



Town and Country Planning Act 1954

1954 CHAPTER 72

PART II

COMPENSATION FOR REFUSAL, OR CONDITIONAL GRANT, OF PLANNING PERMISSION

16 Scope of Part II

- (1) The provisions of this Part of this Act shall have effect for enabling compensation to be claimed in respect of planning decisions made after the commencement of this Act whereby permission for the carrying out of new development of land to which this section applies is refused or is granted subject to conditions.
- (2) This section applies to any land in respect of which planning permission is refused, or is granted subject to conditions, by a planning decision if, at the time of the planning decision, that land, or part of that land, has an unexpended balance of established development value.
- (3) Where, on an application for planning permission for the carrying out of new development of land to which this section applies, a planning decision is made after the commencement of this Act whereby that permission is granted (whether unconditionally or not), and the Minister certifies that he is satisfied that particular buildings or works to which the application related were only included therein because the applicant had reason to believe that permission for the other development to which the application related would not have been granted except subject to a condition requiring the erection or construction of those buildings or works, then, for the purposes of this Part of this Act—
 - (a) the application shall be deemed to have included, in place of those buildings or works, such other development of the land on which the buildings or works were to be erected or constructed as might reasonably have been expected to have been included having regard to the other development to which the application related ; and
 - (b) the permission shall be deemed to have been granted for the other development to which the application related subject to the condition aforesaid.

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- (4) In this Act, the expression " planning decision " means a decision made on an application under Part III of the principal Act (which relates to the control of development), and includes any decision deemed to have been so made by virtue of section seventy-seven of the principal Act (which relates to development authorised under interim development orders before the commencement of that Act) or of section seventy-eight of that Act (which relates to unfinished buildings), or by virtue of any of paragraphs 1, 2 and 3 of the Tenth Schedule to that Act (which relate to certain applications made under the Town and Country Planning Act, 1932), or by virtue of any regulations made under paragraph 13 of the said Schedule (which relates to certain applications under the Restriction of Ribbon Development Act, 1935).
- (5) In this Act, the expression " new development " means any development other than development of a class specified in the Third Schedule to the principal Act (which relates to development included in the existing use of land); and for the purposes of this Act new development shall be taken to be initiated—
- (a) if the development consists of the carrying out of operations, at the time when those operations are begun ;
 - (b) if the development consists of a change in use, at the time when the new use is instituted ;
 - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times aforesaid.

17 Unexpended balance of established development value

- (1) For the purposes of this Act land shall be taken to have an unexpended balance of established development value immediately after the commencement of this Act if there are then subsisting one or more claim holdings whose area consists of that land, or includes that land together with other land, and there is not then subsisting any claim holding whose area consists of part only of that land, whether with or without other land.
- (2) Where subsection (1) of this section applies, there shall be attributed to the land referred to in that subsection—
- (a) the value of any claim holding having an area consisting of that land ; and
 - (b) such fraction of the value of any claim holding whose area includes that land as attaches to that land ;

and the unexpended balance of established development value of that land immediately after the commencement of this Act (hereafter in this Act referred to in relation to that land as its " original unexpended balance of established development value ") shall be taken to have been an amount equal to eight-sevenths of the amount or aggregate amount so attributed.

18 Reduction or extinguishment of balance

- (1) Where in accordance with the last preceding section land has an original unexpended balance of established development value, then, subject to the next following subsection, the land shall be taken to have that balance at any time after the commencement of this Act except in so far as that balance is by virtue of any provision of this Act to be treated as having been reduced or extinguished immediately before that time.

