
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Special nature conservation orders

Compensation for effect of stop notice

28.—(1) Where the appropriate authority have served a stop notice on any person, the appropriate nature conservation body must pay compensation to any person who—

- (a) at the time at which the notice is served has an interest in affected relevant land; and
- (b) on a claim duly made to the appropriate nature conservation body, shows that the value of that interest is less than it would have been if the notice had not been served.

(2) No claim for compensation may be made in respect of an order unless the appropriate authority have given notice of the decision in respect of that order under paragraph 6(1) or (2) of Schedule 1 (special nature conservation orders: procedure).

(3) The amount of the compensation payable is the difference between the value of the interest and what that value would have been had a stop notice not been served.

(4) For this purpose—

- (a) an interest in land is to be valued at the time when the stop notice is served; and
- (b) where a person, by reason of having more than one interest in affected relevant land, makes more than one claim in respect of the same restriction having effect by virtue of a stop notice being served, the various interests in respect of which that person claims compensation are to be valued together.

(5) Section 10 of the Land Compensation Act 1973(1) (mortgages, trusts of land and settlements) applies in relation to compensation under this regulation as it applies in relation to compensation under Part 1 of that Act.

(6) For the purposes of assessing compensation under this regulation, the rules set out in section 5 of the Land Compensation Act 1961(2) (rules for assessing compensation on a compulsory acquisition) have effect, so far as applicable and subject to any necessary modifications, as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(7) Interest is payable in relation to compensation, at the rate for the time being prescribed under section 32 of the Land Compensation Act 1961 (rate of interest after entry on land), from the date of the claim until payment.

(1) 1973 c. 26; relevant amendments to section 10 were made by the Trusts of Land and Appointment of Trustees Act 1996 (c. 47), paragraph 13 of Schedule 3.

(2) 1961 c. 33; section 5 was amended by the Planning and Compensation Act 1991 (c. 34), paragraph 1 of Schedule 15 and Part 3 of Schedule 19, and by S.I. 2009/1307.

- (8) In the case of any dispute as to compensation—
 - (a) the Upper Tribunal has the function of determining the dispute; and
 - (b) section 4(3) of the Land Compensation Act 1961 (costs) applies in relation to the determination, subject to any necessary modifications.
- (9) In this regulation—
 - (a) “affected relevant land” means land which forms part of an agricultural unit which comprises land to which the stop notice relates; and
 - (b) “agricultural unit” means land which is occupied by a person as a unit for agricultural purposes, including any dwelling or other building occupied by that person for the purpose of farming the land.