



Planning and Compensation Act 1991

CHAPTER 34

PLANNING AND COMPENSATION ACT 1991

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

New enforcement powers

- 1 Planning contravention notices.
- 2 Enforcement of conditions.
- 3 Injunctions restraining breaches of planning control.

Other changes relating to enforcement

- 4 Time limits on enforcement action.
- 5 Enforcement notices.
- 6 Appeal against enforcement notice.
- 7 Execution of works required by enforcement notice.
- 8 Offence where enforcement notice not complied with.
- 9 Stop notices.
- 10 Certificate of lawful use or development.
- 11 Rights of entry for enforcement purposes.

Control over development

- 12 Planning obligations.
- 13 Demolition of buildings.
- 14 Fish farming.
- 15 Assessment of environmental effects.
- 16 Notice etc. of applications for planning permission.
- 17 Power of local planning authority to decline to determine applications.
- 18 Dismissal of appeals in cases of undue delay.

Status: Point in time view as at 02/01/1992.

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19 Receipt and determination of applications.

Controls over particular matters

- 20 Land of interested planning authorities and development by them.
- 21 Mines and waste.
- 22 Old mining permissions.
- 23 Trees.
- 24 Advertisements.
- 25 Listed buildings, conservation areas and hazardous substances.

Development plans and simplified planning zones

- 26 Status of development plans.
- 27 Streamlining of development plan system.
- 28 Simplified planning zones.

Miscellaneous

- 29 Functions of Historic Buildings and Monuments Commission.
- 30 Orders as to costs where inquiry or hearing does not take place.
- 31 Planning compensation repeals.
- 32 Planning: minor and consequential amendments.

PART II

TOWN AND COUNTRY PLANNING - SCOTLAND

New enforcement powers

- 33 Planning contravention notices.
- 34 Enforcement of conditions.
- 35 Interdicts relating to breaches of planning control.

Other changes relating to enforcement

- 36 Time limits on enforcement action.
- 37 Enforcement notices.
- 38 Appeal against enforcement notice.
- 39 Execution of works required by enforcement notice.
- 40 Offence where enforcement notice not complied with.
- 41 Stop notices.
- 42 Certificate of lawful use or development.
- 43 Rights of entry.

Control over development

- 44 Demolition of buildings.
- 45 Fish farming.
- 46 Notice etc. of applications to owners and agricultural tenants.
- 47 Power of planning authority to decline to determine applications.
- 48 Assessment of environmental effects.
- 49 Agreements relating to Crown land.
- 50 Dismissal of appeals in cases of undue delay.

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Controls over particular matters

- 51 Mines and waste.
- 52 Old mining permissions.
- 53 Transitional provision as to compensation regulations.
- 54 Trees.
- 55 Control over advertisements.
- 56 Power to remove or obliterate placards and posters.
- 57 Listed buildings, conservation areas and hazardous substances.

Development plans and simplified planning zones

- 58 Status of development plans.
- 59 Simplified planning zones.

Miscellaneous

- 60 Repeal of certain compensation provisions of the 1972 Act.
- 61 Planning: minor and consequential amendments - Scotland.

PART III

LAND COMPENSATION, ETC: ENGLAND AND WALES

Acquisition of land

- 62 Powers to acquire land which will be affected by public works.
- 63 Advance payments of compensation and interest.
- 64 Planning assumptions in connection with highway schemes.
- 65 Certification of appropriate alternative development.
- 66 Compensation where permission for additional development granted after acquisition.
- 67 Time limit on validity of notice to treat.

Home loss payments

- 68 Home loss payments.
- 69 Home loss payments: spouses having statutory rights of occupation.

General

- 70 Further amendments relating to land compensation.

PART IV

LAND COMPENSATION - SCOTLAND

- 71 Home loss payments.
- 72 Home loss payments: spouses having statutory occupancy rights.
- 73 Advance payments of compensation and interest.
- 74 Planning assumptions in connection with acquisition of land by roads authorities.
- 75 Certification of appropriate alternative development.
- 76 Powers to acquire land whose enjoyment will be affected by public works.
- 77 Compensation where permission for additional development granted after acquisition.
- 78 Time limit on validity of notice to treat.

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79 Further amendments relating to land compensation in Scotland.

PART V

MISCELLANEOUS AND GENERAL

- 80 Interest on compensation and payments on account.
- 81 Abolition of new street byelaws.
- 82 Home loss payments: Northern Ireland.
- 83 Consequential amendment of section 91A of Income and Corporation Taxes Act 1988.
- 84 Short title, commencement, etc.