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- (2) Where any land taken as a whole has an original unexpended balance of established development value, but at any time after the commencement of this Act an act is done or an event occurs in relation to any area consisting of, or including, part only of that land in consequence of which, by virtue of any provision of this Act, an amount would fall to be deducted from the original unexpended balance of that part of that land for the purpose of determining the unexpended balance thereof at any subsequent time, then, without prejudice to the operation of the preceding subsection with respect to any part of the land taken separately, the land taken as a whole shall be treated as not having any such balance at that subsequent time.
- (3) Where compensation under this Part of this Act becomes payable in respect of the depreciation of the value of an interest in land by a planning decision, then, for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time, the amount of the compensation shall be deducted from the original unexpended balance of established development value of that land and the original balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.
- (4) Where any new development of land is initiated after the commencement of this Act, or was initiated before the commencement of this Act but on or after the first day of July, nineteen hundred and forty-eight, being land which has an original unexpended balance of established development value, then, for the purpose of determining whether that land or any part thereof has an unexpended balance of established development value at any subsequent time—
- (a) if the development related only to that land, the value of that development (ascertained, with reference to that subsequent time, in accordance with the provisions of the Fourth Schedule to this Act); or
 - (b) if the development related to that land together with other land, so much of the value of that development (so ascertained) as was attributable to that land,
- shall be deducted from the original unexpended balance of established development value of that land and the original balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time:
- Provided that this subsection shall not apply to any land in respect of any interest in which a payment under section fifty-nine of the principal Act has become or becomes payable; and for the purposes of this subsection development initiated before the commencement of this Act shall be disregarded if—
- (i) a development charge was determined to be payable in respect thereof, or would have fallen to be so determined but for any exemption conferred by regulations under Part VII of the principal Act, or by any provision of Part VIII of that Act; or
 - (ii) it has been certified by the Central Land Board with respect to that development under subsection (3) of section fifty-eight of this Act that a development charge could have been determined to be payable in respect thereof if the circumstances referred to in paragraphs (a) and (b) of subsection (1) of that section had not existed.
- (5) Where an act or event has occurred in relation to any land in consequence of which any of the provisions of this Act requires an amount to be deducted from the original unexpended balance of established development value of that land or any part thereof, there shall be attributed to the various parts of that land so much of that amount

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as might reasonably be expected to have been attributed thereto if the authority determining the amount had been required to apportion it between those parts in accordance with the same principles as applied to its determination ; and where two or more such acts or events have occurred in relation to the same land, those provisions shall apply cumulatively and the requisite deduction from the original unexpended balance of established development value of that land shall be made by reference to each of those acts or events.

19 Right to compensation in respect of planning decisions

- (1) Subject to the provisions of this Part of this Act, a person shall be entitled to compensation under this Part of this Act in respect of a planning decision such as is mentioned in subsection (1) of section sixteen of this Act if at the time of that decision he is entitled to an interest in any land to which the decision relates which has an unexpended balance of established development value, and the value of that interest, or, in the case of an interest extending to other land, the value of that interest in so far as it subsists in that land, is depreciated by the decision.
- (2) Where an interest in land has (whether before or after the commencement of this Act) been compulsorily acquired by, or sold to, a public authority possessing compulsory purchase powers (not being statutory undertakers or the National Coal Board), that authority, and any person deriving title from that authority under a disposition made by that authority on or at any time after the first day of July, nineteen hundred and forty-eight, shall not be entitled to compensation under this Part of this Act in respect of a planning decision made after the service of the notice to treat, or after the making of the contract of sale, as the case may be, by reason that the value of that interest, or of any interest created (whether immediately or derivatively) out of that interest, is depreciated by that decision.
- (3) The last preceding subsection shall apply to land which has at any time on or after the first day of July, nineteen hundred and forty-eight (whether before or after the commencement of this Act) been appropriated by a local authority for a purpose for which the authority could have been authorised to acquire the land compulsorily as it applies to land in which an interest has been acquired as mentioned in that subsection, with the substitution for the reference to the service of the notice to treat of a reference to the appropriation.
- (4) Where any land is at the date of commencement of this Act, or at any date thereafter becomes, operational land of any statutory undertakers or land of the National Coal Board of a class specified in regulations made under section ninety of the principal Act, the statutory undertakers or, as the case may be, the National Coal Board, and any person deriving title from those undertakers or that Board, shall not be entitled to compensation under this Part of this Act in respect of a planning decision made after the relevant date aforesaid by reason that the value of any interest in that land is depreciated by that decision.
- (5) A person shall not be entitled to compensation under this Part of this Act in respect of depreciation of the value of an interest in land by a planning decision if he is entitled to compensation under subsection (3) of section twenty-two of the principal Act (which relates to planning decisions following upon the withdrawal of permission granted by a development order) in respect of depreciation of the value of that interest by that decision.

