



Town and Country Planning Act 1959

1959 CHAPTER 53

PART I

COMPENSATION FOR COMPULSORY ACQUISITION OF LAND

1 General provisions as to measure of compensation

(1) The following provisions of the Town and Country Planning Act, 1947 (in this Act referred to as "the Act of 1947"), and of the Town and Country Planning Act, 1954 (in this Act referred to as "the Act of 1954"), that is to say,—

- (a) subsection (2) and subsections (4) to (6) of section fifty-one of the Act of 1947 (which require compensation to be assessed on the basis of the existing use of the land), and
- (b) Part III of the Act of 1954 (which provides for certain compensation in addition to compensation on the basis of existing use),

shall cease to have effect, except for the purpose of assessing compensation in respect of compulsory acquisitions to which this section does not apply; and, subject to the following provisions of this Part of this Act, compensation in respect of compulsory acquisitions to which this section applies shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (in this Act referred to as "the Act of 1919").

(2) This section applies to every compulsory acquisition of an interest in land in pursuance of a notice to treat served after the twenty-ninth day of October, nineteen hundred and fifty-eight.

(3) In the application of this section to Scotland—

- (a) for references to the Act of 1947 and to section fifty-one of that Act there shall be substituted references respectively to the Town and Country Planning (Scotland) Act, 1947 (in this Act referred to as "the Scottish Act of 1947") and to section forty-eight of that Act; and
- (b) for references to the Act of 1954 and to Part III of that Act there shall be substituted references respectively to the Town and Country Planning

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(Scotland) Act, 1954 (in this Act referred to as " the Scottish Act of 1954 ")
and to sections thirty-two to thirty-eight of that Act.

2 Assumptions as to planning permission

- (1) For the purpose of assessing compensation in respect of any compulsory acquisition to which section one of this Act applies, such one or more of the assumptions mentioned in sections three and four of this Act as are applicable to the relevant land or any part thereof shall be made in ascertaining the value of the relevant interest.
- (2) Any planning permission which, in accordance with any of the provisions of those sections, is to be assumed as therein mentioned is in addition to any planning permission which may already be in force at the date of service of the notice to treat.
- (3) Nothing in those provisions shall be construed as requiring it to be assumed that planning permission would necessarily be refused for any development, notwithstanding that it is not development for which in accordance with those provisions the granting of planning permission is to be assumed; but, in determining whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land, regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under the following provisions of this Part of this Act.
- (4) For the purposes of any reference in this section, or in section three of this Act, to planning permission which is in force on the date of service of the notice to treat, it is immaterial whether the planning permission in question was granted—
 - (a) unconditionally or subject to conditions, or
 - (b) in respect of the land in question taken by itself or in respect of an area including that land, or
 - (c) on an ordinary application or on an outline application or by virtue of a development order,
or is planning permission which, in accordance with any direction or provision given or made by or under any enactment, is deemed to have been granted.

3 Assumptions not directly derived from development plans

- (1) In a case where—
 - (a) the relevant interest is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for development of the relevant land or part thereof, and
 - (b) on the date of service of the notice to treat there is not in force planning permission for that development,
it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, such as would permit development thereof in accordance with the proposals of the acquiring authority.
- (2) For the purposes of paragraph (b) of the preceding subsection, no account shall be taken of any planning permission so granted as not to enure (while the permission remains in force) for the benefit of the land and of all persons for the time being interested therein.
- (3) Subject to the next following subsection, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development

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of any class specified in the Third Schedule to the Act of 1947 (which relates to development included in the existing use of land).

- (4) Notwithstanding anything in the last preceding subsection—
- (a) it shall not by virtue of that subsection be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, if it is development for which planning permission was refused at any time before the date of service of the notice to treat and compensation under section twenty of the Act of 1947 became payable in respect of that refusal;
 - (b) where, at any time before the said date, planning permission was granted, in respect of the relevant land or any part thereof, for development of any class specified in Part II of the said Third Schedule, but was so granted subject to conditions, and compensation under section twenty of the Act of 1947 became payable in respect of the imposition of the conditions, it shall not by virtue of the last preceding subsection be assumed that planning permission for that development, in respect of the relevant land or that part thereof, as the case may be, would be granted otherwise than subject to those conditions ;
 - (c) where, at any time before the said date, an order was made under section twenty-six of the Act of 1947, in respect of the relevant land or any part thereof, requiring the removal of any building or the discontinuance of any use, and compensation became payable in respect of that order under section twenty-seven of that Act, it shall not by virtue of the last preceding subsection be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for the rebuilding of that building or the resumption of that use.
- (5) Where a certificate is issued under the following provisions of this Part of this Act, it shall be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in relation thereto in that certificate as being development for which planning permission might reasonably have been expected to be granted:
- Provided that if, in any such certificate, it is indicated that, in the opinion of the authority issuing the certificate, any such planning permission would only have been granted—
- (a) subject to conditions specified in the certificate, or
 - (b) at a future time so specified, or
 - (c) both subject to conditions so specified and at a future time so specified,
- the assumption shall be that planning permission for development of that class would be granted, in respect of the relevant land or that part thereof, but would only be granted subject to those conditions, or at that future time, or both subject to those conditions and at that future time, as the case may be.
- (6) In the application of this section to Scotland, for references to the Act of 1947, and to sections twenty, twenty-six and twenty-seven of that Act, there shall be substituted references respectively to the Scottish Act of 1947 and to sections eighteen, twenty-four and twenty-five of that Act.

4 Special assumptions in respect of certain land comprised in development plans

- (1) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of a site defined in the current development

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plan as the site of proposed development of a description specified in relation thereto in the plan, it shall be assumed that planning permission would be granted for that development.

