

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—

Changes to legislation: Town and Country Planning Act 1990, Section 226 is up to date with all changes known to be in force on or before 04 December 2020. 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) View outstanding changes

- (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.]

Textual Amendments

- 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](#)
- F3** Word in s. 226(1)(b) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 99(2)(c), 121 (with ss. 99(5), 111); S.I. 2004/2593, [art. 2](#)
- F4** S. 226(1A) inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 99(3), 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](#)
- F6** S. 226(2A) inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 3\(2\)](#) (with s. 111); S.I. 2006/1281, [art. 2](#)
- F7** Words in s. 226(6)(a) inserted (1.4.1996) by 1994 c. 19, s. 20(4), [Sch. 6 Pt. II para. 24\(6\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F8** S. 226(6)(bb) inserted (1.4.1996) by 1994 c. 19, s. 20(4), [Sch. 6 Pt. II para. 24\(6\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F9** Words in s. 226(8) inserted (1.4.1996) by 1994 c. 19, s. 20(4), [Sch. 6 Pt. II para. 24\(6\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)
- F10** S. 226(9) inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 79, 121, [Sch. 3 para. 3\(3\)](#) (with s. 111); S.I. 2006/1281, [art. 2](#)

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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)
- C2** S. 226 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **19(1)(a)**
- 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.

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

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. 303(12) inserted by [2015 c. 7 Sch. 4 para. 19\(4\)](#)
- 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. 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\(7\)](#)