SCHEDULES

SCHEDULE 1 — Mines and Waste

- 1 The principal Act is amended as follows.
- 2 In section 72(5) (conditional grant of planning permission) after “the...
- 3 In section 91(4) (circumstances in which general condition limiting duration...
- 4 In section 97 (power to revoke or modify planning permission)...
- 5 In section 100 (revocation and modification of planning permission by...
- 6 In section 102(8) (discontinuance orders, etc.) for “consisting in the...
- 7 For section 105 (duty of mineral planning authorities to review...
- 8 In section 107 (compensation where planning permission revoked or modified)...
- 9 For section 116 (special basis for compensation in respect of...
- 10 In section 117(2) (general provisions as to compensation for depreciation...
- 11 In sections 189(1)(b) (penalties for contravention of orders under s.102...
- 12 In section 336(1) (interpretation)— (a) after the definition of “conservation...
- 13 In Schedule 1 (local planning authorities: distribution of functions), in...
- 14 (1) In Schedule 5, in paragraph 1(1) for “consisting of...
- 15 (1) In Schedule 9, in paragraph 1(1) for paragraph (a)...
- 16 (1) Schedule 11 (compensation in respect of certain orders affecting...

SCHEDULE 2 — Registration of Old Mining Permissions

Application for registration

- 1 (1) Any person who is an owner of any land...

Determination of conditions

- 2 (1) The conditions to which an old mining permission is...

Registration

- 3 (1) Where an application for the registration of an old...

General provisions about applications

- 4 (1) An application under paragraph 1 or 2 above is...

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Right of appeal

- 5 (1) Where the mineral planning authority— (a) refuse an application...

Determination of appeal

- 6 (1) On an appeal under paragraph 5 above the Secretary...

Reference of applications to Secretary of State

- 7 (1) The Secretary of State may give directions requiring applications...

Two or more applicants

- 8 (1) Where a person has served an application under paragraph...

Application of provisions of principal Act

- 9 (1) Subject to paragraph 3 above, section 69 of the...

Interpretation

- 10 (1) In this Schedule— “official form” means, in relation to...

SCHEDULE 3 — Listed Buildings, Conservation Areas and Hazardous Substances
Part I — CHANGES RELATING TO ENFORCEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 1 In section 9 of the Planning (Listed Buildings and Conservation...
2 For section 38(5) and (6) of that Act (withdrawal of...
3 (1) Section 39 of that Act (appeals) is amended as...
4 For section 41(1) and (2) (power to correct or vary...
5 For section 42(6) of that Act (power to execute works...
6 For section 43 of that Act (penalties for non-compliance) there...
7 After section 44 of that Act there is inserted— Injunctions...
8 (1) Section 65 of that Act (appeals to High Court)...
9 (1) In section 88 of that Act (rights of entry)—...

Planning (Hazardous Substances) Act 1990 (c. 10.)

- 10 In section 23(4) of the Planning (Hazardous Substances) Act 1990...
11 In section 24 of that Act (hazardous substances contravention notices)
—...
12 After that section there is inserted— Variation of hazardous
substances...
13 In section 25(2) of that Act (contravention notices: effect of...
14 After section 26(2) of that Act (transitional exemptions) there is...
15 After section 26 of that Act there is inserted— Injunctions...
16 (1) Section 36 of that Act (rights of entry) is...

Part II — MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government, Planning and Land Act 1980 (c. 65.)

- 17 In Part I of Schedule 29 to the Local Government,...

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Housing Act 1988 (c. 50.)

18 In section 67(3A) of the Housing Act 1988 for “25...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9.)

19 In section 38 of the Planning (Listed Buildings and Conservation...
20 In section 39(7) of that Act “in writing” is omitted...
21 In section 42 of that Act— (a) in subsection (1)...
22 In section 46(4) of that Act for “sections 42 and...
23 Section 55(6) of that Act is omitted.
24 In section 82 of that Act— (a) in subsection (1)...
25 In section 88(6) of that Act for “subsection (7)” there...
26 In section 90(6)(b) of that Act “and 42(6)” is omitted...
27 In section 92(2)(b) of that Act “and 42(6)” is omitted...
28 In Schedule 3 to that Act, in paragraph 2(1)(b), after...
29 In Schedule 4 to that Act, in paragraph 5(b) for...

Planning (Hazardous Substances) Act 1990 (c. 10)

30 In section 25(1) of the Planning (Hazardous Substances) Act 1990—...
31 In section 31(2) of that Act for “or 24” there...
32 In section 36(5) of that Act “Subject to subsection (6)”...

