

*Status: Point in time view as at 01/10/2011.*

**Changes to legislation:** *Planning Act 2008, Cross Heading: Compensation 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)*

## SCHEDULES

### SCHEDULE 6

#### CHANGES TO, AND REVOCATION OF, ORDERS GRANTING DEVELOPMENT CONSENT

##### *Compensation*

- 6 (1) This paragraph applies if—
- (a) in exercise of the power conferred by paragraph 3, the appropriate authority makes a change to, or revokes, a development consent order,
  - (b) the case in which the power is exercised is one falling within sub-paragraph (3), (6) or (7) of that paragraph,
  - (c) on a claim for compensation under this paragraph it is shown that a person with an interest in the land, or for whose benefit the development consent order has effect—
    - (i) has incurred expenditure in carrying out work which is rendered abortive by the change or revocation, or
    - (ii) has otherwise sustained loss or damage which is directly attributable to the change or revocation, and
  - (d) the claim is made to the appropriate authority in the prescribed manner and before the end of the prescribed period.
- (2) Compensation in respect of the expenditure, loss or damage is payable to the person by—
- (a) the appropriate authority, if the change or revocation is made in a case falling within paragraph 3(3);
  - (b) the Secretary of State, if the change or revocation is made in a case falling within paragraph 3(6) or (7).
- (3) The reference in sub-paragraph (1)(c)(i) to expenditure incurred in carrying out any work includes a reference to expenditure incurred —
- (a) in the preparation of plans for the purposes of the work, or
  - (b) on other similar matters preparatory to carrying out the work.
- (4) Subject to sub-paragraph (3), no compensation is to be paid under this paragraph—
- (a) in respect of any work carried out before the development consent order was made, or
  - (b) in respect of any other loss or damage arising out of anything done or omitted to be done before the development consent order was made (other than loss or damage consisting of depreciation of the value of an interest in land).
- (5) The Secretary of State may by regulations make provision about the assessment of compensation payable under this paragraph.
- (6) The regulations may in particular include provision—

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- (a) for the reference of disputes about compensation for depreciation to, and the determination of such disputes by,<sup>F1</sup> ... the Lands Tribunal for Scotland, the First-tier Tribunal or the Upper Tribunal;
- (b) applying, with or without modifications, a provision of or made under an Act.

#### Textual Amendments

**F1** Words in Sch. 6 para. 6(6)(a) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 297** (with Sch. 5)

#### Commencement Information

**II** Sch. 6 para. 6 in force at 1.10.2011 by [S.I. 2011/2054](#), **art. 2(b)**

- 7 (1) In this paragraph “compensation for depreciation” means compensation payable under paragraph 6 in respect of loss or damage consisting of depreciation of the value of an interest in land.
- (2) The Secretary of State may by regulations make provision about the apportionment of compensation for depreciation between different parts of the land to which the claim for the compensation relates.
- (3) The regulations may in particular include provision about—
- (a) who is to make an apportionment;
  - (b) the persons to whom notice of an apportionment is to be given;
  - (c) how an apportionment is to be made;
  - (d) the reference of disputes about an apportionment to, and the determination of such disputes by,<sup>F2</sup> ... the Lands Tribunal for Scotland, the First-tier Tribunal or the Upper Tribunal.
- (4) The Secretary of State may by regulations make provision for, and in connection with, the giving of notice of compensation for depreciation.
- (5) The regulations may in particular include provision about—
- (a) the persons to whom notice of compensation for depreciation is to be given;
  - (b) the status of such a notice;
  - (c) the registration of such a notice.

#### Textual Amendments

**F2** Words in Sch. 6 para. 7(3)(d) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 297** (with Sch. 5)

#### Commencement Information

**I2** Sch. 6 para. 7 in force at 1.10.2011 by [S.I. 2011/2054](#), **art. 2(b)**

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