

**Changes to legislation:** *Planning and Compensation Act 1991, Part I is up to date with all changes known to be in force on or before 28 February 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*

## SCHEDULES

### SCHEDULE 18

#### COMPENSATION PROVISIONS REFERRED TO IN SECTION 80

##### Modifications etc. (not altering text)

- C1** Sch. 18 restricted (9.9.1991) by [S.I. 1991/2067, art. 4, Sch. 2 Pt. I para. 5](#), Pt. II para. 6  
Sch. 18 restricted (18.9.1991) by [S.I. 1991/2092, art. 4, Sch. 2 Pt. II para. 7](#)

##### Commencement Information

- II** Sch. 18 partly in force: Sch. 18 partly in force (E.W.) for certain purposes at 25.9.1991, see [s. 84\(2\)\(3\)](#) and [S.I. 1991/2067, art. 3](#) and wholly in force (E.W.) so far as not already in force, at 2.1.1992 by [S.I. 1991/2728, art. 3](#); Sch. 18 partly in force (S.) at 25.9.1991 by [S.I. 1991/2092, art. 3](#); Sch. 18 Pt. I in force for certain purposes (S.) at 30.8.1995 by [S.I. 1995/2045, art. 3](#)

### PART I

#### PROVISIONS THAT DO NOT PROVIDE FOR INTEREST

##### Modifications etc. (not altering text)

- C1** Sch. 18 Pt. I restricted (18.9.1991) by [S.I. 1991/2092, art. 4, Sch. 2 Pt. I para. 5](#)

##### Commencement Information

- II** Sch. 18 Pt. I partly in force: Sch. 18 Pt. I partly in force (E.W.) for certain purposes at 25.9.1991, see [s. 84\(2\)\(3\)](#) and [S.I. 1991/2067, art. 3](#) and wholly in force (E.W.) so far as not already in force, at 2.1.1992 by [S.I. 1991/2728, art. 3](#); Sch. 18 Pt. I partly in force (S.) at 25.9.1991 by [S.I. 1991/2092, art. 3](#); Sch. 18 Pt. I in force (S.)(30.8.1995) for certain purposes by [S.I. 1995/2045, art. 3](#)

(1)

##### Enactment

*Enactments extending to Great Britain*

Section 10(4)(a) of the  
M1

Forestry Act 1967

Section 18(1)(a) of the  
M2

Reservoirs Act 1975

Section 18(1)(b) of that Act

(2)

##### Date from which interest payable

Date of claim for compensation

Date of entry on the land

Date of claim for disturbance

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| <p>Section 7 of the<br/>M3<br/>Ancient Monuments and Archaeological<br/>Areas Act 1979</p> | <p>Date of the refusal, or grant subject to<br/>conditions, of scheduled monument consent</p>   |
| <p>Section 9 of that Act</p>   | <p>Date works ceased to be authorised</p>   |
| <p>Section 46 of that Act</p>  | <p>Date of entry on the land</p>  |
| <p>[<sup>F1</sup>Section 35A(4) of the Environmental<br/>Protection Act 1990</p>           | <p>In the case of so much of the compensation<br/>as is payable under section 35A–<br/>(a)by virtue of paragraph (a) or (b) of<br/>regulation 4 (compensation following<br/>grant of rights) of the Waste Management<br/>Licences (Consultation and Compensation)<br/>Regulations 1999: the date of the<br/>depreciation;<br/>(b)by virtue of paragraph (c), (d) or (e) of<br/>that regulation: the date on which the loss is<br/>sustained or the damage is done; or where<br/>injurious affection is sustained: the date of<br/>the injurious affection;<br/>(c)by virtue of paragraph (6) of regulation 7<br/>(basis on which compensation assessed) of<br/>those Regulations: the date on which the<br/>expenses become payable.]</p> |
| <p>[<sup>F2</sup>Section 78G(5) of that Act</p>  | <p>In the case of so much of the compensation<br/>as is payable under section 78G–<br/>(a)by virtue of paragraph 4(a) or (b) of<br/>Schedule 2 (compensation for rights of<br/>entry etc.) to the Contaminated Land<br/>(England) Regulations 2000, the date of the<br/>depreciation;<br/>(b)by virtue of paragraph 4(c), (d) or (e) of<br/>that Schedule, the date on which the loss is<br/>sustained or the damage is done; or where inj<br/>urious affection is sustained, the date of the<br/>injurious affection;<br/>(c) by virtue of paragraph 5(6) of that<br/>Schedule, the date on which the expenses<br/>become payable. ]<sup>F3</sup></p>  |
| <i>Enactments extending to England and Wales</i>   |   |
| <p>Section 31(3) [<sup>F4</sup>or (3A)] of the<br/>M4<br/>Land Compensation Act 1961</p>   | <p>Date of withdrawal of notice to treat</p>  |
| <p>Section 11(3) of the<br/>M5<br/>Compulsory Purchase Act 1965</p>                        | <p>Date of entry on the land</p>  |
| <p>F5<br/>...</p>  | <p>...</p>  |