SCHEDULE 4 — Development Plans

Part I — STREAMLINING OF DEVELOPMENT PLAN SYSTEM

1 Part II of the principal Act (development plans) is amended...

Unitary development plans

2 (1) In section 12 (content of unitary development plan), in...
3 After that section there is inserted— Urban development corporations.
(1) The Secretary of State may direct that a unitary...
4 For section 13 (publicity in connection with preparation of unitary...
5 In section 14 (withdrawal of unitary development plan)—
6 In section 15 (adoption of unitary development plan by local...
7 In section 16 (local inquiries) for subsection (1) there is...
8 In section 17(1) (direction to consider proposals) for “consider
modifying”...
9 In sections 17(1) and 18(1) for “13(3)”, in both places...
10 In section 19(2) (approval of unitary development plan by Secretary...
11 In section 20(1) (local inquiry, public examination and consultation by...
12 (1) In section 21 (alteration or replacement of unitary development...
13 Section 22 (short procedure for certain alterations and replacements)
is...
14 In section 23 (joint unitary development plans)—
15 In section 26(2) (regulations with respect to publicity, etc. for...

Structure and local plans

16 In section 31 (structure plans: continuity, form and content), for...
17 For sections 32 to 41 (provisions with respect to the...
18 For section 42(1) and (2) (local inquiries) there is substituted—...
19 (1) In section 43 (adoption of proposals) for subsections (1)...
20 (1) In section 44 (calling in of proposals for approval...

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- 21 (1) In section 45 (approval of proposals by Secretary of...
22 For sections 46 to 48 (conformity between local plan and...
23 In section 49 “repeal” is omitted.
24 (1) In section 50 (joint structure and local plans), in...
25 In section 51(1) “repeal”, in both places where it occurs,...
26 After section 51 there is inserted— Urban development corporations.
(1) The Secretary of State may direct—
27 (1) In section 52(1) (reviews of plans in enterprise zones)...
28 (1) In section 53 (regulations with respect to publicity etc....
29 (1) In section 54 (meaning of “development plan” outside Greater...
Part II — MINOR AND CONSEQUENTIAL AMENDMENTS
30 In section 284(1)(a) of the principal Act (validity of development...
31 In section 287 of that Act (proceedings for questioning validity...
32 In section 306(2) of that Act (contributions by local authorities...
33 In section 324(1)(a) (rights of entry in connection with preparation...
34 In section 336(1) (interpretation) in the definition of “development
plan”...
35 (1) In Schedule 1 to that Act (local planning authorities:...
36 (1) In Schedule 2 to that Act (transitional provisions with...
37 (1) In Schedule 13 to that Act (blighted land) in...
38 In Schedule 4 to the Planning (Consequential Provisions) Act 1990—...
39 In Schedule 17 to the Local Government Act 1972 (discharge...
Part III — TRANSITIONAL PROVISIONS

Interpretation

- 40 In this Part of this Schedule— “commencement” means the
commencement...

Unitary development plans

- 41 (1) Where a local planning authority have, under section 13(3)...

Structure plans

- 42 (1) Where a local planning authority have, under section 32(3)...

Local plans

- 43 Where a local planning authority have made available under section...
44 (1) A local plan which— (a) immediately before commencement is...
45 (1) Sub-paragraph (2) below applies where after commencement—

Minerals and waste local plans

- 46 (1) Sub-paragraph (2) below applies where after commencement—

Duty of structure plan authority to notify authorities responsible for saved local plans etc.

- 47 (1) In this paragraph the references to saved local plans...

Consultation

- 48 Any consultation undertaken before commencement for the purposes of
any...

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Joint plans

49 (1) The Secretary of State may give directions applying with...

Proceedings for questioning validity of development plans

50 An application may be made after commencement under and in...

The Isles of Scilly

51 An order under section 319 of the new law may...

SCHEDULE 5 — Simplified Planning Zones

Part I — MODIFICATION OF PROCEDURE FOR MAKING OR ALTERING
SCHEMES

Procedure before and after deposit of proposals

1 In Schedule 7 to the principal Act (simplified planning zones)...

Dealing with objections, etc.

2 (1) For paragraph 8(1) to (3) (objections: local inquiry or...

Part II — MINOR AND CONSEQUENTIAL AMENDMENTS

3 In Schedule 1 to that Act, paragraph 9(2) and (3)...

4 Schedule 7 to that Act is amended as follows.

5 At the end of paragraph 4(1) there is added “...

6 In paragraph 8(4) for “to hold a local inquiry or...

7 (1) In paragraph 9 for sub-paragraph (1) there is substituted—...

8 In paragraph 10(2)(a) after “hearing” there is inserted “ or...

9 For paragraph 12(1) there is substituted— (1) Where— (a) a local
planning authority are directed under...

10 In paragraph 13(2)— (a) after paragraph (b) there is inserted—...

SCHEDULE 6 — Planning Compensation Repeals: Minor and Consequential
Amendments

Land Compensation Act 1961 (c. 33)

1 (1) In section 15 of the Land Compensation Act 1961...

Gas Act 1965 (c. 36)

2 In Schedule 3 to the Gas Act 1965, paragraph 3...

Public Expenditure and Receipts Act 1968 (c.14)

3 In Schedule 3 to the Public Expenditure and Receipts Act...

Post Office Act 1969 (c.48)

4 In Schedule 9 to the Post Office Act 1969 (transitional...

Land Compensation Act 1973 (c. 26)

5 (1) In section 5 of the Land Compensation Act 1973...

