



# Planning Act 2008

## 2008 CHAPTER 29

### PART 7

#### ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

##### CONTENT OF ORDERS

##### *Compulsory acquisition*

#### **134 Notice of authorisation of compulsory acquisition**

- (1) This section applies if—
- (a) an order is made granting development consent, and
  - (b) the order includes provision authorising the compulsory acquisition of land.
- (2) In this section —
- “the order land” means—
- (a) in a case where the order granting development consent authorises the compulsory acquisition of a right over land by the creation of a new right, the land over which the right is to be exercisable;
  - (b) in any other case where the order granting development consent authorises the compulsory acquisition of land, the land authorised to be compulsorily acquired;
- “the prospective purchaser” means—
- (a) in a case where the order granting development consent authorises the compulsory acquisition of a right over land by the creation of a new right, the person for whose benefit the order authorises the creation of the right;

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**Changes to legislation:** *Planning Act 2008, Section 134 is up to date with all changes known to be in force on or before 28 April 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*

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(b) in any other case where the order granting development consent authorises the compulsory acquisition of land, the person authorised by the order to compulsorily acquire the land.

(3) After the order has been made, the prospective purchaser must—

[<sup>F1</sup>(za) make a copy of the order available, at a place in the vicinity of the land, for inspection by the public at all reasonable hours,]

(a) serve a compulsory acquisition notice <sup>F2</sup>... on each person to whom subsection (4) applies, and

(b) affix a compulsory acquisition notice to a conspicuous object or objects on or near the order land.

(4) This subsection applies to any person who, if the order granting development consent were a compulsory purchase order, would be a qualifying person for the purposes of section 12(1) of the Acquisition of Land Act 1981 (c. 67) (notice to owners, lessees and occupiers).

(5) A compulsory acquisition notice which is affixed under subsection (3)(b) must—

(a) be addressed to persons occupying or having an interest in the order land, and

(b) so far as practicable, be kept in place by the prospective purchaser until the end of the period of 6 weeks beginning with the date on which the order is published.

(6) The prospective purchaser must also publish a compulsory acquisition notice in one or more local newspapers circulating in the locality in which the order land is situated.

[<sup>F3</sup>(6A) The prospective purchaser must send a compulsory acquisition notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.]

(7) A compulsory acquisition notice is a notice in the prescribed form—

(a) describing the order land,

(b) in a case where the order granting development consent authorises the compulsory acquisition of a right over land by the creation of a new right, describing the right,

(c) stating that the order granting development consent includes provision authorising the compulsory acquisition of a right over the land by the creation of a right over it or (as the case may be) the compulsory acquisition of the land,

[<sup>F4</sup>(cza) in a case where the order applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981—

(i) containing a prescribed statement about the effect of those Parts, and

(ii) inviting any person who would be entitled to claim compensation if a declaration were executed under section 4 of that Act to give the prospective purchaser information about the person’s name, address and interest in land, using a prescribed form,]

[<sup>F5</sup>(ca) stating where and when a copy of the order is available for inspection in accordance with subsection (3)(za),] and

(d) stating that a person aggrieved by the order may challenge the order only in accordance with section 118.

<sup>F6</sup>(8) .....

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#### Textual Amendments

- F1** S. 134(3)(za) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 142(2)(a)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)
- F2** Words in s. 134(3)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 142(2)(b), 240(2), **Sch. 25 Pt. 21** (with s. 144); S.I. 2012/628, art. 7
- F3** S. 134(6A) inserted (E.W.) (2.2.2017) by [The Housing and Planning Act 2016 \(Compulsory Purchase\) \(Corresponding Amendments\) Regulations 2017 \(S.I. 2017/16\)](#), reg. 1(2), **Sch. para. 6(1)(a)** (with Sch. para. 6(2))
- F4** S. 134(7)(cza) inserted (E.W.) (2.2.2017) by [The Housing and Planning Act 2016 \(Compulsory Purchase\) \(Corresponding Amendments\) Regulations 2017 \(S.I. 2017/16\)](#), reg. 1(2), **Sch. para. 6(1)(b)** (with Sch. para. 6(2))
- F5** S. 134(7)(ca) inserted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), **ss. 142(3)**, 240(2) (with s. 144); S.I. 2012/57, art. 2(d); S.I. 2012/628, art. 7(a)
- F6** S. 134(8) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 142(4), 240(2), **Sch. 25 Pt. 21** (with s. 144); S.I. 2012/628, art. 7

#### Commencement Information

- I1** S. 134 partly in force; s. 134 in force for certain purposes at Royal Assent see s. 241
- I2** S. 134 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](#)