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20 Compensation excluded in respect of certain matters

- (1) Compensation under this Part of this Act shall not be payable—
- (a) in respect of the refusal of permission for any development which consists of or includes the making of any material change in the use of any buildings or other land; or
 - (b) in respect of any decision made on an application in pursuance of regulations under section thirty-one of the principal Act for consent to the display of advertisements.
- (2) Compensation under this Part of this Act shall not be payable in respect of the imposition, on the granting of permission to develop land, of any condition relating to—
- (a) the number or disposition of buildings on any land;
 - (b) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction ;
 - (c) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land ;
 - (d) the use of any buildings or other land; or
 - (e) the location or design of any means of access to a highway, or the materials to be used in the construction thereof,
- or in respect of any condition subject to which permission is granted for the winning and working of minerals.
- (3) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land if the reason or one of the reasons stated for the refusal is that development of the kind proposed would be premature by reference to either or both of the following matters, that is to say—
- (a) the order of priority, if any, indicated in the development plan for the area in which the land is situated for development in that area ;
 - (b) any existing deficiency in the provision of water supplies or sewerage services, and the period within which any such deficiency may reasonably be expected to be made good:

Provided that this subsection shall not apply if the planning decision refusing the permission is made on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason.

- (4) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its liability to flooding or to subsidence.
- (5) In subsection (3) of this section, the reference to the development plan for the area in which the land is situated is a reference to the development plan for that area as approved by the Minister or, if the plan so approved has been amended by the Minister, to that plan as so amended.
- (6) For the purposes of this section, a planning decision whereby permission to develop land is granted subject to a condition prohibiting development of a specified part of

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that land shall be treated as a decision refusing the permission as respects that part of the land.

- (7) In this section the expression " means of access to a highway " does not include a service road.

21 Compensation excluded if certain other development permitted

- (1) Compensation under this Part of this Act shall not be payable in respect of a planning decision whereby permission is refused for the development of land if, notwithstanding that refusal, there is available with respect to that land planning permission for development to which this section applies:

Provided that where such permission is available with respect to part only of the land, this section shall have effect only in so far as the interest subsists in that part.

- (2) Where a claim for compensation under this Part of this Act is made in respect of an interest in any land, planning permission for development to which this section applies shall be taken for the purposes of this section to be available with respect to that land or a part thereof if, immediately before the Minister gives notice of his findings in respect of that claim, there is in force with respect to that land or part a grant of, or an undertaking by the Minister to grant, planning permission for some such development, subject to no conditions other than such as are mentioned in subsection (2) of the last preceding section.
- (3) This section applies to any development of a residential, commercial or industrial character, being development which consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof.

22 General provisions as to claims for compensation

- (1) Compensation under this Part of this Act shall not be payable unless a claim for it is duly made in accordance with the provisions of this section.
- (2) A claim for compensation under this Part of this Act shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates:

Provided that the Minister may in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making such a claim.

- (3) Regulations made under this section may—
- (a) require claims for compensation under this Part of this Act to be made in a form prescribed by the regulations ;
 - (b) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interests of other persons therein which are known to the claimant, as may be so prescribed.
- (4) Any claim for such compensation in respect of a planning decision shall be sent to the local planning authority; and it shall be the duty of that authority, as soon as may be after receipt of a claim, to transmit the claim to the Minister, and to furnish the Minister with—

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- (a) any evidence or other information provided by the claimant in accordance with regulations made under this section; and
 - (b) such other information (if any) as may be required by or under regulations under this section, being information appearing to the Minister to be relevant to the exercise of his powers under the next following section.
- (5) Where a claim is transmitted to the Minister under the last preceding subsection—
- (a) if it appears to the Minister that the development to which the planning decision related was not new development, or that at the time of the planning decision no part of the land to which the claim relates had an unexpended balance of established development value, or that compensation is excluded by either of the two last preceding sections, the Minister shall notify the claimant accordingly, stating on which of those grounds it appears to him that compensation is not payable, and inviting the claimant to withdraw the claim;
 - (b) unless the claim is withdrawn, the Minister shall give notice of the claim to every other person (if any) appearing to him to have an interest in the land to which the planning decision related.

23 Review of planning decisions where compensation claimed

- (1) The provisions of this and the next following section shall have effect where a local planning authority has transmitted to the Minister, in accordance with the last preceding section, one or more claims for compensation in respect of a planning decision, and the claim, or (if there is more than one) one or more of the claims, has not been withdrawn.
- (2) If, in the case of a planning decision of the local planning authority, it appears to the Minister that, if the application for permission to develop the land in question had been referred to him for determination, he would have made a decision more favourable to the applicant, the Minister may give a direction substituting that decision for the decision of the local planning authority.
- (3) If, in any case, it appears to the Minister that permission could properly be granted (either unconditionally or subject to certain conditions) for some development of the land in question other than the development to which the application for permission related, the Minister may give a direction that the provisions of the principal Act and of this Act shall have effect in relation to that application and to the planning decision—
- (a) as if the application had included an application for permission for that other development and the decision had included the grant of permission (unconditionally or subject to the said conditions, as the case may be) for that development; or
 - (b) as if the decision had been a decision of the Minister and had included an undertaking to grant permission (unconditionally or subject to the said conditions, as the case may be) for that development,
- as may be specified in the direction.
- (4) The reference in subsection (2) of this section to a decision more favourable to the applicant shall be construed—
- (a) in relation to a refusal of permission, as a reference to a decision granting the permission, either unconditionally or subject to conditions, and either as respects the whole or as respects part of the land to which the application for permission related ; and