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Civil Aviation Act 1982 (c. 16)

6 In section 53(1)(a) of the Civil Aviation Act 1982 “114,”...

Airports Act 1986 (c.31)

7 In section 61(1)(a) of the Airports Act 1986 “114,” is...

The principal Act

- 8 The principal Act is amended as follows.
- 9 In section 55 (meaning of development) subsection (6) (meaning of...
- 10 In section 56(5) (time when development begun) for paragraph (b)...
- 11 Sections 80 and 81 (review of planning decisions where compensation...
- 12 In section 90(3) (development with Government authorisation) for
“Parts V...
- 13 (1) In section 107(4) (compensation where planning permission revoked
or...
- 14 In section 109(6) (apportionment of compensation for depreciation) for
“in...
- 15 In section 111 (recovery of compensation under section 107 on...
- 16 In section 112 (amount recoverable under section 111 and provisions...
- 17 Section 113 (contribution of Secretary of State where compensation
could...
- 18 In section 138(2)(a) (circumstances in which land incapable of
reasonably...
- 19 In section 144 (special provisions as to compensation where purchase...
- 20 In section 198(4)(a) (tree preservation orders) “80, 81” is omitted....
- 21 In section 220(3)(a) (advertisement regulations) “80, 81” is omitted.
- 22 In section 262(4) and (7)(a) (meaning of “statutory undertakers”)
“123”...
- 23 In section 263(3) (meaning of “operational land”) “123(3) and (4)”...
- 24 In section 284(3) (validity of orders, etc.) paragraph (c) is...
- 25 (1) In section 298 (supplementary provisions as to Crown and...
- 26 (1) In section 308 (recovery from acquiring authorities of sums...
- 27 Section 309 (recovery from acquiring authorities of sums paid in...
- 28 In section 310 (sums recoverable from acquiring authorities reckonable
for...
- 29 In section 311(1)(b) (expenses of government departments) “or V” is...
- 30 Section 312 (payments under s. 59 of 1947 Act and...
- 31 In section 313 (general provision as to receipts of Secretary...
- 32 In section 315(2) (power to modify Act in relation to...
- 33 In section 318(5) (ecclesiastical property) for “112, 133 or 327”...
- 34 In section 324 (rights of entry) subsection (4) is omitted....
- 35 Section 326 (assumptions as to planning permission in determining
value...
- 36 Section 327 (recovery on subsequent development of payments in
respect...
- 37 In section 328(1) (settled land, etc.) for “112, 133 or...
- 38 In section 336(1) (interpretation) the definitions of “new development”
and...
- 39 In Schedule 1 (distribution of functions) in paragraph 16(1) “114”...
- 40 (1) In Schedule 3 (existing use development, etc.), paragraphs 3...
- 41 In Schedule 16 (provisions referred to in sections 314 to...

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Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 42 (1) In section 30 of the Planning (Listed Buildings and...
 43 In section 31(2) and (4) of that Act (general provisions...
 44 In section 32(4) of that Act (purchase notices) for “new...
 45 In section 49 of that Act (compensation on compulsory acquisition...
 46 In section 88(4) of that Act (rights of entry) “27,”...
 47 (1) In section 90 of that Act (financial provisions), in...
 48 In section 91(2) of that Act (interpretation) “new development” is...

Planning (Consequential Provisions) Act 1990 (c.11)

- 49 The saving made by paragraph 3 of Schedule 3 to...

SCHEDULE 7 — Planning in England and Wales: Minor and Consequential Amendments

Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)

- 1 In section 2(3) of the Agricultural Land (Removal of Surface...

Local Government Act 1972 (c. 70)

- 2 In Part III of Schedule 12A to the Local Government...

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 3 In section 7(5) of the Local Government (Miscellaneous Provisions) Act...

Rent (Agriculture) Act 1976 (c.80)

- 4 In section 33(4) of the Rent (Agriculture) Act 1976 for...

Local Government, Planning and Land Act 1980 (c. 65)

- 5 In Part I of Schedule 29 to the Local Government,...

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 6 In section 33 of the Local Government (Miscellaneous Provisions) Act...

Housing Act 1988 (c. 50)

- 7 In section 67(3A) of the Housing Act 1988 after “104”...

The principal Act

- 8 The principal Act is amended as follows.

Part I

- 9 (1) In section 5(1) for “300 and 324(1)(b) and (c)...

Part III

- 10 (1) In section 56, in subsection (3) after “87(4)” there...
 11 Section 63 is omitted.

