



Space Industry Act 2018

2018 CHAPTER 5

Powers in relation to land: supplementary

47 Compensation in respect of planning decisions relating to spaceport safety etc: England and Wales and Scotland

- (1) A local planning authority is entitled to recover from the relevant person a sum equal to any compensation that authority is liable to pay, if—
 - (a) the planning authority becomes liable to pay compensation under any of the provisions set out in subsection (3) (which relate to compensation for certain planning restrictions, for purchase notices that do not take effect and in respect of undertakers' operational land), and
 - (b) the liability is attributable to a planning decision that would not have been taken, or an order that would not have been made, but for the need to secure the safe and efficient operation of—
 - (i) a spaceport, or
 - (ii) range control apparatus.
- (2) “The relevant person” is—
 - (a) where subsection (1)(b)(i) applies, the person authorised to operate the spaceport by a spaceport licence;
 - (b) where subsection (1)(b)(ii) applies, the range control service provider who operates the relevant range control apparatus.
- (3) The provisions are—
 - (a) sections 107, 108, 144(2) and 279(1) of the Town and Country Planning Act 1990 (“the 1990 Act”);
 - (b) sections 76, 77, 95(2) and 232(1) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”).
- (4) Where a sum is payable or paid by the relevant person to a local planning authority under subsection (1), the authority must refund to the relevant person any amount received by the authority in respect of compensation under sections 111 and 112 of the

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1990 Act or section 82 of the 1997 Act (which relate to compensation on subsequent development).

- (5) A local authority may by notice require the relevant person to purchase an interest from it for the relevant sum, if—
- (a) a purchase notice is served under section 137 of the 1990 Act or section 88 of the 1997 Act in respect of a planning decision that would not have been made but for the need to secure the safe and efficient operation of the relevant spaceport or (as the case may be) the range control apparatus, and
 - (b) the local authority is deemed under section 139(3) or 143(1) of the 1990 Act or section 90(3) or 94(1) of the 1997 Act to have served a notice to treat in respect of the interest specified in the purchase notice.

“The relevant sum” is the amount of compensation payable by the local authority for the interest specified in the purchase notice.

- (6) A notice under subsection (5)—
- (a) must be in writing;
 - (b) must be given to the relevant person before the end of the period of one month beginning with the day on which the amount of compensation payable by the local authority for the interest specified in the purchase notice is agreed or determined.
- (7) Where a notice is given to a relevant person under subsection (5), the relevant person is deemed to have contracted with the relevant local authority to purchase the interest for the relevant sum.
- (8) Any dispute as to—
- (a) whether a planning decision would not have been taken but for the need to secure the safe and efficient operation of a spaceport or range control apparatus, or
 - (b) whether an order would not have been made but for that need,
- is to be referred to, and determined by, the Secretary of State.

- (9) In this section—

“local planning authority”, in relation to England and Wales, includes any authority to which functions of a local planning authority are delegated;

“planning decision” means a decision made on an application under Part 3 of the 1990 Act or Part 3 of the 1997 Act;

“range control apparatus” means apparatus operated by a range control service provider for the purposes of providing range control services.

Commencement Information

I1 S. 47(1)(4)-(8) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 83** (with reg. 3)

I2 S. 47(2)(3) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 84** (with reg. 3)

I3 S. 47(9) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 85** (with reg. 3)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2021/817, Sch. by [S.I. 2021/874 reg. 2](#)