



# Planning Act 2008

## 2008 CHAPTER 29

### PART 7

#### ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

#### CONTENT OF ORDERS

#### *Miscellaneous*

#### **152 Compensation in case where no right to claim in nuisance**

- (1) This section applies if, by virtue of section 158 or an order granting development consent, there is a defence of statutory authority in civil or criminal proceedings for nuisance in respect of any authorised works.
- (2) “Authorised works” are—
  - (a) development for which consent is granted by an order granting development consent;
  - (b) anything else authorised by an order granting development consent.
- (3) A person by whom or on whose behalf any authorised works are carried out must pay compensation to any person whose land is injuriously affected by the carrying out of the works.
- (4) A dispute as to whether compensation under subsection (3) is payable, or as to the amount of the compensation, must be referred to the [<sup>F1</sup>Upper Tribunal].
- (5) Subsection (2) of section 10 of the Compulsory Purchase Act 1965 (c. 56) (limitation on compensation) applies to subsection (3) of this section as it applies to that section.

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*Changes to legislation: Planning Act 2008, Section 152 is up to date with all changes known to be in force on or before 12 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*

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- (6) Any rule or principle applied to the construction of section 10 of that Act must be applied to the construction of subsection (3) of this section (with any necessary modifications).
- (7) Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works) applies in relation to authorised works as if—
- (a) references in that Part to any public works were to any authorised works;
  - (b) references in that Part to the responsible authority were to the person for whose benefit the order granting development consent has effect for the time being;
  - (c) sections 1(6) and 17 were omitted.
- (8) An order granting development consent may not include provision the effect of which is to remove or modify the application of any of subsections (1) to (7).

#### Textual Amendments

- F1** Words in s. 152(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 293** (with Sch. 5)

#### Modifications etc. (not altering text)

- C1** S. 152 applied (26.9.2012) by [The Network Rail \(Ipswich Chord\) Order 2012 \(S.I. 2012/2284\)](#), arts. 1, **19(5)** (with art. 26(2))
- C2** S. 152 applied (6.11.2012) by [The Network Rail \(North Doncaster Chord\) Order 2012 \(S.I. 2012/2635\)](#), arts. 1, **25(5)** (with art. 35(2))
- C3** S. 152 applied (21.4.2014) by [The Network Rail \(Norton Bridge Area Improvements\) Order 2014 \(S.I. 2014/909\)](#), arts. 1, **23(5)** (with art. 34(2))
- C4** S. 152 applied (18.9.2014) by [The A556 \(Knutsford to Bowdon Improvement\) Development Consent Order 2014 \(S.I. 2014/2269\)](#), arts. 1, **21(5)** (with art. 21(6))
- C5** S. 152 applied (7.1.2015) by [The Willington C Gas Pipeline Order 2014 \(S.I. 2014/3328\)](#), arts. 1, **19(3)(a)**
- C6** S. 152 applied (23.6.2015) by [The Norfolk County Council \(Norwich Northern Distributor Road \(A1067 to A47\(T\)\)\) Order 2015 \(S.I. 2015/1347\)](#), arts. 1, **24(5)** (with art. 24(6))
- C7** S. 152 applied (30.6.2015) by [The Swansea Bay Tidal Generating Station Order 2015 \(S.I. 2015/1386\)](#), arts. 1, **25(5)** (with arts. 51, 53)
- C8** S. 152 applied (18.2.2016) by [The A19/A1058 Coast Road \(Junction Improvement\) Development Consent Order 2016 \(S.I. 2016/73\)](#), arts. 1, **22(5)** (with arts. 22(6), 37)
- C9** S. 152 applied (25.3.2016) by [The Thorpe Marsh Gas Pipeline Order 2016 \(S.I. 2016/297\)](#), arts. 1, **24(4)** (with arts. 24(5), 39)
- C10** S. 152 applied (7.9.2016) by [The Hornsea Two Offshore Wind Farm Order 2016 \(S.I. 2016/844\)](#), arts. 1(2), **21(4)** (with arts. 21(5), 37, 38)
- C11** S. 152 applied (29.3.2017) by [The Glyn Rhonwy Pumped Storage Generating Station Order 2017 \(S.I. 2017/330\)](#), arts. 1, **19(3)(a)** (with arts. 19(4), 31)
- C12** S. 152 applied (29.8.2017) by [The East Anglia THREE Offshore Wind Farm Order 2017 \(S.I. 2017/826\)](#), arts. 1, **18(4)** (with arts. 5(9), 18(5), 36, 37, Sch. 8 para. 34)
- C13** S. 152 applied (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **26(5)** (with arts. 4, 37)
- C14** S. 152 applied (3.10.2018) by [The A19/A184 Testos Junction Alteration Development Consent Order 2018 \(S.I. 2018/994\)](#), arts. 1, **24(5)** (with arts. 3(3), 5)
- C15** S. 152 applied (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **27(4)(5)** (with arts. 55, 56)

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- C16** S. 152 applied (27.2.2020) by [The A30 Chiverton to Carland Cross Development Consent Order 2020 \(S.I. 2020/121\)](#), arts. 1, **28(5)** (with art. 3(1))
- C17** S. 152 applied (18.6.2020) by [The A63 \(Castle Street Improvement, Hull\) Development Consent Order 2020 \(S.I. 2020/556\)](#), arts. 1, **24(5)** (with arts. 5, 44)
- C18** S. 152 applied (22.1.2021) by [The Hornsea Three Offshore Wind Farm Order 2020 \(S.I. 2020/1656\)](#), arts. 1, **21(4)** (with arts. 21(5), 40, 41, Sch. 9 Pt. 5 para. 18)
- C19** S. 152 applied (5.3.2022) by [The Norfolk Vanguard Offshore Wind Farm Order 2022 \(S.I. 2022/138\)](#), arts. 1, **21(4)** (with arts. 21(5), 41, 42, Sch. 16)
- C20** S. 152 applied (22.4.2022) by [The East Anglia TWO Offshore Wind Farm Order 2022 \(S.I. 2022/433\)](#), arts. 1(2), **21(4)(8)** (with arts. 21(5), 40, 41)
- C21** S. 152 applied (11.8.2022) by [The Sizewell C \(Nuclear Generating Station\) Order 2022 \(S.I. 2022/853\)](#), arts. 1, **33(4)** (with arts. 33(5)(8), 62, 76, 87)

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#### **Commencement Information**

- I1** S. 152 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(h)** (with art. 6)

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

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

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)