- (2) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a use specified in the plan in relation to that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—
 - (a) is development for the purposes of that use of the relevant land or that part thereof, and
 - (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.
- (3) If the relevant land or any part thereof (not being land subject to comprehensive development) consists or forms part of an area shown in the current development plan as an area allocated primarily for a range of two or more uses specified in the plan in relation to the whole of that area, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development which—
 - (a) is development for the purposes of a use of the relevant land or that part thereof, being a use falling within that range of uses, and
 - (b) is development for which planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.
- (4) If the relevant land or any part thereof is land subject to comprehensive development, it shall be assumed that planning permission would be granted, in respect of the relevant land or that part thereof, as the case may be, for any development for the purposes of a use of the relevant land or that part thereof falling within the planned range of uses (whether it is the use which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, is indicated in the plan as the proposed use of the relevant land or that part thereof, or is any other use falling within the planned range of uses) being development for which, in the circumstances specified in the next following subsection, planning permission might reasonably have been expected to be granted in respect of the relevant land or that part thereof, as the case may be.
- (5) The circumstances referred to in the last preceding subsection are those which would have existed if—
 - (a) the area in question had not been defined in the current development plan as an area of comprehensive development, and no particulars or proposals relating to any land in that area had been comprised in the plan, and
 - (b) in a case where, on the date of service of the notice to treat, land in that area has already been developed in the course of the development or redevelopment of the area in accordance with the plan, no land in that area had been so developed on or before that date;

and in that subsection " (the planned range of uses " means the range of uses which, in accordance with the particulars and proposals comprised in the current development plan in relation to the area in question, are indicated in the plan as proposed uses of land in that area.

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- (6) Where in accordance with any of the preceding subsections it is to be assumed that planning permission would be granted as therein mentioned—
- (a) the assumption shall be that planning permission would be so granted subject to such conditions (if any) as, in the circumstances mentioned in the subsection in question, might reasonably be expected to be imposed by the authority granting the permission, and
 - (b) if, in accordance with any map or statement comprised in the current development plan, it is indicated that any such planning permission would be granted only at a future time, then (without prejudice to the preceding paragraph) the assumption shall be that the planning permission in question would be granted at the time when, in accordance with the indications in the plan, that permission might reasonably be expected to be granted.
- (7) Any reference in this section to development for which planning permission might reasonably have been expected to be granted is a reference to development for which planning permission might reasonably have been expected to be granted if no part of the relevant land were proposed to be acquired by any authority to whom the Act of 1919 applies.
- (8) In this section "the current development plan", in relation to any land, means a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan is in force on the date of service of the notice to treat, and "land subject to comprehensive development" means land which, on the date of service of the notice to treat, consists or forms part of an area defined in the current development plan as an area of comprehensive development.

5 Certification of appropriate alternative development

- (1) Where an interest in land is proposed to be acquired by a public authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—
- (a) an area defined in the current development plan as an area of comprehensive development, or
 - (b) an area shown in the current development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,
- then, subject to the next following subsection, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.
- (2) If, in the case of an interest in land falling within the preceding subsection, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by one of the parties directly concerned after the date of that reference except either—
- (a) with the consent in writing of the other of those parties, or
 - (b) with the leave of the Lands Tribunal.
- (3) An application for a certificate under this section made by one of the parties directly concerned—

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- (a) shall specify one or more classes of development appearing to the applicant to be classes of development which would in the relevant circumstances be appropriate for the land in question, and
 - (b) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served upon the other of those parties.
- (4) Where an application is made to a local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement accompanying the application in accordance with paragraph (b) of the last preceding subsection, issue to the applicant a certificate stating either—
 - (a) that, in the opinion of the local planning authority, planning permission for development of one or more classes specified in the certificate (whether being classes of development specified in the application or not) might, in the relevant circumstances, reasonably have been expected to be granted in respect of the land in question, or
 - (b) that, in the opinion of the local planning authority, planning permission could not, in the relevant circumstances, reasonably have been expected to be granted for any development of the land in question, other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.
- (5) Where, in the opinion of the local planning authority, planning permission might reasonably have been expected to be granted as mentioned in paragraph (a) of the last preceding subsection, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both of them, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of the last preceding subsection, a local planning authority may formulate general requirements applicable to such classes of cases as may be described therein ; and any conditions required to be specified in a certificate in accordance with that subsection may, if it appears to the local planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.
- (7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development might, in the relevant circumstances, reasonably have been expected to be granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.
- (8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.
- (9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

- (10) In this section " in the relevant circumstances ", in relation to an application for a certificate, means if the land to which the application relates were not proposed to be acquired by any authority to whom the Act of 1919 applies; and in this and the three next following sections "the parties directly concerned ", in relation to an interest in land, means the person entitled to the interest and the authority by whom it is proposed to be acquired.

6 Appeals against certificates under s. 5

- (1) Where the local planning authority have issued a certificate under the last preceding section in respect of an interest in land,—
- (a) the person for the time being entitled to that interest, or
 - (b) any public authority possessing compulsory purchase powers by whom that interest is proposed to be acquired,
- may appeal to the Minister against that certificate.

- (2) On any appeal under this section against a certificate the Minister shall consider the matters to which the certificate relates, as if the application for a certificate under the last preceding section had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate:

Provided that before determining any such appeal the Minister shall, if any such person or authority as is mentioned in paragraph (a) or paragraph (b) of the preceding subsection so desires, afford to each such person or authority and to the local planning authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) Where an application is made for a certificate under the last preceding section, and at the expiry of the time prescribed for the issue thereof (or, if an extended period is at any time agreed upon in writing by the parties directly concerned and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with that section, the preceding provisions of this section shall apply as if the local planning authority had issued such a certificate containing such a statement as is mentioned in paragraph (b) of subsection (4) of the last preceding section.

7 Extension of ss. 5 and 6 to special cases

- (1) Where an interest in land is proposed to be acquired in the circumstances mentioned in subsection (1) of section five of this Act, and, by reason that the person entitled to the interest is absent from the United Kingdom or cannot be found, the compensation payable in respect of the interest falls to be determined by the valuation of a surveyor under section fifty-eight of the Lands Clauses Consolidation Act, 1845, or, in Scotland, of a valuator under section fifty-six of the Lands Clauses Consolidation (Scotland) Act, 1845, the surveyor or valuator, before carrying out his valuation, may apply to the local planning authority for a certificate under the said section five; and the provisions of sections five and six of this Act shall apply in relation to an application made by virtue of this subsection as they apply in relation to an application made by virtue of subsection (1) of the said section five.

