



Civil Aviation Act 1982

1982 CHAPTER 16

PART II

AERODROMES AND OTHER LAND

Supplemental

53 Compensation in respect of planning decisions relating to safety of aerodromes, etc.

- (1) A local planning authority (in this section referred to as “a planning authority”) shall be entitled to recover from the CAA a sum equal to any compensation which the planning authority has become liable to pay, if—
- (a) it has become so liable under [^{F1}section 107, 108, 114, 144(2) or 279(1) of the Town and Country Planning Act 1990] or section 153, 154, 158, 176(2) or 226(1) of the ^{M1}Town and Country Planning (Scotland) Act 1972 (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers’ operational land); and
 - (b) the liability is attributable to a planning decision which would not have been taken, or, in the case of compensation under [^{F2}the said section 107] or the said section 153 to an order under [^{F2}section 97 of the said Act of 1990] or section 42 of the Act of 1972 which would not have been made, but for the need—
 - (i) to secure the safe and efficient operation of an aerodrome owned by the CAA; or
 - (ii) to prevent persons or buildings from being struck by aircraft using such an aerodrome; or
 - (iii) to secure the safe and efficient operation of apparatus owned by the CAA and provided for the purpose of assisting air traffic control or as an aid to air navigation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of subsection (1) above, the planning authority shall pay the CAA any

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amount received by the planning authority in respect of the compensation under ^{F3}sections 111 and 112 of the said Act of 1990] or section 157 of the said Act of 1972 (which relate to the recovery of compensation on subsequent development).

- (3) Where a purchase notice is served under ^{F4}section 137 of the said Act of 1990] or section 169 of the said Act of 1972 in respect of a planning decision which would not have been taken but for such a need as aforesaid in respect of an aerodrome or apparatus owned by the CAA, any local authority who are deemed under ^{F4}section 139(3) or 143(1) of the said Act of 1990] or section 170(2) or 175(1) of the said Act of 1972 to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the CAA not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, require the CAA to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined.
- (4) Where a notice in writing is given to the CAA under subsection (3) above, the CAA shall, subject to any agreement between it and the local authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (5) Any dispute as to whether a planning decision would not have been taken or an order under ^{F5}the said section 97] or the said section 42 would not have been made but for such a need as is mentioned in subsection (1) above shall be referred to and determined by the Secretary of State.
- (6) In the preceding provisions of this section “planning decision” means a decision made on an application under Part III of ^{F6}the said Act of 1990] or Part III of the said Act of 1972; and references in those provisions to a local planning authority include, in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.
- (7) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland or under the ^{M2}Planning (Northern Ireland) Order 1972 by the Department of the Environment for Northern Ireland or the Planning Appeals Commission—
 - (a) the Department of the Environment for Northern Ireland becomes liable to pay compensation to any person; and
 - (b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus owned by the CAA and provided for the purpose of assisting air traffic control or as an aid to air navigation,
 the Department shall be entitled to recover from the CAA a sum equal to that compensation.
- (8) Where a sum equal to any compensation is payable or paid to the said Department in pursuance of subsection (7) above, the Department shall pay the CAA any amount received by the Department in respect of the compensation under section 24 of the ^{M3}Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).
- (9) In subsection (7) above, “planning decision” includes a revocation or modification of planning permission under section 3 of the ^{M4}Planning (Interim Development) Act (Northern Ireland) 1944.

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Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(3\)\(a\)\(i\)](#)
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(3\)\(a\)\(ii\)](#)
- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(3\)\(b\)](#)
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(3\)\(c\)](#)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(3\)\(d\)](#)
- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(3\)\(e\)](#)

Modifications etc. (not altering text)

- C1** [S. 53](#) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1), [Sch. 16 para. 1\(1\)\(xxxv\)](#)

Marginal Citations

- M1** 1972 c. 52.
- M2** S.I. 1972/1634 (N.I.17).
- M3** 1965 c. 23 (N.I.).
- M4** 1944 c. 3 (N.I.).

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