



Growth and Infrastructure Act 2013

2013 CHAPTER 27

Other infrastructure provisions

24 Special parliamentary procedure in cases under the Planning Act 2008

- (1) Sections 128 and 129 of the Planning Act 2008 (special parliamentary procedure applies to certain orders granting development consent which authorise compulsory acquisition of land belonging to a local authority or statutory undertaker) are repealed.
- (2) In section 131 of the Planning Act 2008 (special parliamentary procedure applies to certain orders granting development consent which authorise compulsory acquisition of land forming part of a common, open space, fuel allotment or field garden allotment)
—
 - (a) in subsection (3) (special parliamentary procedure does not apply if Secretary of State certifies that subsection (4) or (5) applies) for the words from “unless” to the end substitute “unless—
 - “(a) the Secretary of State is satisfied that one of subsections (4) 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.”,
 - (b) after subsection (4) insert—

“(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 land, 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

Status: This is the original version (as it was originally enacted).

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 land is being acquired for a temporary (although possibly long-lived) purpose.”, and
- (c) omit subsections (6) to (10) (provision about certificates under subsection (3) (b)).

(3) In section 132 of the Planning Act 2008 (special parliamentary procedure applies to certain orders granting development consent which authorise compulsory acquisition of rights over land forming part of a common, open space, fuel allotment or field garden allotment)—

- (a) in subsection (2) (special parliamentary procedure does not apply if Secretary of State certifies that one of subsections (3) to (5) applies) for the words from “unless” to the end substitute “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.”,
- (b) after subsection (4) insert—

“(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.”, and
- (c) omit subsections (6) to (10) (provision about certificates under subsection (2) (b)).

(4) In consequence of subsection (1) the following are repealed—

- (a) paragraphs 12 and 13 of Schedule 12 to the Planning Act 2008 (application of sections 128 and 129 to Scotland),
 - (b) section 141(2) of the Localism Act 2011 (which amended section 128), and
 - (c) paragraph 60 of Schedule 22 to that Act (which amended section 129).
- (5) In section 130 of the Planning Act 2008 (special parliamentary procedure where order granting development consent authorises acquisition of inalienable National Trust land despite Trust's objections) after subsection (3) insert—
- “(3A) In a case to which this section applies and to which section 131 or 132 also applies, special parliamentary procedure—
- (a) may be required by subsection (2) whether or not also required by section 131(3) or 132(2), and
 - (b) may be required by section 131(3) or 132(2) whether or not also required by subsection (2).”
- (6) An amendment or repeal made by this section applies in relation to any order granting development consent which is made after the amendment or repeal comes into force.