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- 12 Section 64 is omitted.
- 13 In section 69— (a) in subsection (1) “made to that...
- 14 In section 70(3) for “sections 65, 66 and 67” there...
- 15 In section 71(4) for the definitions of “agricultural holding” and...
- 16 (1) After section 73 there is inserted— Planning permission for...
- 17 In section 74(2) “section 71 of this Act and” is...
- 18 In section 77(4) for “65(2) and (9), 66, 67, 70,...
- 19 In section 79(4) for “66, 67, 70, 71(2), 72(1) and...
- 20 In section 91(4)(b), for the words from “granted” to the...
- 21 In section 102, for subsections (4) and (5) there is...

Part VII

- 22 In section 174(6) “in writing” is omitted.
- 23 For section 176(1) and (2) there is substituted—
- 24 (1) In section 177(1)— (a) for paragraph (a) there is...
- 25 In section 178(2) “(as defined in section 172(3))” is omitted....
- 26 For section 180 there is substituted— Effect of planning permission,...
- 27 In section 181— (a) in subsections (1)(a), (4)(b) and (5)(b)...
- 28 In section 184— (a) in subsection (4)(b) for “compliance period”...
- 29 In section 186— (a) in subsection (1)(b) for the words...
- 30 In section 188— (a) after subsection (1)(b) there is inserted...
- 31 Section 190(4) is omitted.
- 32 In section 195— (a) in subsection (1) for “an established...
- 33 In section 196— (a) in subsection (1) “an application referred...

Part VIII

- 34 In section 198(4)(a) “to 68” is omitted.
- 35 In section 216(6) for “£40” there is substituted “one-tenth...
- 36 Section 219(6) is omitted.
- 37 In section 220(3)(a) “to 68” is omitted.
- 38 In section 224(3) for “£40” there is substituted “one-tenth...

Part X

- 39 Section 250(2) is omitted.

Part XI

- 40 Section 266(3) is omitted.

Part XII

- 41 In section 284(3)(g) the words from “on an application” to...
- 42 In section 285— (a) in subsection (1) “Subject to the...
- 43 In section 286— (a) in subsection (1), paragraph (b) is...
- 44 Section 290 is omitted.

Part XIII

- 45 (1) In section 296, in subsection (1)(c) after “VII” there...
- 46 (1) Section 299 is amended as follows.

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Part XIV

47 In section 306(2)(b) and (3) after “VII”, in both places...

Part XV

48 After section 316 there is inserted— Local planning authorities as...

49 For section 319 there is substituted— The Isles of Scilly....

50 (1) Section 325 is amended as follows.

51 At the end of section 329 there is inserted—

52 (1) Section 336 is amended as follows.

Schedules

53 (1) Schedule 1 is amended as follows.

54 (1) Schedule 6 is amended as follows.

55 In Schedule 8, in paragraphs 3(2) and 4(5)(a) for “section...

56 In Schedule 13, in paragraph 5, for “functions of a...

57 (1) Schedule 16 is amended as follows.

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

58 In section 59(4) of the Planning (Listed Buildings and Conservation...

59 For section 67(8) of that Act there is substituted—

60 For section 73(2) of that Act there is substituted—

61 For paragraph 3 of Schedule 4 to that Act (distribution...

SCHEDULE 8 — Mines and Waste - Scotland

1 The 1972 Act is amended as follows.

2 In section 27A (aftercare conditions on permission for winning and...

3 In section 38(3) (circumstances in which general condition limiting duration...

4 (1) In section 41A (limit of duration of planning permission...

5 (1) Section 49 (discontinuance orders, etc.) is amended as follows....

6 (1) For subsections (1) to (3) of section 49A (prohibition...

7 For subsections (1) to (3) of section 49B (orders after...

8 In section 49F (resumption of winning and working of minerals...

9 In sections 100(1)(b) (enforcement of orders under sections 49, 49A...

10 Sections 153A, 159A and 159B are omitted.

11 For section 167A there is substituted— Regulations as to compensation...

12 Sections 167B and 167C are omitted.

13 In section 251(1A) (power to modify Act in relation to...

14 For section 251A (duty of planning authorities to review mineral...

15 In section 275(1) (interpretation)— (a) after the definition of “conservation...

SCHEDULE 9 — Registration of old mining permissions

The following Schedule shall be inserted as Schedule 10A to...

SCHEDULE 10 — Listed Buildings, Conservation Areas and Hazardous Substances - Scotland

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The 1972 Act

- 1 The 1972 Act is amended as follows.
- 2 For section 53(5) (offences: penalties) there is substituted—
- 3 In section 56L(4) (offences)— (a) for “the statutory maximum” there...
- 4 In section 92, (power to serve listed buildings enforcement notice)—...
- 5 For section 92(5) of that Act (withdrawal of notices) there...
- 6 (1) Section 93 (appeals) is amended as follows.
- 7 For section 94 (penalties for non-compliance with listed building enforcement...
- 8 In section 95 (execution and cost of works required by...
- 9 (1) In section 97B (power to issue hazardous substances contravention...
- 10 After section 97A there is inserted— Further provision as to...
- 11 After section 97B there is inserted— Variation of hazardous substances...
- 12 In section 265 (rights of entry)— (a) in subsection (2),...