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- (2) Where, in pursuance of an application made by virtue of the preceding subsection, the local planning authority issue a certificate to the surveyor or valuator, the authority shall serve copies of the certificate on both the parties directly concerned.
- (3) Where an interest in land in Scotland is proposed to be acquired in the circumstances mentioned in subsection (1) of section five of this Act, and that interest is the dominium utile of the land, an application to the local planning authority for a certificate under that section may be made by any person entitled to any feu duty or ground annual or other annual or recurring payment or incumbrance out of the land (not being stipend or standard charge in lieu of stipend) in the like circumstances and in the like manner as such an application may be made by the person entitled to the interest.
- (4) Where, in pursuance of an application made by virtue of the last preceding subsection, the local planning authority issue a certificate to the applicant, the authority shall serve copies of the certificate on both the parties directly concerned.
- (5) An application for a certificate made by virtue of subsection (1) or subsection (3) of this section shall specify the matters referred to in paragraph (a) of subsection (3) of the said section five, and shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on each of the parties directly concerned; and, in relation to such an application, subsection (4) of the said section five shall have effect with the substitution, for the reference to the date specified in the statement accompanying the application in accordance with paragraph (b) of the said subsection (3), of a reference to the date specified in the statement accompanying the application in accordance with this subsection, or, where more than one date is so specified, the later of those dates.
- (6) Where a certificate has been issued in pursuance of an application made by virtue of subsection (3) of this section, or in a case where an application for a certificate could have been made thereunder, the provisions of section six of this Act shall apply as if any reference to the person entitled to the interest in question, or to the parties directly concerned, included a reference to the person who made or could have made that application, as the case may be.

8 Supplementary provisions as to certification of appropriate alternative development

- (1) Without prejudice to any other matters for which provision may be made by development orders, provision may be made by a development order for regulating the manner in which applications under section five or section seven of this Act, and appeals under section six of this Act, are to be made and dealt with respectively, and in particular—
 - (a) for prescribing (subject to the provisions of subsection (4) of section five of this Act) the time within which a certificate is required to be issued under the said section five;
 - (b) for prescribing the manner in which notices of appeals under section six of this Act are to be given, and the time for giving any such notice ;
 - (c) for requiring local planning authorities to furnish the Minister, and such other persons (if any) as may be prescribed by or under the order, with such information as may be so prescribed with respect to applications under section five or section seven of this Act, including information whether any such application has been made in respect of any particular land and information

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as to the manner in which any such application has been dealt with, together, in such cases as may be so prescribed, with copies of certificates issued under the said section five ;

- (d) for requiring a local planning authority, on issuing a certificate specifying conditions by reference to general requirements in accordance with subsection (6) of the said section five, to supply a copy of those requirements (or of so much thereof as is relevant to the certificate) with each copy of the certificate, unless, before the certificate is issued, the requirements in question have been made available to the public in such manner as may be specified in the development order.
- (2) For the purposes of sections five and six of this Act, an interest in land shall be taken to be an interest proposed to be acquired by a public authority possessing compulsory purchase powers in the following (but no other) circumstances, that is to say,—
- (a) where, for the purposes of a compulsory acquisition by that authority of land consisting of or including the land in which that interest subsists, a notice required to be published or served in connection with that acquisition, either by an Act or by any Standing Order of either House of Parliament relating to petitions for private bills, has been published or served in accordance with that Act or Order; or
 - (b) where a notice requiring the purchase of that interest has been served under any enactment (including any enactment contained in this Act) and in accordance with that enactment that authority are to be deemed to have served a notice to treat in respect of that interest; or
 - (c) where an offer in writing has been made by or on behalf of that authority to negotiate for the purchase of that interest.
- (3) For the purpose of determining whether an application can be made at any time in relation to any land under subsection (1) of section five or under section seven of this Act, any reference in the said subsection (1) to the current development plan shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan is in force at that time:

Provided that in any case where—

- (a) the interest in land in question is to be acquired in the circumstances mentioned in paragraph (b) of the last preceding subsection, or
- (b) the acquiring authority (otherwise than in those circumstances) have served a notice to treat in respect of that interest, or
- (c) the acquiring authority have entered into a contract for the purchase of that interest,

any such reference shall be construed as a reference to a development plan comprising that land, in the form in which (whether as originally approved or made by the Minister or as for the time being amended) that plan was in force on the date of service of the notice to treat, or on the date of the contract, as the case may be, or, in a case where both dates are applicable, on the later of those dates.

- (4) In the application of this section to Scotland, subsection (1) shall have effect as if after the words " to be made and dealt with respectively " there were inserted the words " and other procedural matters ancillary to such applications and appeals " , and as if there were added at the end thereof the following paragraphs, that is to say—
- “(e) for requiring a public authority possessing compulsory purchase powers who—

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- (i) propose to acquire the dominium utile of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of section five of this Act), and
- (ii) also propose to require the discharge of the land from any feu-duty or other incumbrance such as is mentioned in subsection (3) of section seven of this Act,

to serve, at such time as may be specified in the order, notice of the proposals on the person entitled to the feu-duty or other incumbrance;

- (f) for requiring a public authority possessing compulsory purchase powers, when serving a notice to treat in relation to, or purchasing, the dominium utile of any land (where the land or part thereof does not consist or form part of any such area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of section five of this Act) to give notice of the fact that they have done so to such persons as may be prescribed in the order, being persons who might be entitled to apply under subsection (3) of section seven of this Act for a certificate relating to the land.”

9 Modification of rules for assessment of compensation

- (1) In addition to the rules applicable in accordance with section two of the Act of 1919 (which prescribes rules for the assessment of compensation), the following provisions of this section shall have effect for the purpose of assessing the compensation payable in respect of compulsory acquisitions to which section one of this Act applies:

Provided that, in cases falling within Part I of the First Schedule to this Act, those provisions shall have effect subject to the provisions of that Part of that Schedule.

- (2) In each of the cases mentioned in the first column of the following table, no account shall be taken of any increase or diminution of the value of the relevant interest which is attributable—
- (a) to the carrying out of any such development as is mentioned in relation thereto in the second column of that table, or
 - (b) to the prospect that any such development will or may be carried out,
- in so far as any such development (whether actual or prospective) is or would be development arising from the circumstances of that case.

