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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## SCHEDULE 2

### COMPENSATION FOR CHANGING OR REVOKING INFRASTRUCTURE CONSENT ORDERS

#### *Amount recoverable by Welsh Ministers in respect of compensation*

- 6 (1) The amount recoverable in respect of the compensation specified in a registered compensation notice is—
- (a) if the land on which development is to be carried out includes all of the land to which the notice relates (whether alone or with other land), the amount of compensation specified in the notice;
  - (b) if the land on which development is to be carried out includes only part of the land to which the notice relates (whether alone or with land to which the notice does not relate), the amount of the compensation specified in the notice that is attributable to that part.
- (2) But the Welsh Ministers may defer recovery of all or part of the amount that would otherwise be recoverable in connection with a particular development of land if they consider, having regard to the probable value of any proper development of that land, that no proper development of it is likely to be carried out unless they exercise their powers under this sub-paragraph.
- (3) If the Welsh Ministers defer recovery of only part of the amount that would otherwise be recoverable in respect of any land, they must cause the registered compensation notice in question to be amended so that the amount of compensation stated in it, so far as attributable to that land, is the amount they have deferred.
- (4) Where an amount has become recoverable in respect of compensation in connection with the development of land, no amount is recoverable in respect of the compensation attributable to that land in connection with any later development of it.
- (5) Sub-paragraph (4) does not apply to an amount to the extent that recovery of the amount was deferred in connection with the earlier development.
- (6) No amount is recoverable by virtue of this paragraph in respect of any compensation by reference to which an amount has become recoverable from an acquiring authority under paragraph 8 (recovery on compulsory acquisition or sale).
- (7) For the purposes of this Schedule, the amount of the compensation specified in a compensation notice that is attributable to a part of the land to which the notice relates is to be calculated—
- (a) if the notice includes an apportionment of the compensation between different parts of the land under paragraph 3, on the basis that—
    - (i) the compensation is distributed between those parts in accordance with the apportionment, and
    - (ii) the compensation attributed to each part is distributed evenly by area over that part;
  - (b) if the notice does not include an apportionment, on the basis that the compensation is distributed evenly by area over the land to which the notice relates.