



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART IV

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

##### *Compensation for other planning decisions*

#### **[<sup>F1</sup>116 Modification of compensation provisions in respect of mineral working etc.**

- (1) Regulations made by virtue of this section with the consent of the Treasury may provide that where an order is made under—
- (a) section 97 modifying planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste; or
  - (b) paragraph 1, 3, 5 or 6 of Schedule 9 with respect to such winning and working or depositing,

sections 107, 115, 117, 279 and 280 shall have effect subject, in such cases as may be prescribed, to such modifications as may be prescribed.

- (2) Any such regulations may make provision—
- (a) as to circumstances in which compensation is not to be payable;
  - (b) for the modification of the basis on which any amount to be paid by way of compensation is to be assessed;
  - (c) for the assessment of any such amount on a basis different from that on which it would otherwise have been assessed,

and may also make different provision for different cases <sup>F2</sup>....

- (3) No such regulations shall be made [<sup>F3</sup>by the Secretary of State] unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

- (4) Before making any such regulations the Secretary of State [<sup>F4</sup>or (as the case may be) the Welsh Ministers] shall consult such persons as appear to him [<sup>F5</sup>or them] to be representative—

*Status: Point in time view as at 26/12/2023.*

**Changes to legislation:** Town and Country Planning Act 1990, Section 116 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) of persons carrying out mining operations;
- (b) of owners of interests in land containing minerals; and
- (c) of mineral planning authorities.]

#### Textual Amendments

- F1** S. 116 substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para.9](#); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F2** Words in s. 116(2) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 130\(3\)\(c\)](#), [255\(3\)\(a\)](#) (with s. 247)
- F3** Words in s. 116(3) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 4\(2\)\(a\)](#)
- F4** Words in s. 116(4) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 4\(2\)\(b\)\(i\)](#)
- F5** Words in s. 116(4) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 4\(2\)\(b\)\(ii\)](#)

#### Modifications etc. (not altering text)

- C1** S. 116 modified (1.11.1995) by [1995 c. 25](#), s. 96, [Sch. 13 para. 15\(6\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); S.I. 1995/2765, [art. 2](#)
- S. 116 modified (1.11.1995) by [1995 c. 25](#), s. 96, [Sch. 14 para. 13\(6\)](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); S.I. 1995/2765, [art. 2](#)

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