



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Variation and revocation of consents

14 Compensation in respect of orders under section 12(1)

- (1) This section applies where an order is made under section 12(1) revoking or modifying a hazardous substances consent.
- (2) If, on a claim made to the planning authority within the prescribed time and in the prescribed manner, it is shown that any person has suffered damage in consequence of the order—
 - (a) by depreciation of the value of an interest in the land to which he is entitled, or
 - (b) by being disturbed in his enjoyment of the land,the authority shall pay to that person compensation in respect of that damage.
- (3) Without prejudice to subsection (2), any person who carries out any works in compliance with the order shall be entitled, on a claim made as mentioned in that subsection, to recover from the planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.
- (4) Any compensation payable to a person under this section by virtue of such an order shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the order.
- (5) Sections 85 to 87 of the principal Act (which contain general provisions as to the assessment of and the determination of claims for compensation) shall apply as if compensation under this section were compensation under section 83 of that Act.