

SCHEDULE 2

OFF-SITE CONDITIONS

PART 2

Compensation for off-site conditions

9. Subject to paragraph 12, compensation is payable for—
- (a) depreciation in the value of any relevant interest which results from the grant of the offsite right;
 - (b) depreciation in the value of any other interest in land to which the grantor is entitled which results from the exercise of the off-site right;
 - (c) loss of or damage to a relevant interest which—
 - (i) is attributable to the grant of the off-site right or the exercise of that right;
 - (ii) does not consist of depreciation in the value of that interest; and
 - (iii) is loss or damage for which the grantor would have been entitled to compensation for disturbance if that interest had been acquired compulsorily under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ^{M1} under a notice to treat served on the date on which the off-site right is granted;
 - (d) damage to, or injurious affection of, any interest in land to which the grantor is entitled which is not a relevant interest, and which results from the grant of the off-site right or the exercise of that right;
 - (e) loss in respect of work carried out by or on behalf of the grantor which is rendered abortive by the grant of off-site right or the exercise of that right;
 - (f) the amount of any valuation and legal expenses reasonably incurred by the grantor in—
 - (i) granting the off-site right; and
 - (ii) preparing the application for, and negotiating the amount of, compensation (up to the point of referral to the Lands Tribunal for Scotland under paragraph 14(2)).

Marginal Citations

M1 1947 c.42.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018, Paragraph 9.