



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XI

STATUTORY UNDERTAKERS

Compensation

279 Right to compensation in respect of certain decisions and orders.

- (1) Statutory undertakers shall, subject to the following provisions of this Part, be entitled to compensation from the local planning authority—
- (a) in respect of any decision made in accordance with section 266 by which planning permission to develop operational land of those undertakers is refused or is granted subject to conditions where—
 - (i) planning permission for that development would have been granted by a development order [^{F1}or a local development order] but for a direction given under such an order that planning permission so granted should not apply to the development; and
 - (ii) it is not development which has received specific parliamentary approval (within the meaning of section 264(6));
 - (b) in respect of any order under section 97, as modified by section 269, by which planning permission which was granted on the application of those undertakers for the development of any such land is revoked or modified.
- (2) Where by virtue of section 271—
- (a) any right vested in or belonging to statutory undertakers is extinguished; or
 - (b) any requirement is imposed on statutory undertakers,
- those undertakers shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.
- (3) Where by virtue of section 272—
- (a) any right vested in or belonging to an operator of [^{F2}an electronic communications code network] is extinguished; or

Status: Point in time view as at 09/05/2024.

Changes to legislation: Town and Country Planning Act 1990, Section 279 is up to date with all changes known to be in force on or before 12 September 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)

- (b) any requirement is imposed on such an operator,
the operator shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.
- (4) Where—
- (a) works are carried out for the removal or re-siting of statutory undertakers' apparatus; and
- (b) the undertakers have the right to carry out those works by virtue of section 273 or an order of Ministers under that section,
the undertakers shall be entitled to compensation from the acquiring or appropriating authority.
- (5) Subsection (1) shall not apply in respect of a decision or order if—
- (a) it relates to land acquired by the statutory undertakers after 7th January 1947; and
- (b) the Secretary of State and the appropriate Minister include in the decision or order a direction that subsection (1) shall not apply to it.
- (6) The Secretary of State and the appropriate Minister may only give a direction under subsection (5) if they are satisfied, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that it is unreasonable that compensation should be recovered in respect of the decision or order in question.
- (7) For the purposes of this section the conditions referred to in sections 91 and 92 shall be disregarded.

Textual Amendments

- F1** Words in s. 279(1)(a)(i) inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\), s. 40\(2\)\(l\)](#) (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F2** Words in s. 279(3) substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by [Communications Act 2003 \(c. 21\), ss. 406, 411, Sch. 17 para. 103\(1\)\(h\)\(2\)\(b\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), [Sch. 1](#) (with transitional provisions in [arts. 3-6](#)); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)

Modifications etc. (not altering text)

- C1** S. 279(1) applied (29.7.2021) by [Space Industry Act 2018 \(c. 5\), ss. 47\(3\)\(a\), 70\(1\)](#); S.I. 2021/817, [reg. 2, Sch. para. 84](#) (with [reg. 3](#))
- C2** S. 279(2)-(4) modified (18.12.1996) by [1996 c. 61, s. 8\(5\)\(b\)](#)
Ss. 275-278, 279(2)-(4), 280, 282 modified (3.6.1999) by S.I. 1999/1555, art. 11, [Sch. 2 para. 1](#)
Ss. 275-278, 279(2)-(4), 280, 282 modified (21.7.1999) by S.I. 1999/2129, art. 20, [Sch. 3 para. 1](#)
Ss. 275-278, 279(2)-(4), 280, 282 modified (20.8.1999) by S.I. 1999/2336, art. 25, [Sch. 6 para. 1](#)
Ss. 275-278, 279(2)-(4), 280, 282 modified (23.8.1999) by S.I. 1999/2981, art. 29, [Sch. 11 para. 1](#)
- C3** Ss. 279(2)-(4), 280, 282 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, [Sch. 4](#)
Ss. 279(2)-(4), 280, 282 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, [Sch. 11 paras. 1, 2, Sch. 12 para. 5\(3\)](#)
- C4** S. 279(2)-(4) applied (with modifications) (14.3.2002) by S.I. 2002/412, art. 35, [Sch. 5 para. 1](#) (with [art. 38](#))
- C5** S. 279(2)-(4) modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\), s. 9\(4\)\(5\)\(b\)](#)

Status: Point in time view as at 09/05/2024.

Changes to legislation: Town and Country Planning Act 1990, Section 279 is up to date with all changes known to be in force on or before 12 September 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)

- C6** S. 279(2)-(4) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))
- C7** S. 279(2)-(4) modified (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), art. 1, **Sch. 7 paras. 2-5**
- C8** S. 279(2)-(4) modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 13(4)(b), 70(1)**
- C9** S. 279(2)-(4) applied (with modifications) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), art. 1, **Sch. 11 para. 1** (with art. 32(2), Sch. 11 para. 3)
- C10** S. 279(2)-(4) applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), art. 1, **Sch. 6 para. 1** (with arts. 55-57, Sch. 8 para. 13)
- C11** S. 279(2)-(4) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 11(3)(4), 64(1)**
- C12** S. 279(2)-(4) applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) (No. 2) Order 2022 (S.I. 2022/872), art. 1(1), **Sch. 4**
- C13** S. 279(2)-(4) applied (with modifications) (2.8.2022) by The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2022 (S.I. 2022/871), art. 1, Sch. 4 paras. 1, 2 (with Sch. 4 para. 5)
- C14** S. 279(2)-(4) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**
- C15** S. 279(2)-(4) modified (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 9(4)(5)(b)**

Status:

Point in time view as at 09/05/2024.

Changes to legislation:

Town and Country Planning Act 1990, Section 279 is up to date with all changes known to be in force on or before 12 September 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.