TABLE

Case	Development
1. In the case of every acquisition for purposes involving development of any of the land authorised to be acquired.	Development of any of the land authorised to be acquired, other than the relevant land, being development for any of the purposes for which any part of the first-mentioned land (including any part of the relevant land) is to be acquired.
2. Where any of the relevant land forms part of an area defined in the	Development of any land in that area, other than the relevant land, in the course of the development or

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Case	Development
current development plan as an area of comprehensive development.	redevelopment of the area in accordance with the plan.
3. Where on the date of service of the notice to treat any of the relevant land forms part of an area designated as the site of a new town by an order under the New Towns Act, 1946.	Development of any land in that area, other than the relevant land, in the course of the development of that area as a new town.
4. Where any of the relevant land forms part of an area defined in the current development plan as an area of town development.	Development of any land in that area, other than the relevant land, in the course of town development within the meaning of the Town Development Act, 1952.
5. Where any of the relevant land forms part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act, 1957, relates, being a scheme which is in operation on the date of service of the notice to treat.	Development of any land in that area, other than the relevant land, in the course of the execution of the scheme.

- (3) The provisions of the next following subsection shall have effect where, on the date of service of the notice to treat, the person entitled to the relevant interest is also entitled in the same capacity to an interest in other land contiguous or adjacent to the relevant land (in this and the next following subsection referred to as "the interest in adjacent land"), and in any of the cases mentioned in the first column of the table set out in the last preceding subsection there is an increase in the value of the interest in adjacent land which is attributable—
- (a) to the carrying out of any such development as is mentioned in relation to that case in the second column of that table, or
 - (b) to the prospect that there will or may be carried out any such development as is mentioned in relation to that case in the second column of that table (modified, for the purposes of this paragraph, by the omission of the words "other than the relevant land" wherever those words occur),
- in so far as any such development (whether actual or prospective) is or would be development arising from the circumstances of that case.
- (4) Where the last preceding subsection applies, the increase in the value of the interest in adjacent land shall be taken into account, and the amount thereof shall be deducted from the amount of the compensation which apart from this subsection would be payable in respect of the compulsory acquisition.
- (5) The provisions of Part II of the First Schedule to this Act shall have effect with respect to paragraph 3 of the said table.
- (6) No account shall be taken of any depreciation of the value of the relevant interest which is attributable to the fact that (whether by way of designation, allocation or other particulars contained in the current development plan, or by any other means) an indication has been given that the relevant land is, or is likely, to be acquired by an authority to whom the Act of 1919 applies.

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- (7) Any reference in this section to development (whether actual or prospective) which is or would be development arising from the circumstances of a case mentioned in the first column of the table set out in subsection (2) of this section—
- (a) in relation to any acquisition for purposes involving development of any of the land authorised to be acquired, shall (subject to the next following paragraph) be construed as a reference to development (whether actual or prospective) which would not have been likely to be carried out if the acquiring authority had not acquired, and did not propose to acquire, any of that land, and
 - (b) in relation to any acquisition falling within one or more of paragraphs 2 to 5 in the said first column, shall be construed as including (or, if the acquisition is not for purposes involving development of any of the land authorised to be acquired, shall be construed as) a reference to any development (whether actual or prospective) which would not have been likely to be carried out if the area or areas referred to in that paragraph or those paragraphs had not been defined or designated as therein mentioned or (in a case falling within paragraph 5) if the scheme therein mentioned had not come into operation.
- (8) In this section " the current development plan " has the same meaning as in section four of this Act, and " the land authorised to be acquired", in relation to the compulsory acquisition of an interest in land in pursuance of a notice to treat,—
- (a) where the compulsory acquisition was authorised by a compulsory purchase order or a special enactment, means the aggregate of the land comprised in that authorisation, and
 - (b) where the compulsory acquisition does not fall within the preceding paragraph, but is effected under powers exercisable by virtue of any enactment for defence purposes (within the meaning of the Land Powers (Defence) Act, 1958), means the aggregate of the land comprised in the notice to treat and of any land contiguous or adjacent thereto which is comprised in any other notice to treat served under the like powers not more than one month before and not more than one month after the date of service of that notice,
- and any reference to development of any land shall be construed as including a reference to the clearing of that land.
- (9) In the application of this section to Scotland, subsection (4) shall have effect as if there were inserted at the end thereof the following proviso, that is to say,—
- “Provided that nothing in this subsection shall affect the amount which is to be taken as the amount of the compensation for the purposes of section sixty-two of the Scottish Act of 1954 (which relates to the consideration payable for the discharge of land from feu-duty and other incumbrances)”.

10 Acquisition of houses unfit for human habitation

The provisions of the Second Schedule to this Act shall have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that Schedule.

11 War-damaged land

- (1) Section fourteen of the War Damage Act, 1943 (which relates to war damage payments where partially damaged land is acquired by a public authority possessing compulsory purchase powers), section fifty-three of the Act of 1947 (which relates to acquisitions attracting converted value payments under the War Damage Act, 1943), and the

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following provisions of section fifty-six of the Act of 1947 (which relates to war-damaged land in respect of which compensation is assessable on the basis of equivalent reinstatement) that is to say—

- (a) in subsection (2) of that section, the words from " and the right to receive any value payment" to the end of the subsection, and
- (b) subsection (3) of that section,

shall not have effect (in so far as they would be applicable respectively apart from this section) in relation to a compulsory acquisition to which section one of this Act applies, or to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition.

- (2) In the application of this section to Scotland, for references to sections fifty-three and fifty-six of the Act of 1947 there shall be substituted references respectively to sections fifty and fifty-three of the Scottish Act of 1947.

