



Town and Country Planning Act 1971

1971 CHAPTER 78

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Subsequent recovery of compensation

160 Amount recoverable, and provisions for payment or remission thereof

- (1) Subject to the following provisions of this section, the amount recoverable under section 159 of this Act in respect of the compensation specified in a compensation notice—
 - (a) if the land on which the development is to be carried out (in this subsection referred to as " the development area ") is identical with, or includes (with other land) the whole of, the land comprised in the compensation notice, shall be the amount of compensation specified in that notice;
 - (b) if the development area forms part of the land comprised in the compensation notice, or includes part of that land together with other land not comprised in that notice, shall be so much of the amount of the compensation specified in that notice as is attributable to land comprised in that notice and falling within the development area.
- (2) Where, in the case of any land in respect of which a compensation notice has been registered, the Secretary of State is satisfied, having regard to the probable value of any proper development of that land, that no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or part of any amount otherwise recoverable under section 159 of this Act; and where part only of any such amount has been remitted, he shall cause the compensation notice to be amended by substituting therein, for the statement of the amount of the compensation, in so far as it is attributable to that land, a statement of the amount which has been remitted under this subsection.
- (3) Where, in connection with the development of any land, an amount becomes recoverable under section 159 of this Act in respect of the compensation specified

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in a compensation notice, then, except where, and to the extent that, payment of that amount has been remitted under subsection (2) of this section, no amount shall be recoverable under section 159 of this Act in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.

- (4) No amount shall be recoverable under section 159 of this Act in respect of any compensation by reference to which a sum has become recoverable by the Secretary of State under section 257 of this Act.
- (5) An amount recoverable under section 159 of this Act in respect of any compensation shall be payable to the Secretary of State, and—
 - (a) shall be so payable either as a single capital payment or as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Secretary of State may direct, after taking into account any representations made by the person by whom the development is to be carried out; and
 - (b) except where the amount is payable as a single capital payment, shall be secured by that person in such manner (whether by mortgage, covenant or otherwise) as the Secretary of State may direct.
- (6) If any person initiates any new development to which section 159 of this Act applies in contravention of subsection (1) of that section, the Secretary of State may serve a notice on him specifying the amount appearing to the Secretary of State to be the amount recoverable under that section in respect of the compensation in question, and requiring him to pay that amount to the Secretary of State within such period, not being less than three months after the service of the notice, as may be specified in the notice.