



Town and Country Planning Act 1990

1990 CHAPTER 8

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 which—
 - (a) is suitable for and required in order to secure the carrying out of development, redevelopment or improvement; or
 - (b) 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.
- (2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, re-development or improvement shall have regard—
 - (a) to the provisions of the development plan, so far as material;
 - (b) to whether planning permission for any development on the land is in force; and
 - (c) to any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.
- (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

Status: Point in time view as at 13/08/2001. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 226 is up to date with all changes known to be in force on or before 20 August 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)

- (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 [^{F1}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;
 - [^{F2}(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 ^{M1}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, [^{F3}county boroughs,] districts and London boroughs.

Textual Amendments

- F1** Words in s. 226(6)(a) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F2** S. 226(6)(bb) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F3** Words in s. 226(8) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Marginal Citations

- M1** 1981 c.67.

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