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| F6  | ...   |
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| ...   |   |
| Section 107(1) of the principal Act                         | Date of order under section 97  |
| Section 107(1) of that Act as applied by section 108(1)     | Date planning permission is refused or granted subject to conditions              |
| Section 115 of that Act                                     | Date damage suffered or expenses incurred   |
| Section 144(2) of that Act                                  | Date of direction under section 141(3)  |
| Section 186 of that Act                                     | Date of service of stop notice  |
| [ <sup>F7</sup> Section 202E of that Act                    | Date—   |
|   | (a) any consent required by tree preservation regulations is refused,             |
|   | (b) any such consent is granted subject to conditions, or                         |
|   | (c) any approval required under such a condition is refused.]                     |
| F8  | F8  |
| ...   | ...   |
| F8  | F8  |
| ...   | ...   |
| Section 223 of that Act                                     | Date expenses incurred  |
| Section 250 of that Act                                     | Date of order under section 249(2)  |
| Section 279(1) of that Act                                  | Date of decision made in accordance with section 266 or of order under section 97 |
| Section 279(2) of that Act                                  | Date right extinguished or requirement imposed                                    |
| Section 28 of<br>M9   | Date of order under section 23  |
| Planning (Listed Buildings and Conservation Areas) Act 1990 |   |
| Section 29 of that Act                                      | Date building preservation notice served  |
| Section 16 of the<br>M10                                    | Date of order under section 14(1)   |
| Planning (Hazardous Substances) Act 1990                    |   |
| Section 19 of that Act                                      | Date of modification or revocation of hazardous substances consent                |

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| [ <sup>F9</sup> Section 161B of the Water Resources Act 1991   | In the case of so much of the compensation as is payable under section 161B—<br>(a)by virtue of paragraph 4(a) of the Schedule to the Anti-Pollution Works Regulations 1999 (compensation following grant of rights), the date of the depreciation;<br>(b)by virtue of paragraph 4(b), (c), or (d) of that Schedule, the date on which the loss is sustained or the damage done; or where injurious affection is sustained, the date of the injurious affection;<br>(c)by virtue of paragraph 4(e) of that Schedule, the date on which the expenses become payable.] |
| [ <sup>F10</sup> Paragraph 1 of Schedule 9 to the Water Resources Act 1991                                   | Date of entry upon or occupation or use of land  |
| Paragraph 2(2) or (3) of that Schedule   | Date of the ordinary drought order [ <sup>F11</sup> or the drought permit]   |
| Paragraph 2(4) of that Schedule  | Date of decision to prohibit or limit the taking of water  |
| Paragraph 2(5) of that Schedule  | Date of suspension or variation of consent to make discharges or of the attachment of conditions to such consent   |
| Paragraph 2(1) of Schedule 21 to that Act  | Date of claim  |
| Paragraph 2(2) or (3) of that Schedule   | In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim   |
| Paragraph 4(1)(b) of that Schedule   | Date loss is caused or damage done   |
| Paragraph 5(1) of that Schedule (including that provision as applied by paragraph 5(3) (b) of that Schedule) | Date of claim  |
| Paragraph 2(1) of Schedule 12 to the Water Industry Act 1991   | Date of claim  |
| Paragraph 2(2) or (3) of that Schedule   | In the case of damage sustained by reason of expenditure, the date on which the damage is sustained; otherwise the date of claim   |
| Paragraph 6(1)(b) of that Schedule   | Date loss is caused or damage done   |
| Section 14 of the Land Drainage Act 1991 (including that provision as applied by section 25(4)(b))           | Date of claim  |
| Section 22 of that Act   | Date of claim  |
| Section 29(5) of that Act (including that provision as applied by sections 30(3) and 31(5))                  | Date of claim]   |

