



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART IX

#### ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES, ETC.

##### *General and supplementary provisions*

#### **244 Powers of joint planning boards under Part IX**

- (1) A joint planning board or a board reconstituted under Schedule 17 to the Local Government Act 1972 shall, on being authorised to do so by the Secretary of State, have the same power to acquire land compulsorily as the local authorities to whom section 226 applies have under that section.
- (2) Such a board shall have the same power to acquire land by agreement as the local authorities mentioned in subsection (1) of section 227 have under that subsection.
- (3) Sections 226(1) and (7), 227, 229, 230, 232, 233 and 235 to 242 apply with the necessary modifications as if any such board were a local authority to which those sections applied.
- (4) On being authorised to do so by the Secretary of State such a board shall have, for any purpose for which by virtue of this section they may acquire land compulsorily, the power which section 13 of the Local Government (Miscellaneous Provisions) Act 1976 confers on the local authorities to whom subsection (1) of that section applies to purchase compulsorily rights over land not in existence when their compulsory purchase is authorised, and subsections (2) to (5) of that section shall accordingly apply to the purchase of rights under this subsection as they apply to the purchase of rights under subsection (1) of that section.

#### **245 Modification of incorporated enactments for purposes of this Part**

- (1) Where—

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- (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 the Environment 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) Where a compulsory purchase order authorising the acquisition of any land under section 226 is submitted to the Secretary of State in accordance with Part II of the Acquisition of Land Act 1981, then if the Secretary of State—
  - (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised in it; but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,

he may confirm the order so far as it relates to the land mentioned in paragraph (a) and give directions postponing consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.

- (3) Where the Secretary of State gives directions under subsection (2), the notices required by section 15 of the Acquisition of Land Act 1981 to be published and served shall include a statement of the effect of the directions.
- (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.

## **246 Interpretation of Part IX**

- (1) In this Part—
  - (a) any reference to the acquisition of land for planning purposes is a reference to the acquisition of it under section 226 or 227 of this Act or section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or, as the case may be, under section 112 or 119 of the 1971 Act or section 68 or 71 of the 1962 Act); and

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- (b) any reference to the appropriation of land for planning purposes is a reference to the appropriation of it for purposes for which land can be (or, as the case may be, could have been) acquired under those sections.
- (2) Nothing in sections 237 to 241 shall be construed as authorising any act or omission on the part of a local authority or body corporate in contravention of any limitation imposed by law on their capacity by virtue of their constitution.
- (3) Any power conferred by section 238, 239 or 241 to use land in a manner mentioned in those sections shall be construed as a power so to use the land, whether or not it involves the erection, construction or carrying out of any building or work or the maintenance of any building or work.