



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 6

### INFRASTRUCTURE CONSENT ORDERS

#### *Provision in orders authorising compulsory acquisition*

#### **70 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 71 applies.
- (3) An infrastructure consent order is subject to special Senedd procedure to the extent that the order authorises the compulsory acquisition of land to which this section applies, unless—
  - (a) the Welsh Ministers are satisfied that one of subsections (4) to (7) 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.
- (5) 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),
  - (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

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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 Senedd procedure.
- (6) 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.
- (7) 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.
- (8) If an infrastructure consent order 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.
- (9) In this section—
- “common” (“*tir comin*”), “fuel or field garden allotment” (“*rhandir tanwydd neu ardd gae*”) and “open space” (“*man agored*”) have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);
- “the order land” (“*tir y gorchymyn*”) means the land authorised to be compulsorily acquired;
- “the prospective seller” (“*y darpar werthwr*”) means the person or persons in whom the order land is vested;
- “replacement land” (“*tir amnewid*”) 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.