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- (b) in relation to a grant of permission subject to conditions, as a reference to a decision granting the permission applied for unconditionally or subject to less stringent conditions.
- (5) In giving any directions under this section, the Minister shall have regard—
- (a) to the provisions of the development plan for the area in which the land in question is situated; or
 - (b) where a development plan has not yet become operative with respect to that area, to any directions which he may have given to the local planning authority as to the provisions to be included in such a plan and to any other provisions which in his opinion will be required to be so included for securing the proper planning of that area,

so far as those provisions are material to the development of that land, and shall also have regard to the local circumstances affecting the proposed development, including the use which prevails generally in the case of contiguous or adjacent land, and to any other material considerations.

24 Supplementary provisions as to review of planning decisions

- (1) Before giving a direction under the last preceding section, the Minister shall give notice in writing of his proposed direction to the local planning authority to whose decision that direction relates and to any person who made, and has not since withdrawn, a claim in respect of that decision, and, if so required by that authority or by any such person, shall afford to each of them an opportunity to appear before, and be heard by, a person appointed by the Minister for the purpose.
- (2) Where the Minister gives a direction under the last preceding section, the Minister shall give notice of the direction to the authority to whose decision the direction relates and to every other person (if any) who made, and has not since withdrawn, a claim in respect of that decision ; and where a notice under this subsection is given to a person who made such a claim, that person, if he does not withdraw the claim, may at any time within thirty days after the service on him of the Minister's notice under this subsection give notice to the Minister modifying the claim.
- (3) Subject to any modification by virtue of a notice given by a claimant under the last preceding subsection, where the Minister gives a direction under the last preceding section in respect of a decision of a local planning authority, any claim made in respect of that decision shall have effect as if it had been made in respect of the decision which by virtue of the direction is substituted for the decision of the authority, or, as the case may be, as if it had been made in respect of the decision of the authority as modified by the direction.

25 General provisions as to amount of compensation

- (1) Subject to the next following subsection, where a person is entitled to compensation under this Part of this Act in respect of the depreciation by a planning decision of the value of an interest in land to which the planning decision relates which at the time of that decision has an unexpended balance of established development value (in this section referred to as " qualified land "), the amount of the compensation shall be whichever is the less of the following amounts, that is to say—
 - (a) the amount by which the value of the interest, or, in the case of an interest extending to other land, the amount by which the value of the interest in so far as it subsists in qualified land, is depreciated by the decision ; or

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- (b) the amount of the unexpended balance of established development value immediately before the decision of the qualified land in which the interest subsists:

Provided that if compensation is payable under this Part of this Act in respect of two or more interests in the same qualified land by reason of the same planning decision and the aggregate amount of compensation payable apart from this proviso in respect of those interests exceeds the amount mentioned in paragraph (b) of this subsection, the amount so mentioned shall be allocated between those interests in proportion to the depreciation of the value of each of them respectively, and the amount of the compensation payable in respect of any of those interests shall be the sum so allocated to that interest.

- (2) Where the land to which the planning decision relates, taken as a whole, does not satisfy the following conditions, that is to say—
 - (a) that the land is qualified land ; and
 - (b) that every interest subsisting therein the value of which is depreciated by the decision subsists in the whole thereof,

then, for the purposes of assessing the compensation payable under this Part of this Act in respect of any interest subsisting in that land or any part thereof—

- (i) the depreciation of the value of the interest by the planning decision shall first be ascertained with reference to the whole of the land to which the planning decision relates in which that interest subsists;
- (ii) the land to which the planning decision relates in which that interest subsists shall then be treated as divided into as many parts as may be requisite to ensure that each such part consists of land which either satisfies the conditions aforesaid or is not qualified land; and
- (iii) the depreciation of the value of the interest ascertained as aforesaid shall then be apportioned between the said parts according to the nature of those parts and the effect of the planning decision in relation to each of them,

and the amount of the compensation shall be the aggregate of the amounts which would be payable by virtue of the preceding subsection if the planning decision had been made separately with respect to each such part.

