Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 6

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

135 Claimants of compensation for effects of development

(1) The Planning Act 2008 is amended as follows.

(2) In section 52(1) (obtaining information about interests in land) for "subsection (2) applies" substitute " subsections (2) and (2A) apply ".

(3) In section 52 after subsection (2) insert—

"(2A) The Secretary of State may authorise the applicant to serve a notice on a person mentioned in subsection (3) requiring the person ("the recipient") to give to the applicant in writing the name and address of any person the recipient believes is a person who, if the order sought by the application or proposed application were to be made and fully implemented, would or might be entitled—

(a) as a result of the implementing of the order,

(b) as a result of the order having been implemented, or

(c) as a result of the use of the land once the order has been implemented,

to make a relevant claim."

(4) In section 52(4), (6) and (7) after "subsection (2)" insert " or (2A) ".

(5) In section 52 after subsection (5) insert—

Changes to legislation: *Localism Act 2011, Section 135 is up to date with all changes known to be in force on or before 26 May 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*

"(5A) A notice under subsection (2A) must explain the circumstances in which a person would or might be entitled as mentioned in that subsection."

(6) In section 52(10) for "(2) and (3)" substitute " (2) to (3) ".

(7) In section 52 after subsection (11) insert—

"(12) In subsection (3) as it applies for the purposes of subsection (2A) "the land" also includes any relevant affected land (see subsection (13)).

(13) Where the applicant believes that, if the order sought by the application or proposed application were to be made and fully implemented, there would or might be persons entitled—

(a) as a result of the implementing of the order,

(b) as a result of the order having been implemented, or

(c) as a result of the use of the land once the order has been implemented,

to make a relevant claim in respect of any land or in respect of an interest in any land, that land is "relevant affected land" for the purposes of subsection (12).

(14) In this section "relevant claim" means—

(a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for compulsory purchase of land or not made for injurious affection resulting from compulsory purchase);

(b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);

(c) a claim under section 152(3)."

(8) In section 44(6) (meaning of "relevant claim" in section 44(4)) after paragraph (b) insert ";

(c) a claim under section 152(3)."

(9) In section 57(6) (meaning of "relevant claim" in section 57(4)) after paragraph (b) insert ";

(c) a claim under section 152(3)."

(10) In Schedule 12 (application of Act to Scotland: modifications) in paragraph 6 (application of section 52) after sub-paragraph (c) insert—

"(d) in subsection (14) for paragraph (a) there were substituted—

"(a) a claim arising by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42);", and

(e) in subsection (14)(b) the reference to Part 1 of the Land Compensation Act 1973 were a reference to Part 1 of the Land Compensation (Scotland) Act 1973."

Commencement Information

I1 S. 135 in force at 1.4.2012 by S.I. 2012/628, **art. 7(a)**

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View outstanding changes

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):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by 2016 c. 22 s. 121(2)(e)
- s. 202(3A) inserted by 2023 c. 55 s. 176(2)