

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.]

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Town and Country Planning Act 1990

Date made

24/05/1990

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)/237 Power to override easements and other rights

237 Power to override easements and other rights

(1) Subject to subsection (3), the erection, construction or carrying out or maintenance of any building or work on land which has been acquired or appropriated by a local authority for planning purposes (whether done by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves--

(a) interference with an interest or right to which this section applies, or

(b) a breach of a restriction as to the user of land arising by virtue of a contract.

[(1A) Subject to subsection (3), the use of any land *in England* which has been acquired or appropriated by a local authority for planning purposes (whether the use is by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is in accordance with planning permission even if the use involves--

(a) interference with an interest or right to which this section applies, or

(b) a breach of a restriction as to the user of land arising by virtue of a contract.]

(2) Subject to subsection (3), the interests and rights to which this section applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(3) Nothing in this section shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land which is--

(a) a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or

(b) a right conferred by or in accordance with the [electronic communications code] on the operator of [an electronic communications code network].

(4) In respect of any interference or breach in pursuance of subsection (1) [or (1A)], compensation--

(a) shall be payable under section 63 or 68 of the Lands Clauses Consolidation Act 1845 or under section 7 or 10 of the Compulsory Purchase Act 1965, and

(b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where--

(i) the compensation is to be estimated in connection with a purchase under those Acts, or

(ii) the injury arises from the execution of works on[, or use of,] land acquired under those Acts.

(5) Where a person deriving title under the local authority by whom the land in question was acquired or appropriated--

(a) is liable to pay compensation by virtue of subsection (4), and

(b) fails to discharge that liability,

the liability shall be enforceable against the local authority.

(6) Nothing in subsection (5) shall be construed as affecting any agreement between the local authority and any other person for indemnifying the local authority against any liability under that subsection.

(7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) [or (1A)].

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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)/245 Modification of incorporated enactments for purposes of this Part

245 Modification of incorporated enactments for purposes of this Part

(1) Where--

- (a) it is proposed that land should be acquired compulsorily under section 226 or 228, and
- (b) a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part II of the Acquisition of Land Act 1981 or, as the case may be, is made in draft by [the Secretary of State for Communities and Local Government] in accordance with Schedule 1 to that Act,

the confirming authority or, as the case may be, that Secretary of State may disregard for the purposes of that Part or, as the case may be, that Schedule any objection to the order or draft which, in the opinion of that authority or Secretary of State, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) . . .

(3) . . .

(4) In construing the Compulsory Purchase Act 1965 in relation to any of the provisions of this Part--

- (a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section 237;
- (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of that Act to the acquiring authority shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out; and
- (c) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister or statutory undertakers on land acquired by that Minister or those undertakers, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

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