



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART IV

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

##### *Compensation for revocation of planning permission, etc.*

#### **112 Amount recoverable under s. 111 and provisions for payment or remission of it**

- (1) Subject to the following provisions of this section, the amount recoverable under section 111 in respect of the compensation specified in a notice registered under section 110—
  - (a) if the land on which the development is to be carried out (“the development area”) is identical with, or includes (with other land) the whole of, the land comprised in the notice, shall be the amount of compensation specified in the notice;
  - (b) if the development area forms part of the land comprised in the notice, or includes part of that land together with other land not comprised in the notice, shall be so much of the amount of the compensation specified in the notice as is attributable to land comprised in the notice and falling within the development area.
- (2) Where, in the case of any land in respect of which such a notice has been so registered, the Secretary of State is satisfied, having regard to the probable value of any proper development of that land, that no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or part of any amount otherwise recoverable under section 111.
- (3) Where part only of any such amount has been remitted in respect of any land, the Secretary of State shall cause the notice registered under section 110 to be amended by substituting in it, for the statement of the amount of the compensation, in so far as it is attributable to that land, a statement of the amount which has been remitted under subsection (2).

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where, in connection with the development of any land, an amount becomes recoverable under section 111 in respect of the compensation specified in such a notice, then, except where, and to the extent that, payment of that amount has been remitted under subsection (2), no amount shall be recoverable under that section in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development of it.
- (5) No amount shall be recoverable under section 111 in respect of any compensation by reference to which a sum has become recoverable by the Secretary of State under section 308.
- (6) An amount recoverable under section 111 in respect of any compensation shall be payable to the Secretary of State either—
  - (a) as a single capital payment, or
  - (b) as a series of instalments of capital and interest combined, or
  - (c) as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Secretary of State may direct.
- (7) Before giving a direction under subsection (6)(c) the Secretary of State shall take into account any representations made by the person by whom the development is to be carried out.
- (8) Except where the amount payable under subsection (6) is payable as a single capital payment, it shall be secured by the person by whom the development is to be carried out in such manner (whether by mortgage, covenant or otherwise) as the Secretary of State may direct.
- (9) If any person initiates any new development to which section 111 applies in contravention of subsection (1) of that section, the Secretary of State may serve a notice on him—
  - (a) specifying the amount appearing to the Secretary of State to be the amount recoverable under that section in respect of the compensation in question, and
  - (b) requiring him to pay that amount to the Secretary of State within such period as may be specified in the notice.
- (10) The period specified under subsection (9)(b) must not be less than three months after the service of the notice.
- (11) Subject to subsection (12), any sum recovered by the Secretary of State under section 111 shall be paid to the local planning authority who paid the compensation to which that sum relates.
- (12) Subject to subsection (13), in paying any such sum to the local planning authority, the Secretary of State shall deduct from it—
  - (a) the amount of any contribution paid by him under section 113 in respect of the compensation to which the sum relates;
  - (b) the amount of any grant paid by him under Part XIV in respect of that compensation.
- (13) If the sum recovered by the Secretary of State under section 111—
  - (a) is an instalment of the total sum recoverable, or
  - (b) is recovered by reference to development of part of the land in respect of which the compensation was payable,

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any deduction to be made under paragraph (a) or paragraph (b) of subsection (12) shall be a deduction of such amount as the Secretary of State may determine to be the proper proportion of the amount referred to in that paragraph.