Local Government, Planning and Land Act 1980 (c. 65)

- 13 In Part I of Schedule 30 to the Local Government,...

SCHEDULE 11 — Simplified Planning Zones - Scotland

Part I — MODIFICATION OF PROCEDURE FOR MAKING OR ALTERING SCHEMES

Procedure before and after deposit of proposals

- 1 In Schedule 6A to the 1972 Act (simplified planning zones)...

Dealing with objections, etc.

- 2 (1) For paragraph 7(1) to (3) (objections: local inquiry or...
Part II — MINOR AND CONSEQUENTIAL AMENDMENTS
- 3 Schedule 6A to the 1972 Act is amended as follows....
- 4 At the end of paragraph 4(1) there is added “...
- 5 In paragraph 7(4) for “to hold a local inquiry or...
- 6 For paragraph 8(1) there is substituted— (1) After the expiry...
- 7 In paragraph 9(2)(a) after “hearing” there is inserted “ or...
- 8 For paragraph 11(1) there is substituted—
- 9 In paragraph 12(2)— (a) after paragraph (b) there is inserted—...

SCHEDULE 12 — Planning Compensation Repeals: Minor and Consequential Amendments - Scotland

Land Compensation (Scotland) Act 1963 (c.51)

- 1 In section 23 of the Land Compensation (Scotland) Act 1963...

Gas Act 1965 (c. 36)

- 2 In Schedule 3 to the Gas Act 1965, paragraph 3...

Public Expenditure and Receipts Act 1968 (c.14)

- 3 In Schedule 3 to the Public Expenditure and Receipts Act...

Status: Point in time view as at 02/01/1992.

Changes to legislation: Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 08 February 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)

Post Office Act 1969 (c.48)

- 4 In Schedule 9 to the Post Office Act 1969 (transitional...

Land Compensation (Scotland) Act 1973 (c. 56)

- 5 (1) In section 5 of the Land Compensation (Scotland) Act...

The 1972 Act

- 6 The 1972 Act is amended as follows.
 7 In section 19 (meaning of “development” and “new development”) subsection...
 8 Sections 35 and 36 (review of planning decisions where compensation...
 9 In section 37(2) (development with Government authorisation) for “Parts VII...
 10 In section 40(3) (date when development is begun), for paragraph...
 11 In section 56G (deemed hazardous substances consent by virtue of...
 12 In section 58(2)(a) (tree preservation orders) “35, 36” is omitted...
 13 In section 106 (compensation on compulsory acquisition of listed building)...
 14 (1) In section 153(4) (compensation where planning permission modified or...
 15 In section 155 (recording and apportionment of compensation for depreciation)—...
 16 Section 156 (contribution by Secretary of State towards compensation in...
 17 Before section 157 there is inserted— Recovery of compensation on...
 18 In section 157 (recovery, on subsequent development, of compensation under...
 19 In section 169 (purchase notice on refusal or conditional grant...
 20 In section 176 (special provisions as to compensation where purchase...
 21 In section 179(2) (purchase notice on refusal or conditional grant...
 22 In section 231(3) (validity of orders etc.), paragraph (c) is...
 23 In section 244 (recovery from acquiring authorities of sums paid...
 24 Section 245 (recovery from acquiring authorities of sums paid in...
 25 In section 246 (sums recoverable from acquiring authorities reckonable for...
 26 In section 247 (expenses of government departments), in subsection (1) (b)...
 27 Section 248 (payments under section 56 of Act of 1947...
 28 In section 249 (general provision as to receipts of Secretary...
 29 For subsection (1) of section 255 (supplementary provisions as to...
 30 Sections 263 (assumptions as to planning permission in determining value...
 31 In section 275 (interpretation), in subsection (1), the definitions of...
 32 In Schedule 6 (development not constituting new development)—
 33 In Schedule 19 (provisions referred to in sections 250, 251...

Civil Aviation Act 1982 (c. 16)

- 34 In section 53(1)(a) of the Civil Aviation Act 1982 “158,”...

Status: Point in time view as at 02/01/1992.

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Airports Act 1986 (c.31)

35 In section 61(1)(a) of the Airports Act 1986 “158,” is...

SCHEDULE 13 — Planning in Scotland: Minor and Consequential Amendments

Agricultural Land (Removal of Surface Soil) Act 1953 (c.10.)