26 Measure of depreciation for assessing compensation

- (1) Any question whether, or to what extent, the value of an interest in land, or of an interest in so far as it subsists in particular land, is depreciated by a planning decision shall, for the purposes of this Part of this Act, be determined in accordance with the provisions of this section; and in those provisions references to the relevant decision are references to the planning decision in relation to which the question arises.
- (2) Subject to the next following subsection, the value in question shall be taken to be depreciated if, and to the extent to which, that value, calculated—
 - (a) as at the time of the relevant decision; but
 - (b) as affected by that decision, by any grant of planning permission made after that decision and in force immediately before the Minister gives notice of his findings on the claim for compensation in respect of that decision, and by any undertaking to grant planning permission so in force ; and
 - (c) on the assumption that, after the relevant decision and apart from any such permission or undertaking as aforesaid, planning permission would be granted

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for development of any class specified in the Third Schedule to the principal Act but not for any other development,

falls short of what that value, calculated as aforesaid, would have been if the relevant decision had been a decision to the contrary effect.

- (3) If compensation under this Part or Part V of this Act, or compensation for depreciation within the meaning of subsection (3) of section thirty-eight of this Act, has become, or becomes, payable in respect of another planning decision or in respect of an order to which the said section thirty-eight applies, being a planning decision or order made before the relevant decision in respect of, or of land which includes, the whole or part of the land to which the relevant decision relates, the calculation called for by the last preceding subsection shall be made on the assumption that that other planning decision was a decision to the contrary effect or, as the case may be, that that order was not made.
- (4) In this section the expression " a decision to the contrary effect "—
- (a) in relation to a decision refusing permission, means a decision granting the permission subject to such conditions (if any) of a description falling within subsection (2) of section twenty of this Act as the authority making the decision might reasonably have been expected to impose if the permission had not been refused ;
 - (b) in relation to a decision granting permission subject to conditions, means a decision granting the permission applied for subject only to such of those conditions (if any) as fell within subsection (2) of the said section twenty.

27 Determination of claims for compensation

- (1) Provision shall be made by regulations under this section—
- (a) for requiring claims for compensation under this Part of this Act to be determined by the Minister in such manner as may be prescribed by the regulations ;
 - (b) for regulating the practice and procedure to be followed in connection with the determination of such claims;
 - (c) for requiring the Minister, on determining any such claim, to give notice of his findings to the claimant and to every other person (if any) who has made a claim for compensation under this Part of this Act in respect of the same planning decision, and, if his findings include an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land which it appears to the Minister is substantially affected by the apportionment.
- (2) Subject to the next following subsection, provision shall be made by regulations under this section—
- (a) for enabling the claimant or any other person to whom notice of the Minister's findings has been given in accordance with the preceding subsection, if he wishes to dispute the findings, and any other person to whom particulars of an apportionment included in those findings have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require the findings or, as the case may be, the apportionment to be referred to the Lands Tribunal;

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- (b) for enabling the claimant and every other person to Whom notice of any findings or, as the case may be, apportionment has been given as aforesaid to be heard by the Tribunal on any reference under this subsection of those findings or, as the case may be, that apportionment ; and
 - (c) for requiring the Tribunal, on any such reference, either to confirm or to vary the Minister's findings or, as the case may be, the apportionment and to notify the parties of the decision of the Tribunal.
- (3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.
- (4) Where compensation is determined under this section to be payable, the Minister shall pay the compensation to the person entitled thereto in accordance with the preceding provisions of this Part of this Act.

28 Apportionment and registration of compensation

- (1) Where, on a claim for compensation under this Part of this Act in respect of a planning decision, the Minister determines that compensation is payable and that the amount of the compensation exceeds twenty pounds, the Minister shall (if it appears to him to be practicable to do so) apportion the amount of the compensation between different parts of the land to which the claim for compensation relates, and shall include particulars of the apportionment in the notice of his findings under the last preceding section.
- (2) In carrying out an apportionment under the preceding subsection the Minister shall divide the land into parts, and shall distribute the compensation between those parts, according to the way in which different parts of the land appear to him to be differently affected by the planning decision.
- (3) On a reference to the Lands Tribunal under the last preceding section, unless the decision of the Tribunal will not affect the amount of the compensation or any apportionment thereof by the Minister, the preceding provisions of this section shall apply with the substitution for references to the Minister of references to the Lands Tribunal.
- (4) Where, on a claim for compensation under this Part of this Act in respect of a planning decision, compensation has become payable of an amount exceeding twenty pounds, the Minister shall cause notice of that fact, specifying the planning decision and the land to which the claim for compensation relates, and the amount of the compensation and any apportionment thereof under this section, to be deposited with the council of the county borough or county district in which the land is situated and, if that council is not the local planning authority, with the local planning authority.
- (5) Notices deposited under this section shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.
- (6) In relation to compensation specified in a notice registered under this section, references in this Part of this Act to so much of the compensation as is attributable to a part of the land to which the notice relates shall be construed in accordance with the following provisions, that is to say—

