



Civil Aviation Act 1971

1971 CHAPTER 75

PART I

THE CIVIL AVIATION AUTHORITY

Transfer and use of property etc.

17 Compensation in respect of planning decisions relating to safety of aerodromes etc.

- (1) Where a local planning authority (hereafter in this subsection referred to as a "planning authority") become liable to pay compensation under section 118, 119, 123, 134(2) or 170(1) of the Town and Country Planning Act 1962 or sections 18 or 20 of or paragraph 1 of Schedule 5 to the Town and Country Planning (Scotland) Act 1947 (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers' operational land) and the liability is attributable to a planning decision which would not have been taken, or in the case of compensation under the said section 118 or the said section 20 to an order under section 27 of the said Act of 1962 or section 19 of the said Act of 1947 which would not have been made, but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or to prevent persons or buildings from being struck by aircraft using such an aerodrome or the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation, the planning authority shall be entitled to recover from the Authority a sum equal to the compensation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of the preceding subsection, the planning authority shall pay to the Authority any amount received by the planning authority in respect of the compensation under section 122 of the said Act of 1962 or section 43 of the Town and Country Planning (Scotland) Act 1954 (which relate to the recovery of compensation on subsequent development).

Status: This is the original version (as it was originally enacted).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

- (3) Where a purchase notice is served under section 129 of the said Act of 1962 or section 17 of the said Act of 1947 in respect of a planning decision which would not have been taken but for such a need as aforesaid in respect of an aerodrome or apparatus owned by the Authority, any local authority who are deemed under section 130(2) or 133(1) of the said Act of 1962 or subsection (1B) or (2) of the said section 17 to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the Authority not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, require the Authority to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined; and where such a notice in writing is given the Authority shall, subject to any agreement between the local authority and the Authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (4) Any dispute as to whether a planning decision would not have been taken or an order under the said section 27 or the said section 19 would not have been made but for such a need as aforesaid shall be referred to and determined by the Secretary of State.
- (5) In the preceding provisions of this section " planning decision " means a decision made on an application under Part III of the said Act of 1962 or Part II of the said Act of 1947; and references in those provisions to a local planning authority include, in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.
- (6) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland—
- (a) the Ministry of Development for Northern Ireland becomes liable to pay compensation to any person ; and
 - (b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation,
- the said Ministry shall be entitled to recover from the Authority a sum equal to that compensation ; and where a sum equal to any compensation is payable or paid to the said Ministry in pursuance of the preceding provisions of this subsection, the Ministry shall pay to the Authority any amount received by the Ministry in respect of the compensation under section 24 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).

In this subsection " planning decision " includes a revocation or modification of planning permission under section 3 of the Planning (Interim Development) Act (Northern Ireland) 1944.