12 Other special cases

- (1) The provisions specified in the next following subsection shall cease to have effect, except (where applicable) for the purpose of assessing compensation in respect of compulsory acquisitions to which section one of this Act does not apply.
- (2) The said provisions are—
 - (a) subsection (5) of section eighty-two of the Act of 1947 (which relates to certain acquisitions of land held by local authorities for statutory purposes);
 - (b) subsection (4) of section eighty-four of that Act (which relates to certain acquisitions of operational land of statutory undertakers);
 - (c) subsection (4) of section eighty-five of that Act (which relates to certain acquisitions of land held on charitable trusts); and
 - (d) the provisions of subsection (4) of section eighty-four of that Act as applied by regulations under section ninety of that Act (which relates to the National Coal Board).
- (3) In relation to compulsory acquisitions of interests in land which has been acquired by statutory undertakers for the purposes of their undertaking, the provisions of this Part of this Act shall have effect subject to the provisions of subsection (5) of section forty-five of the Act of 1947 (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).
- (4) In the application of this section to Scotland, for references to sections forty-five, eighty-two, eighty-four, eighty-five and ninety of the Act of 1947, there shall be substituted references respectively to sections forty-two, seventy-nine, eighty-one, eighty-two and eighty-six of the Scottish Act of 1947.

13 Power to pay allowances to persons displaced

- (1) In connection with any compulsory acquisition to which section one of this Act applies, and in connection with any sale of an interest in land by agreement in circumstances corresponding to such an acquisition, the acquiring authority—
 - (a) may pay to any person displaced from a house or other building on that land such reasonable allowance as they think fit towards his expenses in removing therefrom; and

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- (b) may pay to any person carrying on any trade or business in any such house or other building such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent upon his having to quit the house or building.
- (2) In estimating loss, for the purposes of paragraph (b) of the preceding subsection, the authority shall have regard to the period for which the premises occupied by the person in question might reasonably have been expected to be available for the purpose of his trade or business, and to the availability of other premises suitable for that purpose.
- (3) The preceding provisions of this section shall have effect without prejudice to the operation of any other enactments authorising the making of payments to or in respect of persons displaced or otherwise affected by acquisitions by public authorities possessing compulsory purchase powers.

14 Long-standing notices to treat

- (1) This section applies to every notice to treat served before the sixth day of August, nineteen hundred and forty-seven, by a public authority possessing compulsory purchase powers, being a notice in respect of which the following conditions are fulfilled, that is to say,—
 - (a) that the acquisition of the interest in land to which the notice relates has not before the commencement of this Act been completed by the vesting of that interest in the acquiring authority;
 - (b) that the acquiring authority have not before the commencement of this Act exercised any right of entering upon and taking possession of land in pursuance of that notice;
 - (c) that compensation in respect of the acquisition of that interest has not before the commencement of this Act been paid to and accepted by the person entitled to the interest, or any other person competent to give an effective discharge for such compensation;
 - (d) that the amount of the compensation payable in respect of the acquisition of that interest has not before the commencement of this Act been determined by the Lands Tribunal or by an official arbitrator appointed under the Act of 1919, or determined under section fifty-eight of the Lands Clauses Consolidation Act, 1845 ; and
 - (e) that the notice has not been withdrawn before the commencement of this Act.
- (2) If a public authority possessing compulsory purchase powers intend to proceed with the compulsory acquisition of an interest in land, in pursuance of a notice to treat to which this section applies, they shall, before the end of the period of six months beginning with the commencement of this Act, serve on the person for the time being entitled to that interest a notice in the prescribed form (in this Act referred to as a "notice of intention to proceed ") stating that fact; and if, at the end of that period, no notice of intention to proceed has been served in accordance with this subsection in respect of an interest to which such a notice to treat relates, the notice to treat shall thereupon cease to have effect in so far as it relates to that interest.
- (3) The form prescribed under the last preceding subsection shall include such explanation of the provisions of this and the next following section as appears to the Minister to be requisite for informing recipients of notices of intention to proceed of their rights and obligations under those provisions.

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- (4) Where a notice of intention to proceed has been served, in respect of the compulsory acquisition of an interest in land, and, at the end of the period of one year beginning with the date of service of that notice, the compensation payable in respect of the acquisition of that interest has not been agreed, and no proceedings have been begun for the determination of any question relating to that compensation, the notice to treat, with respect to which the notice of intention to proceed was served, shall cease to have effect in so far as it relates to that interest:

Provided that this subsection shall not apply if, before the end of the said period of one year, the acquiring authority have exercised a right of entering upon and taking possession of land in pursuance of the notice to treat.

- (5) The authority by whom a notice to treat to which this section applies has been served shall not be entitled after the commencement of this Act to exercise any rights or powers in pursuance of that notice, unless they have served a notice of intention to proceed in accordance with this section.
- (6) Nothing in this section shall affect any question as to the validity of a notice to treat apart from the provisions of this section.
- (7) In the application of this section to Scotland—
- (a) for any reference to the sixth day of August, nineteen hundred and forty-seven there shall be substituted a reference to the thirteenth day of August, nineteen hundred and forty-seven;
 - (b) for any reference to an official arbitrator there shall be substituted a reference to an official arbiter; and
 - (c) for any reference to section fifty-eight of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section fifty-six of the Lands Clauses Consolidation (Scotland) Act, 1845.

15 Rights of owner where notice given of intention to proceed

- (1) Where a notice of intention to proceed has been served under the last preceding section, in respect of the compulsory acquisition of an interest in land in pursuance of a notice to treat to which that section applies (in this section referred to as "the original notice to treat"), the person for the time being entitled to that interest may (subject to the following provisions of this section) elect that compensation in respect of the compulsory acquisition of that interest shall be assessed as if the original notice to treat had been served on the first day of January, nineteen hundred and fifty-eight.
- (2) Any such election shall be signified in a notice of claim given in accordance with the provisions of subsection (2) of section five of the Act of 1919, and shall not have effect if that notice is given after the end of the period of six months beginning with the date of service of the notice of intention to proceed.
- (3) A person who has become entitled to the interest in question in pursuance of a transaction effected for valuable consideration after the service of the original notice to treat, or who derives title to it from a person who so became entitled to it, shall not have any such right of election as is mentioned in subsection (1) of this section.
- (4) Where such an election is signified in accordance with the preceding provisions of this section, the provisions of any enactment relating to the compulsory acquisition of interests in land or to compensation in respect of such acquisitions shall apply (subject

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to the next following subsection) as if the original notice to treat had been served on the first day of January, nineteen hundred and fifty-eight.

