



# Planning Act 2008

## 2008 CHAPTER 29

### PART 7

#### ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

##### CONTENT OF ORDERS

##### *Compulsory acquisition*

#### **132 Commons, open spaces etc: compulsory acquisition of rights over land**

- (1) This section applies to any land forming part of a common, open space or fuel or field garden allotment.
- (2) An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, [F1 unless—
  - (a) the Secretary of State is satisfied that one of subsections (3) to (5) applies, and
  - (b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order].
- (3) This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—
  - (a) the persons in whom it is vested,
  - (b) other persons, if any, entitled to rights of common or other rights, and
  - (c) the public.
- (4) This subsection applies if—
  - (a) replacement land has been or will be given in exchange for the order right, and

*Status: Point in time view as at 09/01/2019.*

*Changes to legislation: Planning Act 2008, Section 132 is up to date with all changes known to be in force on or before 08 September 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 replacement land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent).

[<sup>F2</sup>(4A) This subsection applies if—

- (a) the order land is, or forms part of, an open space,
- (b) none of the order land is of any of the other descriptions in subsection (1),
- (c) either—
  - (i) there is no suitable land available to be given in exchange for the order right, or
  - (ii) any suitable land available to be given in exchange is available only at prohibitive cost, and
- (d) it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.

(4B) This subsection applies if—

- (a) the order land is, or forms part of, an open space,
- (b) none of the order land is of any of the other descriptions in subsection (1), and
- (c) the order right is being acquired for a temporary (although possibly long-lived) purpose.]

(5) This subsection applies if—

- (a) the order land does not exceed 200 square metres in extent or the order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway, and
- (b) the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.

<sup>F3</sup>(6) .....

<sup>F3</sup>(7) .....

<sup>F3</sup>(8) .....

<sup>F3</sup>(9) .....

<sup>F3</sup>(10) .....

(11) If an order granting development consent authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, it may include provision—

- (a) for vesting replacement land given in exchange as mentioned in subsection (4)
  - (a) in the persons in whom the order land is vested and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and
  - (b) for discharging the order land from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of the order right.

(12) In this section —

---

**Status:** Point in time view as at 09/01/2019.

**Changes to legislation:** Planning Act 2008, Section 132 is up to date with all changes known to be in force on or before 08 September 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)

---

“common”, “fuel or field garden allotment” and “open space” have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);

“the order land” means the land to which this section applies over which the order right is to be exercisable;

“the order right” means the right authorised to be compulsorily acquired;

“replacement land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—

- (a) the persons in whom the order land is vested,
- (b) the persons, if any, entitled to rights of common or other rights over the order land, and
- (c) the public.

---

#### **Textual Amendments**

- F1** Words in s. 132(2) substituted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(3\)\(a\)](#), [35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))
- F2** S. 132(4A)(4B) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(3\)\(b\)](#), [35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))
- F3** S. 132(6)-(10) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\)](#), [ss. 24\(3\)\(c\)](#), [35\(1\)](#) (with [s. 24\(6\)](#)); [S.I. 2013/1124](#), [art. 4\(c\)](#) (with [art. 7](#))
- 

#### **Commencement Information**

- I1** S. 132 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(f\)](#) (with [art. 6](#))

**Status:**

Point in time view as at 09/01/2019.

**Changes to legislation:**

Planning Act 2008, Section 132 is up to date with all changes known to be in force on or before 08 September 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.