



# Planning Act 2008

## 2008 CHAPTER 29

### PART 7

#### ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

##### CONTENT OF ORDERS

##### *Compulsory acquisition*

#### **127 Statutory undertakers' land**

- (1) This section applies in relation to land (“statutory undertakers' land”) if—
  - (a) the land has been acquired by statutory undertakers for the purposes of their undertaking,
  - (b) a representation has been made about an application for an order granting development consent before the completion of the examination of the application, and the representation has not been withdrawn, and
  - (c) as a result of the representation the [F1 Secretary of State] is satisfied that—
    - (i) the land is used for the purposes of carrying on the statutory undertakers' undertaking, or
    - (ii) an interest in the land is held for those purposes.
- (2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State—
  - (a) is satisfied of the matters set out in subsection (3), and
  - (b) issues a certificate to that effect.
- (3) The matters are that the nature and situation of the land are such that—

*Status: Point in time view as at 01/04/2012. This version of this provision has been superseded.*

*Changes to legislation: Planning Act 2008, Section 127 is up to date with all changes known to be in force on or before 23 July 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)*

- (a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
  - (b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.
- (4) Subsections (2) and (3) do not apply in a case within subsection (5).
- (5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State—
- (a) is satisfied of the matters set out in subsection (6), and
  - (b) issues a certificate to that effect.
- (6) The matters are that the nature and situation of the land are such that—
- (a) the right can be purchased without serious detriment to the carrying on of the undertaking, or
  - (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.
- (7) If the Secretary of State issues a certificate under subsection (2) or (5), the Secretary of State must—
- (a) publish in one or more local newspapers circulating in the locality in which the statutory undertakers' land is situated a notice in the prescribed form that the certificate has been given,<sup>F2</sup> ...
  - <sup>F3</sup>(b) .....
- (8) In this section—
- “statutory undertakers” has the meaning given by section 8 of the Acquisition of Land Act 1981 (c. 67) and also includes the undertakers—
- (a) which are deemed to be statutory undertakers for the purposes of that Act, by virtue of another enactment;
  - (b) which are statutory undertakers for the purposes of section 16(1) and (2) of that Act (see section 16(3) of that Act).
- (9) In the application of this section to a statutory undertaker which is a health service body (as defined in section 60(7) of the National Health Service and Community Care Act 1990 (c. 19)), references to land acquired or available for acquisition by the statutory undertakers are to be construed as references to land acquired or available for acquisition by the Secretary of State for use or occupation by the body.

**Textual Amendments**

- F1** Words in s. 127(1)(c) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 64\(2\)](#); S.I. 2012/628, art. 7(a)
- F2** Word in s. 127(7) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 25 Pt. 20](#); S.I. 2012/628, art. 7(b)
- F3** S. 127(7)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 64\(3\), Sch. 25 Pt. 20](#); S.I. 2012/628, art. 7

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**Commencement Information**

**II** S. 127 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(f\)](#) (with [art. 6](#))

**Status:**

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**Changes to legislation:**

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