1 For section 4 (application to Scotland) of the Agricultural Land...

The 1972 Act

2 The 1972 Act is amended as follows.

3 In subsection (3)(a) of section 5 (preparation of structure plans),...

4 In subsection (3)(a) of section 9 (preparation of local plans),...

5 For subsections (1) to (3) of section 21 (development orders)...

6 In section 23 (publication of notices of applications—

7 In section 28 (directions, etc. as to method of dealing...

8 For section 29 there is substituted— Planning permission for development...

9 In section 31 (information regarding, and registers of, applications and...

10 In subsection (4) of section 32 (reference of applications to...

11 In section 33 (appeals against planning decisions)—

12 In section 34 (appeal in default of planning decision), for...

13 In subsection (3)(c) of section 38 (limit of duration of...

14 In section 39 (outline planning permission), before the words “a...

15 In subsection (2) of section 40 (provision as to date...

16 In section 49 (orders requiring discontinuance of use etc.), for...

17 Section 51 is omitted.

18 In subsection (3) of section 55 (acts causing or likely...

19 In section 84A (power of regional planning authority to take...

20 In section 85 (appeal against enforcement notice)—

21 In section 87 (stop notices)— (a) in subsection (4)(c), for...

22 In subsection (1) of section 87A (register of various notices),...

23 In subsection (2) of section 88 (execution and cost of...

24 In section 89 (enforcement notice to have effect against subsequent...

25 For section 89A there is substituted— Effect of planning permission,...

26 In section 91 (grant of certificate by Secretary of State...

27 In subsection (2) of section 101 (enforcement of control as...

28 In subsection (1) of section 145 (determination of claims)—

29 In subsection (1) of section 166 (compensation for loss due...

30 In subsection (2) of that section— (a) for paragraphs (a)...

31 In subsection (5) of section 201 (order extinguishing right to...

32 Section 214(3) is omitted.

33 In subsection (3)(g) of section 231 (validity of development plans...

34 Section 234 is omitted.

35 In section 242(2)(b) for “sections 97” there is substituted “...

36 In subsection (1)(b) of section 247 (expenses of government departments),...

37 In section 253 (exercise of powers in relation to Crown...

38 In section 265 (rights of entry)— (a) in subsection (1)(b)—...

39 In section 266 (supplementary provisions as to rights of entry)—...

40 (1) In subsection (1) of section 275 (interpretation)—

41 (1) In paragraph 2 of Schedule 7 (determination of appeals),...

Status: Point in time view as at 02/01/1992.

Changes to legislation: *Planning and Compensation Act 1991 is up to date with all changes known to be in force on or before 08 February 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)*

- 42 In paragraph 2 of Schedule 10 (control of works for...
43 In Schedule 19 (sections 250, 251 etc.)—

Local Government (Scotland) Act 1973 (c.65)

- 44 (1) For subsection (4) of section 173 (regional reports) of...

Local Government, Planning and Land Act 1980 (c.65)

- 45 In subsection (3) of section 87 of the Local Government,...
46 In Part I of Schedule 30 to that Act the...

Town and Country Planning Act 1984 (c.10)

- 47 (1) Section 1 of the Town and Country Planning Act...

SCHEDULE 14 — Compensation where Permission for Additional Development
Granted after Acquisition

- 1 After section 22 of the Land Compensation Act 1961 there...
2 After Schedule 2 to that Act there is inserted— Third...

SCHEDULE 15 — Amendments Relating to Land Compensation
Part I — MISCELLANEOUS AMENDMENTS

Rules for assessment of compensation

- 1 In section 5 of the Land Compensation Act 1961 (rules...

Expenses in acquiring replacement land

- 2 After section 10 of the Land Compensation Act 1961 there...

Compensation otherwise than in the form of money

- 3 In section 3 of the Compulsory Purchase Act 1965 (acquisition...

Tenants at will, etc: part acquisitions

- 4 In section 20(2) of the Compulsory Purchase Act 1965 (tenant...

Caravans etc. affected by noise of public works

- 5 (1) After section 20 of the Land Compensation Act 1973...

Farm loss payments

- 6 (1) Section 34 of the Land Compensation Act 1973 (right...

Notice to quit agricultural holding: right to opt for notice of entry compensation

- 7 At the end of section 59(7) of the Land Compensation...

Service of documents

- 8 In section 6(4) of the Acquisition of Land Act 1981...

Meaning of “owner”

- 9 In section 7 of the Acquisition of Land Act 1981...

Status: Point in time view as at 02/01/1992.

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Local authority and statutory undertakers' land

- 10 (1) At the end of section 16(1) of, and paragraph...
- 11 In section 17(3) of, and paragraph 4(3) of Schedule 3...

Commons, open spaces, etc.

- 12 (1) In section 19 of the Acquisition of Land Act...

Blighted land

- 13 In sections 150(1)(b), 161(2)(c) and 162(1)(b) of the principal Act...
- 14 (1) In Schedule 13 to that Act (blighted land) for...

