



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART X

STATUTORY UNDERTAKERS

Compensation

232 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 planning authority—
- (a) in respect of any decision made in accordance with section 218 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 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 216(6)(b));
 - (b) in respect of any order under section 65, as modified by section 221, 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 224—
- (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.

Status: This is the original version (as it was originally enacted).

- (3) Where by virtue of section 225—
- (a) any right vested in or belonging to an operator of a telecommunications code system is extinguished, or
 - (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 resiting of statutory undertakers' apparatus, and
 - (b) the undertakers have the right to carry out those works by virtue of section 226 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 give a direction under subsection (5) only 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 58 and 59 shall be disregarded.