*Enactments extending to Scotland*

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| Section 2 of the<br>M11<br>Land Drainage (Scotland) Act 1930                           | Date loss is caused or damage done   |
| Section 1 of the<br>M12<br>Land Drainage (Scotland) Act 1941                           | Date of injury or damage   |
| Section 4 of the<br>M13<br>Land Drainage (Scotland) Act 1958                           | Date damage is suffered  |
| Section 39(3) of the<br>M14<br>Land Compensation (Scotland) Act 1963                   | Date of withdrawal of notice to treat  |
| [ <sup>F12</sup> ][ <sup>F13</sup> Section 46B of the Control of<br>Pollution Act 1974 | In the case of so much of the compensation as is payable under section 46B–<br>(a) by virtue of paragraph 4(a) of the Schedule to the Anti-Pollution Works (Scotland) Regulations 2003 (loss and damage for which compensation payable), the date of the depreciation;<br>(b) by virtue of paragraph 4(b), (c), or (d) of that Schedule, the date on which the loss is sustained or the damage is done; or where injurious affection is sustained, the date of the injurious affection;<br>(c) by virtue of paragraph 4(e) of that Schedule, the date on which the expenses become payable]] |
| [ <sup>F14</sup> Section 76 of the Town and Country<br>Planning (Scotland) Act 1997    | Date of order under section 65   |
| Section 77 of that Act   | Date permission is refused or granted subject to conditions  |
| Section 83 of that Act   | Date damage suffered or expenses incurred  |
| Section 95 of that Act   | Date of direction under section 92(3)  |
| Section 143 of that Act  | Date of service of stop notice   |
| Section 165 of that Act  | Date consent required by tree preservation order is refused or granted subject to conditions   |
| Section 166 of that Act  | Date requirement is imposed by planning authority or Secretary of State  |
| Section 185 of that Act  | Date expenses incurred   |
| Section 204(1) of that Act   | Date on which order takes effect   |
| Section 232 of that Act  | Date planning permission refused or granted subject to conditions  |

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| Paragraph 1 of Schedule 13 to that Act   | Date order made  |
| Section 25 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 | Date of order under section 21   |
| Section 26 of that Act   | Date building preservation notice served   |
| Section 14 of the Planning (Hazardous Substances) (Scotland) Act 1997                    | Date of order revoking or modifying consent  |
| Section 17 of that Act   | Date of modification or revocation of consent]   |
| Section 10 of the<br>M15<br>Water (Scotland) Act 1980                                    | Date damage sustained  |
| Schedule 6 to that Act   | Date source or land is affected or injury is sustained   |
| Section 71 of the<br>M16<br>Roads (Scotland) Act 1984                                    | Date access stopped up or limited  |
| Section 72 of that Act   | Date access stopped up   |
| Section 83(8) of that Act  | As regards expenses, date expenses incurred; as regards injurious effect, date injury sustained  |
| Section 88(2) of that Act  | Date on which damage sustained   |
| Section 106 of that Act  | As regards compulsory acquisition, date on which compulsory purchase notice first published; as regards acquisition by agreement, date agreement made. |
| Section 116 of that Act  | Date on which damage sustained   |
| Section 121 of that Act  | Date on which damage done or materials removed   |
| Section 140 of that Act  | Date of damage or disturbance  |

