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SCHEDULES

FIRST SCHEDULE

Sections 6, 7

ACTUAL OR PROSPECTIVE DEVELOPMENT RELEVANT FOR PURPOSES OF SECTIONS 6 & 7

PART I

DESCRIPTION OF DEVELOPMENT

<i>Case</i>	<i>Development</i>
1. Where the acquisition is for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the current development plan as an area of comprehensive development.	Development of any land in that area, other than the relevant land, in the course of the development or redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under [^{F1} the ^{M1} New Towns Act 1965].	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
[^{F2}	Development of any land included in that area, other than the relevant land, in the course of the development of that area as part of a new town.]
3A. Where on the date of service of notice to treat any of the relevant land forms part of an area designated as an extension of the site of a new town by an order under the New Towns Act 1965 becoming operative after the date of the commencement of the ^{M2} New Towns Act 1966.	
4. Where any of the relevant land forms part of an area defined in the current development plan as an area of town development.	Development of any land in that area, other than the relevant land, in the course of town development within the meaning of the ^{M3} Town Development Act 1952.
[^{F3}	Development of any land other than the relevant land, in the course of the

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4A. Where any of the relevant land forms part of an area designated as an urban development area by an order under section 134 of the

M4

Local Government, Planning and Land Act 1980.

development or redevelopment of that area as an urban development area.]

[^{F4}4B. Where any of the relevant land forms part of a housing action trust area established under Part III of the Housing Act 1988.]

[^{F4}Development of any land other than the relevant land in the course of the development or re-development of the area as a housing action trust area.]

Textual Amendments

- F1** Words substituted by virtue of [New Towns Act 1965 \(c. 59\)](#), [Sch. 11 para. 5](#)
F2 [Para. 3A](#) inserted by [New Towns Act 1966 \(c. 44\)](#), [Sch. Pt. I para. 1](#)
F3 [Para. 4A](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), [s. 145\(1\)](#)
F4 [Sch. 1 para. 4B](#) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 78\(3\)](#)

Marginal Citations

- M1** [1965 c. 59](#).
M2 [1966 c. 44](#).
M3 [1952 c. 54](#).
M4 [1980 c. 65](#).

PART II

SPECIAL PROVISIONS AS TO NEW TOWNS

Modifications etc. (not altering text)

- C1** [Sch. 1 Pt. II](#) restricted by [Development of Rural Wales Act 1976 \(c. 75\)](#), [s. 5\(1\)](#), [Sch. 3 para. 30\(3\)](#)

5 In this Part of this Schedule “the transfer date”, in relation to a new town, means the date on which, by virtue of any enactment contained in any Act relating to new towns, whether passed before or after this Act, the development corporation established for the purposes of that new town ceases to act, except for purposes of or incidental to the winding up of its affairs.

6 Land shall not be treated as forming part of such an area as is mentioned in paragraph 3 [^{F5}or 3A] of this Schedule if the notice to treat is served on or after the transfer date.

Textual Amendments

- F5** Words inserted by [New Towns Act 1966 \(c. 44\)](#), [Sch. Pt. I para. 2](#)

7 In determining whether the relevant land forms part of such an area as is mentioned in the said paragraph 3,—

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- (a) in the case of an area designated as the site of a new town by an order which became operative on or before the twenty-ninth day of October, nineteen hundred and fifty-eight, regard shall be had to that order in the form in which, whether as originally made or as subsequently varied, it was in force on that day, and any variation becoming operative after that day shall be disregarded;
- (b) in the case of an area designated as the site of a new town by an order which became operative after the said twenty-ninth day of October, whether before or after the passing of this Act, regard shall be had to the order in its original form, and any variation of the order shall be disregarded.

8 For the purpose of determining whether any development of which there is a prospect on the date of service of the notice to treat would be such development as is described in the said paragraph 3 [^{F6}or 3A] it is immaterial whether the time when that development will or may take place is a time before, on or after the transfer date.

Textual Amendments

F6 Words inserted by [New Towns Act 1966 \(c. 44\), Sch. Pt. I para. 2](#)

[^{F7} (1) This paragraph applies where, before the date of service of the notice to treat for the purposes of a compulsory acquisition (the relevant acquisition), the land has been disposed of by an authority or body in circumstances where paragraph 3 or 3A of this Schedule would have applied if (at the time of the disposal) the authority or body had been compulsorily acquiring the land.

(2) In that case, paragraphs 3 and 3A shall not apply for the purposes of the relevant acquisition.]

Textual Amendments

F7 [Para. 9](#) inserted by [Local Government, Planning and Land Act 1980 \(c. 65\), Sch. 25 para. 8](#) except where a notice to treat has been served before 13.11.1980

[^{F8}PART III]

SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

Textual Amendments

F8 [Pt. III](#) added by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 145\(2\)](#)

10 For the avoidance of doubt it is hereby declared—

- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 6 of this Act, no increase or diminution in value is to be excluded from being left out of account; and
- (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 7 of this Act, no increase in value is to be excluded from being taken into account,

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merely because it is attributable—

- (i) to any development of land which was carried out before the area was designated as an urban development area;
- (ii) to any development or prospect of development of land outside the urban development area;
- (iii) to any development or prospect of development of land by an authority other than the acquiring authority, possessing compulsory purchase powers.

- 11 Paragraph 10 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 6 of this Act.

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