



# Planning Act 2008

## 2008 CHAPTER 29

### PART 7

#### ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

#### CONTENT OF ORDERS

#### *Compulsory acquisition*

#### **128 Local authority and statutory undertakers' land: general**

- (1) This section applies to land which—
  - (a) is the property of a local authority, or
  - (b) has been acquired by statutory undertakers (other than a local authority) for the purposes of their undertaking.
- (2) An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, if the condition in subsection (3) is met.
- (3) The condition is that—
  - (a) a representation has been made by the local authority or (as the case may be) the statutory undertakers about the application for the order granting development consent before the completion of the examination of the application,
    - [<sup>F1</sup>(aa) the representation contains an objection to the compulsory acquisition of the land,] and
    - (b) the [<sup>F2</sup>objection] has not been withdrawn, and
- (4) Subsection (2) is subject to section 129.

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*Status: Point in time view as at 01/04/2012. This version of this provision has been superseded.*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 128 is up to date with all changes known to be in force on or before 06 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)*

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(5) In this section—

“local authority” has the meaning given by section 7(1) of the Acquisition of Land Act 1981;

“statutory undertakers” has the meaning given by section 8 of that Act 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).

(6) 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), the reference to land acquired by statutory undertakers is to be construed as a reference to land acquired by the Secretary of State for use or occupation by the body.

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**Textual Amendments**

- F1** S. 128(3)(aa) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 141(2)(a)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F2** Word in s. 128(3)(b) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 141(2)(b)**, 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
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**Commencement Information**

- I1** S. 128 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(f)** (with art. 6)

**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 128 is up to date with all changes known to be in force on or before 06 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.