



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART X

STATUTORY UNDERTAKERS

Compensation

170 Right to compensation in respect of certain decisions and orders

- (1) Statutory undertakers shall, subject to the following provisions of this Part of this Act, be entitled to compensation from the local planning authority—
 - (a) in respect of any decision made in accordance with section one hundred and fifty-nine of this Act whereby planning permission to develop operational land of those undertakers is refused or is granted subject to conditions;
 - (b) in respect of any decision made by a government department in respect of any such land, either refusing an authorisation as mentioned in paragraph (a) of subsection (1) of section one hundred and sixty of this Act, or directing that planning permission shall be deemed to be granted subject to conditions as mentioned in paragraph (b) of that subsection ;
 - (c) in respect of any order under section twenty-seven of this Act, as modified by section one hundred and sixty-one thereof, whereby planning permission, granted on the application of those undertakers for the development of any such land, is revoked or modified.
- (2) Where, by virtue of section one hundred and sixty-four of this Act, any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.
- (3) Notwithstanding anything in subsection (1) of this section, if the decision or order in question relates to land acquired by the statutory undertakers after the seventh day of January, nineteen hundred and forty-seven, and the Minister and the appropriate Minister are satisfied, having regard to the nature, situation and existing development

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of the land and of any neighbouring land, and to any other material considerations, that it is unreasonable that compensation should be recovered in respect of that decision or order, they may include therein a direction that subsection (1) of this section shall not apply to that decision or order:

Provided that the power conferred by this subsection shall not be exercisable in relation to a decision falling within paragraph (b) of subsection (1) of this section, if the land in question was acquired by the statutory undertakers (whether compulsorily or by agreement) for the purposes of the development to which the decision relates, and was so acquired with the consent or authority of a government department.