority and confirmed by the Secretary of State, to appropriate for any purpose for which that authority can be authorised to acquire land under any enactment any land to which this subsection applies which is for the time being held by them for other purposes.
- (2) Subsection (1) applies to land which is or forms part of a common or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938.
- (3) Section 19 of the Acquisition of Land Act 1981 (special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.
- (4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the appropriation has been effected shall, for the purposes of section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act

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1965, be deemed to have been authorised by the enactment under which the land was acquired.

- (5) On an appropriation of land by a local authority under this section, where—
- (a) the authority is not an authority to whom Part II of the 1959 Act applies;
 - (b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function (within the meaning of that Act); or
 - (c) the land is appropriated by the authority for the purposes of such a function,
- such adjustments shall be made in the accounts of the local authority as the Secretary of State may direct.
- (6) On an appropriation under this section which does not fall within subsection (5), such adjustment of accounts shall be made as is required by section 24(1) of the 1959 Act.

230 Acquisition of land for purposes of exchange

- (1) Without prejudice to the generality of the powers conferred by sections 226 and 227, any power of a local authority to acquire land under those sections, whether compulsorily or by agreement, shall include power to acquire land required for giving in exchange—
- (a) for land appropriated under section 229; or
 - (b) for Green Belt land appropriated in accordance with the Green Belt (London and Home Counties) Act 1938 for any purpose specified in a development plan.
- (2) In subsection (1) “Green Belt land” has the same meaning as in that Act.

231 Power of Secretary of State to require acquisition or development of land

- (1) If the Secretary of State is satisfied after holding a local inquiry that the council of a county, district or London borough have failed to take steps for the acquisition of any land which in his opinion ought to be acquired by them under section 226 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, he may by order require the council to take such steps as may be specified in the order for acquiring the land.
- (2) If the Secretary of State is satisfied after holding a local inquiry that a local authority have failed to carry out, on land acquired by them under section 226 (or section 68 of the 1962 Act or section 112 of the 1971 Act) or appropriated by them under section 229 (or section 121 of the 1971 Act), any development which in his opinion ought to be carried out, he may by order require the authority to take such steps as may be specified in the order for carrying out the development.
- (3) An order under this section shall be enforceable on the application of the Secretary of State by mandamus.