



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART IV

#### COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES ETC.

##### *Compensation for revocation or modification of planning permission*

#### **76 Compensation where planning permission revoked or modified**

- (1) Where planning permission is revoked or modified by an order under section 65, then if, on a claim made to the planning authority within the prescribed time and in the prescribed manner, it is shown that a person interested in the land—
  - (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or
  - (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,the planning authority shall pay that person compensation in respect of that expenditure, loss or damage.
- (2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it, shall be taken to be included in the expenditure incurred in carrying out that work.
- (3) Subject to subsection (2), no compensation shall be paid under this section in respect of—
  - (a) any work carried out before the grant of the permission which is revoked or modified, or
  - (b) any other loss or damage arising out of anything done or omitted to be done before the grant of that permission (other than loss or damage consisting of depreciation of the value of an interest in land).

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*Status: This is the original version (as it was originally enacted).*

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- (4) In calculating for the purposes of this section the amount of any loss or damage consisting of depreciation of the value of an interest in land, it shall be assumed that planning permission would be granted—
- (a) subject to the condition set out in Schedule 12, for any development of a class specified in paragraph 1 of Schedule 11;
  - (b) for any development of a class specified in paragraph 2 of Schedule 11.
- (5) In this Part any reference to an order under section 65 includes a reference to an order under the provisions of that section as applied by section 71(3) and paragraph 1(2) of Schedule 8.