



Planning Act 2008

2008 CHAPTER 29

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

Compulsory acquisition

125 Application of compulsory acquisition provisions

- (1) This section applies if an order granting development consent includes provision authorising the compulsory acquisition of land.
- (2) Part 1 of the Compulsory Purchase Act 1965 (c. 56) (procedure for compulsory purchase) applies to the compulsory acquisition of land under the order—
 - (a) as it applies to a compulsory purchase to which Part 2 of the Acquisition of Land Act 1981 (c. 67) applies, and
 - (b) as if the order were a compulsory purchase order under that Act.
- (3) Part 1 of the Compulsory Purchase Act 1965, as applied by subsection (2), has effect with the omission of the following provisions—
 - (a) section 4 (time limit for exercise of compulsory purchase powers);
 - (b) section 10 (compensation for injurious affection);
 - ^{F1}(c)
- (4) In so far as the order includes provision authorising the compulsory acquisition of land in Scotland—
 - (a) subsections (2) and (3) do not apply, and

Status: Point in time view as at 08/09/2022.

Changes to legislation: Planning Act 2008, Section 125 is up to date with all changes known to be in force on or before 18 June 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) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) (“the 1947 Act”) applies to the compulsory acquisition of that land under the order as if the order were a compulsory purchase order as defined in section 1(1) of that Act.
- (5) The 1947 Act, as applied by subsection (4), has effect with the omission of the following provisions—
 - (a) Parts 2 and 3 of the First Schedule (compulsory purchase by Ministers and special provisions as to certain descriptions of land);
 - (b) section 116 of the Lands Clauses Consolidation (Scotland) Act 1845 (c. 19) (time limit for exercise of compulsory purchase powers) (that section being incorporated into the 1947 Act by paragraph 1 of the Second Schedule to the 1947 Act).
- (6) Subsections (2) to (5) are subject to any contrary provision made by the order granting development consent.

Textual Amendments

- F1** S. 125(3)(c) omitted (13.7.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 16 para. 17](#); S.I. 2016/733, reg. 3(j)

Commencement Information

- I1** S. 125 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(f\)](#) (with art. 6)

Status:

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