- (5) If, after an election has been so signified by the person entitled to the relevant interest, the original notice to treat is withdrawn, the compensation payable to him under subsection (2) of section five of the Act of 1919, in respect of any loss or expenses occasioned by that notice having been given to him and withdrawn, shall be limited to the aggregate of—
- (a) any loss or expenses so occasioned after the service of the notice of intention to proceed, and
 - (b) any expenses reasonably incurred by him, before the service of the last-mentioned notice, in preparing and supporting a claim for compensation in respect of the acquisition.

16 Recent entry under long-standing notice to treat

- (1) Where a notice to treat was served before the sixth day of August, nineteen hundred and forty-seven, by a public authority possessing compulsory purchase powers, and—
- (a) the conditions specified in paragraphs (a), (c), (d) and (e) of subsection (1) of section fourteen of this Act are fulfilled in relation to that notice, but
 - (b) on a date after the twenty-ninth day of October, nineteen hundred and fifty-eight, and before the commencement of this Act, the acquiring authority exercised a right of entering upon and taking possession of land in pursuance of that notice,
- the following provisions of this section shall have effect.
- (2) It shall be the duty of the acquiring authority, before the end of the period of six months beginning with the commencement of this Act, to serve on the person for the time being entitled to the relevant interest a notice in the prescribed form.
- (3) The form prescribed under the last preceding subsection shall include such explanation of the provisions applicable by virtue of this section as appears to the Minister to be requisite for informing recipients of notices under that subsection of their rights and obligations under those provisions.
- (4) Where subsection (1) of this section applies, the provisions of section fifteen of this Act (except subsection (5) of that section) shall have effect as if the notice to treat had been a notice to which section fourteen of this Act applied, and the acquiring authority had served a notice of intention to proceed in respect of the compulsory acquisition of the relevant interest in pursuance of that notice to treat, and as if that notice of intention to proceed—
- (a) had been served on the date on which the acquiring authority served a notice under subsection (2) of this section in respect of the relevant interest, or
 - (b) in default of service of such a notice under subsection (2) of this section, had been served at the end of the period of six months beginning with the commencement of this Act.
- (5) In the application of this section to Scotland, for the reference to the sixth day of August, nineteen hundred and forty-seven, there shall be substituted a reference to the thirteenth day of August, nineteen hundred and forty-seven.

17 Outstanding right to compensation for refusal, conditional grant, revocation or modification of planning permission

- (1) The provisions of this section shall have effect in relation to a compulsory acquisition to which section one of this Act applies where—
 - (a) before the service of the notice to treat a planning decision or order has been made in such circumstances as to give rise to a claim for compensation for depreciation of the value of an interest in land, being land which consists of or includes the whole or part of the relevant land;
 - (b) whether such a claim has been made or not, no notice stating that compensation has become payable for depreciation of the value of that interest in consequence of that planning decision or order has been registered before the date of service of the notice to treat; but
 - (c) such a notice is registered on or after that date.
- (2) Where the preceding subsection applies, the compensation payable in respect of the compulsory acquisition shall be assessed as if the notice referred to in paragraph (c) of the preceding subsection had been registered before the date of service of the notice to treat and had remained on the register of local land charges on that date.
- (3) For the purposes of this section a planning decision or order shall be taken to give rise to a claim for compensation for depreciation of the value of an interest in land if (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction of the Minister under section twenty-three or section forty-five of the Act of 1954) a person is entitled to compensation for depreciation of the value of that interest in consequence of that decision or order.
- (4) In this section any reference to compensation for depreciation of the value of an interest in land is a reference to compensation payable either—
 - (a) under Part II or Part V of the Act of 1954 in respect of depreciation of the value of that interest, or
 - (b) under subsection (1) of section twenty-two of the Act of 1947 in respect of loss or damage consisting of depreciation of the value of that interest;any reference to registration is a reference to registration in the register of local land charges under subsection (5) of section twenty-eight of the Act of 1954, or under the provisions of that subsection as applied by section thirty-nine or section forty-six of that Act; and " the relevant provisions ", in relation to compensation under Part II or Part V of the Act of 1954, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under subsection (1) of section twenty-two of the Act of 1947, means the provisions of regulations made under the Act of 1947 with respect to claims for compensation under that subsection.
- (5) In the application of this section to Scotland—
 - (a) for references to the Act of 1947 and section twenty two of that Act there shall be substituted references respectively to the Scottish Act of 1947 and section twenty of that Act;
 - (b) for references to the Act of 1954 and to the following provisions of that Act, that is to say, subsection (5) of section twenty-eight, the provisions of that subsection as applied by section thirty-nine, section forty-five and the provisions of the said subsection (5) as applied by section forty-six, there shall be substituted respectively references to the Scottish Act of 1954 and the following provisions of that Act, that is to say, subsection (1) of section

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twenty-nine, section forty-one, section forty-seven and the provisions of the said subsection (1) as applied by section forty-eight;

- (c) for any reference to the registration of a notice in the register of local land charges there shall be substituted a reference to the recording of a notice in the appropriate register of sasines ; and
- (d) in subsection (2), the words from ' and had remained' to the end of the subsection shall be omitted.

18 Additional compensation for new planning permission in respect of land acquired

- (1) The provisions of this section shall have effect where, by a planning decision made before the end of the period of five years beginning with the date of completion of—
- (a) a compulsory acquisition to which section one of this Act applies, or
 - (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

permission is granted for the carrying out of additional development of any of the land which was comprised in the acquisition or sale.

- (2) Subject to the following provisions of this section, if the principal amount of the compensation which was payable in respect of the compulsory acquisition, or, in the case of a sale by agreement, the amount of the purchase price, was less than the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the interest in question with the benefit of the planning decision referred to in the preceding subsection, the person to whom the compensation or purchase price was payable shall, on a claim duly made by him, be entitled to compensation from the acquiring authority of an amount equal to the difference.
- (3) In the last preceding subsection the reference to the compensation which would have been payable in respect of a compulsory acquisition of the interest in question with the benefit of the planning decision therein mentioned is a reference to the compensation which would have been payable in respect of a compulsory acquisition of that interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date, if that planning decision had been made before that date and the permission thereby granted had been in force on that date.
- (4) No compensation shall be payable by virtue of this section in respect of a planning decision in so far as it relates—
- (a) to land which on the relevant date consisted or formed part of an area defined in a development plan as an area of comprehensive development; or
 - (b) to land acquired by the acquiring authority, whether compulsorily or by agreement, under paragraph (a) of subsection (1) of section four of the New Towns Act, 1946 (which relates to the acquisition by development corporations of land within areas designated as the sites of new towns); or
 - (c) to land acquired by the acquiring authority in consequence of the service of a notice under subsection (4) of section six of the New Towns Act, 1946 (whereby a development corporation can be required to purchase an interest in land in a new town); or
 - (d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area defined in a development plan as an area of town development

