



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 ^{F1} . . . —
- [^{F2}(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,]
 - (b) [^{F3}which] 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.

- [^{F4}(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—
- (a) the promotion or improvement of the economic well-being of their area;
 - (b) the promotion or improvement of the social well-being of their area;
 - (c) the promotion or improvement of the environmental well-being of their area.]

(2) ^{F5}

- [^{F6}(2A) The Secretary of State must not authorise the acquisition of any interest in Crown land unless—
- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
 - (b) the appropriate authority consents to the acquisition.]

- (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—

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- (a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use; or
 - (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 [^{F7}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;
 - [^{F8}(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, [^{F9}county boroughs,] districts and London boroughs.
- [^{F10}(9) Crown land must be construed in accordance with Part 13.]

Annotations:

Amendments (Textual)

- F1** Word in s. 226(1) repealed (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 99(2)(a), 120, 121, [Sch. 9](#) (with ss. 99(5), 111); S.I. 2004/2593, [art. 2](#)
- F2** S. 226(1)(a) substituted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 99\(2\)\(b\)](#), 121 (with ss. 99(5), 111); S.I. 2004/2593, [art. 2](#)
- F5** S. 226(2) repealed (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 99(4), 120, 121, [Sch. 9](#) (with ss. 99(5), 111); S.I. 2004/2593, [art. 2](#)

Marginal Citations

- M1** 1981 c.67.

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Changes and effects yet to be applied to :

- 271-274 applied (with modifications) by S.I. 2012/2679 Sch. 13 para. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2012/2167 art. 7
- Act applied in part (Isles of Scilly) (with modifications) by S.I. 2013/2148 art. 3 Sch. 1 (Words “83, 84,” in 1990 c. 9, s. 92(2)(a) repealed (7.6.2006) by 2004 c. 5, Sch. 9; S.I. 2006/1281, art. 2(f)(iv))
- Act modified by S.I. 2011/950 art. 22 Sch. para. 1(2) 2-6
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 4
- Blanket amendment words substituted by S.I. 2011/1043 art. 3 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A inserted by 2011 c. 20 Sch. 22 para. 32
- s. 61E-61Q and cross-heading inserted by 2011 c. 20 Sch. 9 para. 2
- s. 61F applied by 2004 c. 5 s. 38C(2)(a) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61I(2)(3) applied by 2004 c. 5 s. 38C(2)(b) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61K applied by 2004 c. 5 s. 38B(6) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61M applied (with modifications) by 2004 c. 5 s. 38C(2)(c)(3) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61N applied (with modifications) by 2004 c. 5 s. 38C(2)(d)(4) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61O applied by 2004 c. 5 s. 38C(2)(e) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61P applied by 2004 c. 5 s. 38C(2)(f) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- s. 61W-61Y and cross-heading inserted by 2011 c. 20 s. 122(1)
- s. 62A-62C inserted by 2013 c. 27 s. 1(1)
- s. 70C inserted by 2011 c. 20 s. 123(2)
- s. 76C-76E inserted by 2013 c. 27 Sch. 1 para. 5
- s. 106BA-106BC inserted by 2013 c. 27 s. 7(1)
- s. 106BA repealed by 2013 c. 27 s. 7(4)
- s. 106BB repealed by 2013 c. 27 s. 7(4)
- s. 106BC repealed by 2013 c. 27 s. 7(4)
- s. 165ZA inserted by 2011 c. 20 Sch. 22 para. 33
- s. 171BA-171BC inserted by 2011 c. 20 s. 124(1)
- s. 172A inserted by 2011 c. 20 s. 125
- s. 196D and cross-heading inserted by 2013 c. 24 Sch. 17 para. 6
- s. 196D and cross-heading transitional provisions for effects of 2003 c. 24 s. 63 Sch. 17 para. 1-6 by S.I. 2013/2148 art. 5(4)(b)
- s. 225-225E inserted by 2011 c. 20 s. 127(1)
- Sch. 4B applied (with modifications) by 2004 c. 5 s. 38A(3) 38C(5) (as inserted) by 2011 c. 20 Sch. 9 para. 7
- Sch. 4B para. 16 functions made exercisable concurrently by S.I. 2013/2597 art. 2(a)
- Sch. 4B inserted by 2011 c. 20 s. 116(2) Sch. 10
- Sch. 4B para. 16(5) words inserted by S.I. 2013/2597 Sch. para. 5(b)
- Sch. 4B para. 16(1) words substituted by S.I. 2013/2597 Sch. para. 5(a)
- Sch. 4C inserted by 2011 c. 20 s. 116(3) Sch. 11

Commencement Orders yet to be applied to the Town and Country Planning Act 1990

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)
- [S.I. 2011/3019 art. 3 Sch. 1](#) commences (2011 c. 13)