



# Airports Act 1986

## 1986 CHAPTER 31

### PART V

#### STATUS OF CERTAIN AIRPORT OPERATORS AS STATUTORY UNDERTAKERS, ETC.

#### **61 Compensation in respect of planning decisions relating to safety of airports etc.**

- (1) In the case of an airport to which this Part applies, a local planning authority (“a planning authority”) shall be entitled to recover from the airport operator a sum equal to any compensation which the planning authority has become liable to pay, if—
- (a) it has become so liable under [F<sup>1</sup>section 107, 108, F<sup>2</sup> . . . 144(2) or 279(1) of the Town and Country Planning Act 1990 (“the 1990 Act”)] or under [F<sup>3</sup>section 76, 77, 95(2) or 232(1) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”)] (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers’ operational land); and
  - (b) the liability is attributable to a planning decision which would not have been taken, or (in the case of compensation under [F<sup>4</sup>section 107 of the 1990 Act or [F<sup>5</sup>section 76 of the 1997 Act]]) to an order under [F<sup>4</sup>section 97 of the 1990 Act] or [F<sup>5</sup>section 65 of the 1997 Act] which would not have been made, but for the need—
    - (i) to secure the safe and efficient operation of the airport, or
    - (ii) to prevent persons or buildings from being struck by aircraft using the airport, or
    - (iii) to secure the safe and efficient operation of apparatus owned by the airport operator and provided for the purpose of assisting air traffic control or as an aid to air navigation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority by an airport operator in pursuance of subsection (1), the planning authority shall pay the airport operator any amount received by the planning authority in respect of the compensation under [F<sup>6</sup>sections 111 and 112 of the 1990 Act] or [F<sup>7</sup>section 82 of the 1997 Act] (which relate to the recovery of compensation on subsequent development).

*Changes to legislation: Airports Act 1986, Section 61 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes*

- (3) where a purchase notice is served under [F<sup>8</sup>section 137 of the 1990 Act] or [F<sup>9</sup>section 88 of the 1997 Act] in respect of a planning decision which would not have been taken but for such a need as is mentioned in subsection (1) in the case of any airport to which this Part applies, any local authority who are deemed under [F<sup>8</sup>section 139(3) or 143(1) of the 1990 Act] or [F<sup>9</sup>section 90(3) or 94(1) of the 1997 Act] 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 airport operator 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 airport operator to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined.
- (4) Where a notice in writing is given to an airport operator under subsection (3) he shall, subject to any agreement between him and the local authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (5) Any dispute as to whether a planning decision would not have been taken, or an order under [F<sup>10</sup>section 97 of the 1990 Act] or [F<sup>11</sup>section 65 of the 1997 Act] would not have been made, but for such a need as is mentioned in subsection (1) shall be referred to and determined by the Secretary of State.
- (6) In the preceding provisions of this section “planning decision” means a decision made on an application under Part III of [F<sup>12</sup>the 1990 Act] or Part III of [F<sup>13</sup>the 1997 Act]; and references in those provisions to a local planning authority shall be construed—
- (a) in relation to England and Wales, as including references to any authority to whom functions of a local planning authority are delegated; and
  - (b) in relation to Scotland, as references to a planning authority.

#### Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 73\(2\)\(a\)\(i\)](#)
- F2** Word repealed (E.W.) (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1,2, 123:1,2\)](#), ss. 31(4), 84(4)(6), [Sch. 6 para. 7](#), [Sch. 19 Pt. II](#) (with s. 84(5)); S.I. 1991/2067, [art. 3](#).
- F3** Words in s. 61(1)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 39\(2\)\(a\)\(i\)](#)
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 73\(2\)\(a\)\(ii\)](#)
- F5** Words in s. 61(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 39\(2\)\(a\)\(ii\)](#)
- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 73\(2\)\(b\)](#)
- F7** Words in s. 61(2) substituted (27.5.1997) by 1997 C. 11, SS. 4, 6(2), [Sch. 39 para. 39\(2\)\(b\)](#)
- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 73\(2\)\(c\)](#)
- F9** Words in s. 61(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 39 para. 39\(2\)\(c\)](#)
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 73\(2\)\(d\)](#)
- F11** Words in s. 61(5) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 39\(2\)\(d\)](#)
- F12** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 73\(2\)\(e\)](#)
- F13** Words in s. 61(6) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(1), [Sch. 2 para. 39\(2\)\(e\)](#)

**Changes to legislation:**

Airports Act 1986, Section 61 is up to date with all changes known to be in force on or before 14 April 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.

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**Changes and effects yet to be applied to :**

- s. 57-62 (Pt. 5) (defn. of "relevant airport operator") applied by [1997 c. 8 s. 214\(1\)\(2\)](#)
- s. 57-62 (Pt. 5) (defn. of "relevant airport operator") applied by [1997 c. 8 s. 217\(1\)\(a\)](#)
- s. 59(6)61(1)(a)(b)(2)61(3)(5)(6) amended (S) by [1997 c. 11 s. 4 Sch. 2 para. 39](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act saved (6.5.1999) by [1998 c. 46 s. 30 Sch. 5 Pt. 2 s. E4\(f\)](#)
- Act textual by [S.I. 2001/2237 art. 2](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1) (defn. of "principal council") para. (aa) added (prosp.) by [1994 c. 19 s. 66\(6\)Sch. 16 para. 77](#)
- s. 12(1) (defns. "local authority""principal council") para. (b) amended (S) by [1994 c. 39 Sch. 13 para. 147](#)
- s. 12(1) (defn. of "principal council") para. (a) repealed in part (prosp.) by [1994 c. 19 s. 66\(6\)\(8\)Sch. 16 para. 77Sch. 18](#)