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- (5) If in accordance with the preceding provisions of this section the person referred to in subsection (2) of this section would be entitled to compensation as therein mentioned, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to compensation under this section, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to compensation under this section shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the compensation shall be payable to the persons claiming under him accordingly.
- (6) The provisions of the Third Schedule to this Act shall have effect for the purposes of this section.
- (7) In this section any reference to the granting of permission for the carrying out of development of any land is a reference to the granting of permission for that development—
- (a) either unconditionally or subject to conditions, and
 - (b) either in respect of that land taken by itself or in respect of an area including that land, and
 - (c) either on an ordinary application or on an outline application,
- and any reference to an area defined in a development plan is a reference to an area defined in such a plan in the form in which (whether as originally approved or made by the Minister or as subsequently amended) that plan was in force on the relevant date.
- (8) In this section and in the following provisions of this Part of this Act " additional development", in relation to an acquisition or sale of an interest in land, means any development of the land in question other than the following, that is to say—
- (a) where the acquiring authority are a local authority, and acquired the interest for the purposes of any of their functions, development for the purposes of the functions for which they acquired it;
 - (b) where the acquiring authority are not a local authority, development for the purposes of the project in connection with which they acquired the interest;
 - (c) development for which planning permission was in force on the relevant date ; and
 - (d) development for which—
 - (i) in the case of a compulsory acquisition, it was, for the purpose of assessing compensation in respect thereof, assumed (in accordance with the provisions of section three or section four of this Act) that planning permission would be granted, or
 - (ii) in the case of a sale by agreement, it would have been so assumed that planning permission would be granted if the interest (instead of being sold by agreement) had been compulsorily acquired by the acquiring authority in pursuance of a notice to treat served on the relevant date;
- " date of completion ", in relation to an acquisition or sale of an interest in land, means the date on which the acquisition or sale is completed by the vesting of that interest in the acquiring authority; and " the relevant date ", in relation to a compulsory acquisition of an interest in land, means the date of service of the notice to treat, and, in relation to a sale of such an interest by agreement, means the date of the making of the contract in pursuance of which the sale was effected.

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- (9) In the application of this section to Scotland subsection (4) shall have effect as if for paragraph (d) thereof there were substituted the following paragraph, that is to say,—
- “(d) to land acquired by a local authority, whether compulsorily or by agreement, where on the relevant date the land consisted or formed part of an area to which a town development scheme under Part II of the Housing and Town Development (Scotland) Act, 1957, related,”
- and the following additional provisions shall have effect, that is to say—
- (a) in calculating for the purposes of paragraph (a) of subsection (2) of section sixty-two of the Scottish Act of 1954 (which relates to the consideration payable for the discharge of land from feu-duty and other incumbrances) the amount of the compensation payable in respect of the acquisition or sale of the dominium utile in any land, that amount shall be increased by an amount equal to the compensation, if any, which would be payable under this section in respect of that acquisition or sale if subsection (6) of this section were disregarded;
 - (b) in calculating for the purposes of paragraph (b) of the said subsection (2) the amount of the compensation which would have been so payable in the circumstances mentioned in that paragraph, that amount shall be increased by an amount equal to the compensation, if any, which would have been payable under this section in respect of that acquisition or sale if—
 - (i) those circumstances had existed, and
 - (ii) subsection (6) of this section were disregarded :
 - (c) where in respect of an acquisition or sale such as is mentioned in subsection (1) of this section any consideration has been paid under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Scottish Act of 1954), and a planning decision relating to the land in question is made thereafter in the circumstances mentioned in the said subsection (1), the person who has received the consideration shall, on a claim duly made by him, be entitled to receive from the acquiring authority an amount (in this and the next following paragraph referred to as " additional consideration ") equal to the difference between—
 - (i) the amount of the consideration he has received, and
 - (ii) the amount of the consideration he would have received if that planning decision had been made before the date when the consideration which he has received was determined and the permission thereby granted had been in force before that date,
 if the last mentioned amount is greater than the amount mentioned in subparagraph (i) of this paragraph; and
 - (d) if in accordance with the last preceding paragraph a person would be entitled to additional consideration in respect of an acquisition or sale, but before the planning decision in question that person has died, or any other act or event has occurred whereby the right to the additional consideration, if vested in him immediately before that act or event, would thereupon have vested in some other person, the right to the additional consideration shall be treated as having devolved as if that right had been vested in him immediately before his death or immediately before that act or event, as the case may be, and the additional consideration shall be payable to the persons claiming under him accordingly.

19 Supplementary provisions as to compensation under s. 18

(1) For the purpose of facilitating the making of claims for compensation under the last preceding section—

- (a) the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) of that section, or
- (b) any person claiming under him, as being a person who, if compensation under that section became payable, would be entitled thereto by virtue of subsection (5) of that section,

may give to the acquiring authority an address for service under this section.

(2) Where, at any time after a person has given to an acquiring authority an address for service under this section, a planning decision is made in the circumstances mentioned in subsection (1) of the last preceding section, whereby permission is granted for the carrying out of additional development as therein mentioned, it shall be the duty of the acquiring authority to give notice of the decision in the prescribed form to that person at that address:

Provided that an acquiring authority shall not be required by virtue of this subsection to give notice of a planning decision to the person mentioned in paragraph (a) of the preceding subsection at a time after an address for service has been given to them by such a person as is mentioned in paragraph (b) of that subsection, if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred such as is mentioned in subsection (5) of the last preceding section.

