



Planning Act 2008

2008 CHAPTER 29

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

Compulsory acquisition

131 Commons, open spaces etc: compulsory acquisition of land

- (1) This section applies to any land forming part of a common, open space or fuel or field garden allotment.
- (2) This section does not apply in a case to which section 132 applies.
- (3) An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, [^{F1}unless—
 - (a) the Secretary of State is satisfied that one of subsections (4) to (5) applies, and
 - (b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.]
- (4) This subsection applies if—
 - (a) replacement land has been or will be given in exchange for the order land, and
 - (b) the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.
- [^{F2}(4A) This subsection applies if—
 - (a) the order land is, or forms part of, an open space,
 - (b) none of the order land is of any of the other descriptions in subsection (1),

Changes to legislation: Planning Act 2008, Section 131 is up to date with all changes known to be in force on or before 01 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) either—
 - (i) there is no suitable land available to be given in exchange for the order land, or
 - (ii) any suitable land available to be given in exchange is available only at prohibitive cost, and
- (d) it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.

(4B) This subsection applies if—

- (a) the order land is, or forms part of, an open space,
- (b) none of the order land is of any of the other descriptions in subsection (1), and
- (c) the order land is being acquired for a temporary (although possibly long-lived) purpose.]

(5) This subsection applies if—

- (a) the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and
- (b) the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.

^{F3}(6)

^{F3}(7)

^{F3}(8)

^{F3}(9)

^{F3}(10)

(11) If an order granting development consent authorises the compulsory acquisition of land to which this section applies, it may include provision—

- (a) for vesting replacement land given in exchange as mentioned in subsection (4)
 - (a) in the prospective seller and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and
 - (b) for discharging the order land from all rights, trusts and incidents to which it is subject.

(12) In this section —

“common”, “fuel or field garden allotment” and “open space” have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);

“the order land” means the land authorised to be compulsorily acquired;

“the prospective seller” means the person or persons in whom the order land is vested;

“replacement land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.

Changes to legislation: *Planning Act 2008, Section 131 is up to date with all changes known to be in force on or before 01 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in s. 131(3) substituted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(2\)\(a\)](#), [35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))
- F2** S. 131(4A)(4B) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(2\)\(b\)](#), [35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))
- F3** S. 131(6)-(10) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(2\)\(c\)](#), [35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))

Commencement Information

- I1** S. 131 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(f\)](#) (with [art. 6](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)