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#### Textual Amendments

- F1** Entry in Sch. 18 Pt. I inserted (1.4.1999) by [S.I. 1999/648](#), **art. 2(2)(a)**
- F2** Sch. 18 Pt. I: Entry inserted (E.) (22.2.2002) by [S.I. 2002/116](#), **art. 2**
- F3** Section 78G of the Environmental Protection Act 1990 was inserted by section 57 of the Environment Act 1995. For the Contaminated Land (England) Regulations 2000 see S.I. 2000/227, to which there are amendments not relevant to this Order.
- F4** Words in [Sch. 18 Pt. I](#) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 193(4)**, 216(3); [S.I. 2018/251](#), **reg. 4(d)** (with **reg. 6**)
- F5** Sch. 18 Pt. I entry repealed (6.4.2010 for E., 26.7.2010 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), **s. 170(3)(4)**, [Sch. 11 para. 31](#), **Sch. 15 Pt. 3**; [S.I. 2010/708](#), **art. 6(e)(f)** (with [Sch. 2](#)); [S.I. 2010/1547](#), **art. 2(e)(f)** (with [Sch. 1](#))
- F6** Entries in Sch. 18 Pt. I repealed (E.W.)(01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), **ss. 2, 4(2)**, **Sch. 3, Pt. I** (with [Sch. 2 paras. 12, 14\(1\), 15](#)).

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- F7** Words in Sch. 18 Pt. I inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 20(2)** (with s. 226); S.I. 2012/601, art. 2(a)
- F8** Words in Sch. 18 Pt. I repealed (6.4.2009 for E.W. for specified purposes, 6.4.2012 for E. in so far as not already in force) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 20(3), **Sch. 13** (with s. 226); S.I. 2009/400, art. 3(o); S.I. 2012/601, art. 2(a)(c), Sch.
- F9** Entry in Sch. 18 Pt. I inserted (19.7.1999) by S.I. 1999/1765, **art. 2**
- F10** Entries in Sch. 18 Pt. I inserted (E.W.)(01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para. 58**.
- F11** Words in Sch. 18 Pt. I inserted (1.4.1996) by S.I. 1996/593, reg. 3, **Sch. 2 para. 7**
- F12** Words in Sch. 18 Pt. I inserted (S.) (1.4.2003) by The Planning and Compensation Act 1991 (Amendment of Schedule 18) (Scotland) Order 2003 (S.S.I. 2003/175), arts. 1(1), **2**
- F13** Sch. 18 Pt. I entry omitted (S.) (1.4.2006) by virtue of The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006 (S.S.I. 2006/181), **sch. Pt. 4 para. 6(2)**
- F14** Entries substituted (27.5.1997) for the entries relating to the 1972 Act by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 49(2)** (with s. 5, Sch. 3)

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#### **Marginal Citations**

- M1** 1967 c. 10
- M2** 1975 c. 23
- M3** 1979 c. 46
- M4** 1961 c. 33
- M5** 1965 c. 56
- M6** 1980 c. 66
- M7** 1984 c. 22
- M8** 1984 c. 55
- M9** 1990 c. 9
- M10** 1990 c. 10
- M11** 1930 c. 20
- M12** 1941 c. 13
- M13** 1958 c. 24
- M14** 1963 c. 51
- M15** 1980 c. 45
- M16** 1984 c. 54



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**Changes and effects yet to be applied to :**

- Sch. 18 Pt. 1 words inserted by [2023 asc 3 Sch. 13 para. 161](#)