



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART VIII

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

Revocation or modification of planning permission

157 Recovery, on subsequent development, of compensation under s. 153

- (1) In relation to notices recorded under the provisions of section 147 of this Act, as applied by the preceding provisions of this Part of this Act, sections 148 and 149 of this Act shall have effect as they have effect in relation to compensation notices recorded as therein mentioned:

Provided that, in a case where the compensation under section 153 of this Act specified in such a notice became payable in respect of an order modifying planning permission, the said sections shall not apply to development in accordance with that permission as modified by the order.

- (2) Subject to subsection (3) of this section, any sum recovered by the Secretary of State under section 148 of this Act, as applied by subsection (1) of this section, shall be paid to the local planning authority who paid the compensation to which that sum relates.
- (3) In paying any such sum to the local planning authority, the Secretary of State shall deduct therefrom—
- the amount of any contribution paid by him under section 156 of this Act in respect of the compensation to which the sum relates;
 - the amount of any grant paid by him under Part XIII of this Act in respect of that compensation ;

Provided that, if the sum recovered by the Secretary of State is an instalment of the total sum recoverable, or is recovered by reference to development of part of the land

Status: This is the original version (as it was originally enacted).

in respect of which the compensation was payable, any deduction to be made under paragraph (d) or paragraph (b) of this subsection shall be a deduction of such amount as the Secretary of State may determine to be the proper proportion of the amount referred to in that paragraph.

- (4) For the purposes of sections 148 and 149 of this Act, in their application by virtue of this section to compensation calculated under section 153 of this Act, the expression "new development" shall include—
- (a) any development of a class specified in paragraph 1 or 3 of Schedule 6 to this Act which is carried out otherwise than subject to the Condition set out in Schedule 16 to this Act; and
 - (b) any development excluded by subsection (2) of section 263 of this Act from that Schedule in its application to any determination to which subsection (1) of the said section 263 applies.