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- (a) if the notice does not include an apportionment under the preceding provisions of this section, the amount of the compensation shall be treated as distributed rateably according to area over the land to which the notice relates;
- (b) if the notice includes such an apportionment, the compensation shall be treated as distributed in accordance with that apportionment as between the different parts of the land by reference to which the apportionment is made; and so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part of the land.

29 Recovery of compensation on subsequent development

- (1) No person shall carry out any new development to which this section applies, on land in respect of which a notice (in this section referred to as a " compensation notice ") is registered under the last preceding section, until such amount (if any) as is recoverable under this section in respect of the compensation specified in the notice has been paid or secured to the satisfaction of the Minister.
- (2) This section applies to any new development—
 - (a) to which section twenty-one of this Act applies; or
 - (b) which consists in the winning and working of minerals ; or
 - (c) to which, having regard to the probable value of the development, it is in the opinion of the Minister reasonable that this section should apply:

Provided that—

- (i) this section shall not apply to any development by virtue of paragraph (c) of this subsection if, on an application made to him for the purpose, the Minister has certified that, having regard to the probable value of the development, it is not in his opinion reasonable that this section should apply thereto ; and
 - (ii) in a case where the compensation specified in the notice became payable in respect of the imposition of conditions on the granting of permission to develop land, this section shall not apply to the development for which that permission was granted.
- (3) Subject to the three next following subsections, the amount recoverable under this section in respect of the compensation specified in a compensation notice—
 - (a) if the land on which the development is to be carried out (in this subsection referred to as " the development area ") is identical with, or includes (with other land) the whole of, the land comprised in the compensation notice, shall be the amount of compensation specified in that notice;
 - (b) if the development area forms part of the land comprised in the compensation notice, or includes part of that land together with other land not comprised in that notice, shall be so much of the amount of compensation specified in that notice as is attributable to land comprised in that notice and falling within the development area.
 - (4) Where, in the case of any land in respect of which a compensation notice has been registered, the Minister is satisfied that, having regard to the probable value of any proper development of that land, 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 this section ; and where part only of any such amount has been remitted, he shall cause

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the compensation notice to be amended by substituting therein 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 this subsection.

- (5) Where, in connection with the development of any land, an amount becomes recoverable under this section in respect of the compensation specified in a compensation notice, then, except where, and to the extent that, payment of that amount has been remitted under the last preceding subsection, no amount shall be recoverable under this section in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.
- (6) No amount shall be recoverable under this section in respect of any compensation by reference to which a sum has become recoverable by the Minister under subsection (6) of section fifty-two of this Act or under that subsection as applied by regulations made under subsection (8) of that section.
- (7) An amount recoverable under this section in respect of any compensation shall be payable to the Minister, and—
 - (a) shall be so payable either as a single capital payment or as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Minister may direct, after taking into account any representations made by the person by whom the development is to be carried out; and
 - (b) except where the amount is payable as a single capital payment, shall be secured by that person in such manner (whether by mortgage, covenant or otherwise) as the Minister may direct.
- (8) If any person initiates any new development to which this section applies in contravention of subsection (1) of this section, the Minister may serve a notice upon him, specifying the amount appearing to the Minister to be the amount recoverable under this section in respect of the compensation in question, and requiring him to pay that amount to the Minister within such period, not being less than three months after the service of the notice, as may be specified in the notice.
- (9) Where an amount becomes recoverable under this section in respect of the compensation specified in a compensation notice, then, for the purpose of determining any question as to the unexpended balance of established development value of any land at any subsequent time, except where, and to the extent that, payment of that amount has been remitted under subsection (4) of this section, so much (if any) of that compensation as is attributable to that land shall be treated as not having become payable and accordingly (notwithstanding anything contained in subsection (3) of section eighteen of this Act) shall not be deducted from that balance.