Acquisition for planning and public purposes

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—

(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) 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.

(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) 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—
The Secretary of State where that land forms part of a common or open space or fuel or field (S. 226(2) repealed (31.10.2004) by S. 226(9) inserted (7.6.2006) by S. 226(1)(a) substituted (31.10.2004) by S. 226(6)(bb) inserted (1.4.1996) by S. 226(1) inserted or (3)(a)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).

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.

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.

The Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under this section.

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.]
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

C1 S. 226 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), 6(1)(a)(2), 15(1)(a)(ii) (with art. 7)


C3 S. 226 functions made exercisable concurrently (17.3.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(2), 7(1)(a)

Marginal Citations

M1 1981 c.67.
Changes to legislation:
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Changes and effects yet to be applied to:
- s 153(4A) excluded by S.I. 2020/402 art. 27(3)(c)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act modified in part by S.I. 2020/141 Sch. 9 para. 1
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 69(1)(cza) inserted by 2015 c. 7 Sch. 4 para. 8(2)
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 196(1A) inserted by 2008 c. 29 Sch. 10 para. 8(2)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 305(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 324(1B) inserted by 2015 c. 7 Sch. 4 para. 21
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 13B(1)(c)(ii) words substituted by S.I. 2018/1232 reg. 2(5)
- Sch. 4B para. 13B(6)(a) words substituted by S.I. 2018/1232 reg. 2(5)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)