Part II — MINOR AND CONSEQUENTIAL AMENDMENTS

Land Compensation Act 1961 (c. 33)

- 15 (1) In section 14(1) of the Land Compensation Act 1961...
- 16 In section 17 of that Act— (a) for the words...
- 17 In section 19(1) of that Act for “in the circumstances...
- 18 Section 22(3) of that Act is omitted.

Compulsory Purchase Act 1965 (c. 56)

- 19 In section 31 of the Compulsory Purchase Act 1965—

Land Compensation Act 1973 (c. 26)

- 20 In section 13 of the Land Compensation Act 1973—
- 21 In section 26 of that Act— (a) in subsection (2)...
- 22 (1) Section 29 of that Act is amended as follows....
- 23 In section 32(7B) of that Act for “the person giving...
- 24 In section 52 of that Act— (a) in subsection (9)...

Local Government, Planning and Land Act 1980 (c. 65)

- 25 After section 141(5) of the Local Government, Planning and Land...

Highways Act 1980 (c. 66)

- 26 In section 246(2) of the Highways Act 1980, for the...

Acquisition of Land Act 1981 (c. 67)

- 27 At the end of section 12(3) of, and paragraph 3(3)...
- 28 Section 20 of, and paragraph 7 of Schedule 3 to,...

The principal Act

- 29 In section 231 of the principal Act the words from...
- 30 (1) In section 318 of that Act, in subsection (3)...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 31 (1) In section 86(3) of the Planning (Listed Buildings and...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 32 (1) In section 34(3) of the Planning (Hazardous Substances) Act...

Status: Point in time view as at 02/01/1992.

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SCHEDULE 16 — Compensation where Permission for Additional Development
Granted after Acquisition-Scotland

- 1 After section 30 of the Land Compensation (Scotland) Act 1963...
- 2 After Schedule 2 to that Act there is inserted— Third...

SCHEDULE 17 — Amendments relating to land compensation in Scotland
Part I — MISCELLANEOUS AMENDMENTS

Compensation for tenants for a year or from year to year

- 1 In section 114 of the Lands Clauses Consolidation (Scotland) Act...

Local authority and statutory undertakers' land

- 2 In paragraph 10 (protection of land held by statutory undertakers)...
- 3 In paragraph 11 of that Schedule (purchase of open space)—...

Service of documents

- 4 In paragraph 19(4) of that Schedule (service of documents where...

Rules for the assessment of compensation

- 5 In section 12 of the Land Compensation (Scotland) Act 1963...

Expenses in acquiring replacement land

- 6 After section 17 of the Land Compensation (Scotland) Act 1963...
- 7 (1) In section 22(1) of the Land Compensation (Scotland) Act...
- 8 In section 25 of that Act— (a) for the words...
- 9 In section 27(1) of that Act for “in the circumstances...
- 10 Section 30(3) of that Act is omitted.

Blighted land

- 11 In each of sections 182(1)(c) (power to serve blight notice)...

Local authority and statutory undertakers' land

- 12 For section 218 (acquisition of land of statutory undertakers) of...

Caravans etc. affected by noise of public works

- 13 (1) After section 18 of the Land Compensation (Scotland) Act...

Farm loss payments

- 14 (1) Section 31 of the Land Compensation (Scotland) Act 1973...

Notice to quit agricultural holding; right to opt for notice of entry compensation

- 15 At the end of section 55(7) of the Land Compensation...

Part II — MINOR AND CONSEQUENTIAL AMENDMENTS

Land Compensation (Scotland) Act 1963 (c.51)

- 16 In section 28 (power to prescribe matters relevant to Part...

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The 1972 Act

- 17 In section 181 of the 1972 Act (blighted land) for...
- 18 In section 273 (regulations) of the 1972 Act, after subsection...

Land Compensation (Scotland) Act 1973 (c.56)

- 19 In section 24 (acquisition of land in connection with public...
- 20 (1) Section 27 of that Act is amended as follows....
- 21 In section 48 (right to advance payment of compensation) of...

Local Government, Planning and Land Act 1980 (c. 65)

- 22 After section 141(5) of the Local Government, Planning and Land...

- SCHEDULE 18 — Compensation Provisions Referred to in Section 80
 - Part I — PROVISIONS THAT DO NOT PROVIDE FOR INTEREST
 - Part II — PROVISIONS THAT PROVIDE FOR INTEREST

Enactments extending to England and Wales

Enactments extending to Scotland

- SCHEDULE 19 — Repeals
 - Part I — PLANNING: ENGLAND AND WALES
 - Part II — PLANNING COMPENSATION REPEALS
 - Part III — LAND COMPENSATION: ENGLAND AND WALES
 - Part IV — SCOTLAND
 - Part V — NEW STREET BYELAWS

Status:

Point in time view as at 02/01/1992.

Changes to legislation:

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