



Planning and Compensation Act 1991

1991 CHAPTER 34

PART IV

LAND COMPENSATION - SCOTLAND

74 **Planning assumptions in connection with acquisition of land by roads authorities.**

At the end of section 22 (assumptions as to planning permission) of the ^{M1}Land Compensation (Scotland) Act 1963 there is added—

“(5) If, in a case where—

- (a) the relevant land is to be acquired for use for, or in connection with, providing, altering or improving a public road; or
- (b) that use, or its use in that connection, is being considered by the roads authority,

a determination mentioned in subsection (7) of this section falls to be made, that determination shall be made on the following assumption.

(6) The assumption is that, if the relevant land were not so used, no public road would be provided, altered or improved to meet the same or substantially the same need as would have been met by the provision, alteration or improvement of the public road referred to in paragraph (a) or (b) of subsection (5) of this section.

(7) The determinations referred to in subsection (5) of this section are—

- (a) a determination, for the purpose of assessing compensation in respect of any compulsory acquisition, whether planning permission might reasonably have been expected to be granted for any development if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers, and
- (b) a determination under section 25 of this Act as to the development for which, in the opinion of the planning authority, planning permission would or would not have been granted if no part of the relevant land

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 74. (See end of Document for details)

were proposed to be acquired by any authority possessing compulsory purchase powers .”

Modifications etc. (not altering text)

C1 S. 74 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. I para. 2**

Commencement Information

II S. 74 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3.**

Marginal Citations

M1 1963 c. 51.

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