



Land Compensation (Scotland) Act 1963

1963 CHAPTER 51

PART IV

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

[^{F1}25 Certification of appropriate alternative development.

[Where an interest in land is proposed to be acquired by an authority possessing
^{F2}(1) compulsory purchase powers, either of the parties directly concerned may, subject to subsection (2) of this section, apply to the planning authority for a certificate under this section]

(2) [^{F3}If the authority proposing to acquire the interest] 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 for Scotland 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 either 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 for Scotland.

(3) An application for a certificate under this section—

- (a) shall state whether or not there are, in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate;
- (b) shall state the applicant's grounds for holding that opinion; and
- (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.

(4) Where an application is made to the planning authority for a certificate under this section in respect of an interest in land, the planning authority shall, not earlier than

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twenty-one days after the date specified in the statement mentioned in subsection (3) (c) of this section, issue to the applicant a certificate stating that, in the opinion of the planning authority in respect of the land in question, either—

- [planning permission would have been granted for development of one or more
- ^{F4}(a) classes specified in the certificate (whether specified in the application or not) and for any development for which the land is to be acquired, but would not have been granted for any other development; or
- (b) planning permission would have been granted for any development for which the land is to be acquired, but would not have been granted for any other development,

and for the purposes of this subsection development is development for which the land is to be acquired if the land is to be acquired for purposes which involve the carrying out of proposals of the acquiring authority for that development.]

- (5) Where, in the opinion of the planning authority, planning permission would have been granted as mentioned in subsection (4) (a) of this section, 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, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of subsection (5) of this section, a planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the 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 would have been granted in respect of any land, the 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.

^{F5}(8)

- (9) On issuing to either of the parties directly concerned a certificate under this section in respect of an interest in land, the planning authority shall serve a copy of the certificate on the other of those parties.]

[^{F6}(9A) In assessing the compensation payable to any person in respect of any compulsory acquisition, there shall be taken into account any expenses reasonably incurred by him in connection with the issue of a certificate under this section (including expenses incurred in connection with an appeal under section 26 of this Act where any of the issues on the appeal are determined in his favour)]

Textual Amendments

F1 S. 25 substituted by virtue of [Community Land Act 1975 \(c. 77\)](#), s. 47(1), [Sch. 9 Pt. II](#); continued by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 121, [Sch. 24 Pt. II](#) in relation to applications, and certificates issued in pursuance of applications, made after 12.12.1975

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- F2** S. 25(1) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), **s. 75(1)**, (with s. 84(5)); S.I. 1991/2092, **art.3** (with art. 4, Sch. 2 Pt. II)
- F3** Words in s. 25(2) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), s. 79, **Sch. 17, Pt. I, para. 8(a)**, (with s. 84(5)); S.I. 1991/2092, **art. 3** (with art. 4, Sch. 2 Pt. II)
- F4** S. 25(4)(a)(b) and words following substituted (25.9.1991) for paras. (a)(b) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), **s. 75(2)**, (with s. 84(5)); S.I. 1991/2092, **art. 3** (with art. 4, Sch. 2 Pt. II)
- F5** S. 25(8) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), ss. 79, 84(6), Sch. 17 Pt. I, para. 8(b), **Sch. 19 Pt.IV**. (with s. 84(5)); S.I. 1991/2092, art.3, **Sch. 1** (with art. 4, Sch. 2 Pt. II)
- F6** S. 25(9A) inserted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:2), **s. 75(3)**, (with s. 84(5)); S.I. 1991/2092, **art. 3** (with art. 4, Sch. 2 Pt. II)

Modifications etc. (not altering text)

- C1** S. 25(2) modified by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 77(3)(4), 335, **Sch. 6 para. 7**
- C2** S. 25(2) modified by Local Government, Planning and Land Act 1980 (c. 65), s. 141(5), **Sch. 27 para. 23**

Changes to legislation:

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