(3) A claim for compensation under the last preceding section in respect of a planning decision—

- (a) if made by a person who has not given the acquiring authority an address for service under this section, shall not have effect if made more than six months after the date of the decision ; and
- (b) if made by a person who has given the acquiring authority such an address, shall not have effect if made after the end of the period of six months beginning with the date on which notice of the decision is given to him in accordance with the last preceding subsection:

Provided that, in relation to a planning decision where there is an appeal (including any appeal made by virtue of subsection (3) of section sixteen of the Act of 1947), references in this subsection to the date of the decision shall be construed as references to the date of the decision on the appeal.

(4) Where a person has given to an acquiring authority an address for service under this section, and that authority, before the end of the period mentioned in subsection (1) of the last preceding section, cease to be entitled to an interest in the whole or part of the land comprised in the acquisition or sale, without remaining or becoming entitled to a freehold interest in, or tenancy of, that land or that part thereof, as the case may be, they shall notify the local planning authority; and thereafter it shall be the duty of the local planning authority to give notice to the acquiring authority of any planning decision made in the circumstances mentioned in subsection (1) of the last preceding section, whereby permission is granted for the carrying out of additional development as therein mentioned.

(5) Notice under the last preceding subsection of a planning decision—

- (a) in the case of a decision made by the local planning authority, shall be given within seven days after the making of the decision, and

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- (b) in any other case, shall be given within seven days after the making of the decision has been notified to the local planning authority.
- (6) Subject to the preceding provisions of this section, the provisions of the Act of 1919 (so far as applicable) shall apply in relation to the assessment of compensation under the last preceding section as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.
- (7) In the application of this section to Scotland, for any reference to section sixteen of the Act of 1947 there shall be substituted a reference to section fourteen of the Scottish Act of 1947 and for any reference to a freehold interest in any land there shall be substituted a reference to the dominium utile in that land; and the preceding provisions of this section, except subsection (6), shall apply to claims for additional consideration such as is mentioned in paragraph (c) of subsection (9) of the last preceding section as they apply to claims for compensation payable under that section, with the substitution—
 - (a) for any reference to the person entitled to receive the compensation or purchase price in respect of such an acquisition or sale as is mentioned in subsection (1) of that section, of a reference to any person who has received consideration under section one hundred and eight of the Lands Clauses Consolidation (Scotland) Act, 1845 (as read with section sixty-two of the Scottish Act of 1954) in respect of such an acquisition or sale,
 - (b) for any reference to compensation under the last preceding section, of a reference to additional consideration as aforesaid, and
 - (c) for any reference to subsection (5) of the last preceding section, of a reference to paragraph (d) of subsection (9) of that section.

20 Extension of ss. 18 and 19 to planning permission where no planning decision made

- (1) The provisions of sections eighteen and nineteen of this Act (except subsection (2) of the said section nineteen) shall have effect in relation to any planning permission which, in accordance with any direction or provision given or made by or under an enactment, is deemed to be granted for any development, as if a planning decision granting that permission had been made at the time when, in accordance with the enactment in question, the permission is deemed to be granted:

Provided that, in the case of a direction given under an enactment which contains no provision as to the time when the permission is deemed to be granted, those provisions shall have effect as if such a planning decision had been made at the time when the direction is given.
- (2) The provisions of sections eighteen and nineteen of this Act (except subsection (2) of the said section nineteen) shall have effect in relation to any planning permission which is granted for any development by virtue of a development order, as if—
 - (a) a planning decision granting that permission had been made at the time of the occurrence of the event in consequence of which (in accordance with the provisions of the order) the development is deemed to be sanctioned by a government department, or
 - (b) in a case not falling within the preceding paragraph, such a planning decision had been made at the time when the development is initiated.
- (3) Where the provisions of section eighteen of this Act have effect as applied by subsection (1) or subsection (2) of this section, then if—

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- (a) before the time of the planning decision which is to be assumed in accordance with those provisions as so applied, a person who (in accordance with the provisions of subsection (1) of section nineteen of this Act as so applied) is entitled to give an address for service under that section has given such an address to the acquiring authority, and
- (b) the development is proposed to be carried out by the acquiring authority, or, if it is proposed to be carried out by a person other than the acquiring authority, notice of that proposal is given to the acquiring authority by the person proposing to carry out the development,

it shall (subject to the next following subsection) be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the first-mentioned person at the address given by him to the authority.

- (4) An acquiring authority shall not be required by virtue of the last preceding subsection to give notice of proposed development to the person mentioned in paragraph (a) of subsection (1) of section nineteen of this Act at a time after an address for service has been given to them by such a person as is mentioned in paragraph (b) of the said subsection (1), if they have reasonable grounds for believing that the former person is dead or that any other act or event has occurred such as is mentioned in subsection (5) of section eighteen of this Act.
- (5) Any reference in this section to subsection (1) of section nineteen of this Act shall include a reference to that subsection as extended by subsection (7) of that section, and any reference in this section to subsection (5) of section eighteen of this Act shall accordingly include a reference to paragraph (d) of subsection (9) of the said section eighteen.

21 Extension of s. 18 to Crown development

- (1) Where, before the end of the period of five years beginning with the date of completion of—
 - (a) a compulsory acquisition to which section one of this Act applies, or
 - (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,there is initiated any additional development of any of the land which was comprised in the acquisition or sale, and by reason of any such circumstances as are mentioned in the next following subsection the development in question is development for which planning permission is not required, the provisions of sections eighteen and nineteen of this Act (except subsection (2) of the said section nineteen) shall apply as if a planning decision granting permission for that development had been made at the time when the additional development is so initiated.
- (2) The said circumstances are either or both of the following, that is to say,—
 - (a) that the development is initiated by or on behalf of the Crown;
 - (b) that there is a Crown or Duchy interest in the land and the development is initiated in right of that interest.
- (3) Subject to the next following subsection, subsections (3) and (4) of section twenty of this Act shall apply where the provisions of section eighteen of this Act have effect as applied by subsection (1) of this section as they apply where those provisions have effect as applied by subsection (1) or subsection (2) of the said section twenty.

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- (4) Where, by virtue of the last preceding subsection, it is the duty of a government department to give notice of development initiated by or on behalf of that department, and the Minister or Board in charge of the department certifies that for reasons of national security it is necessary that the nature of the development should not be disclosed, except to the extent specified in the certificate, the department shall give notice of the development, but shall not be required to give any particulars of the nature thereof except to the extent specified in the certificate.
- (5) In this section "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.