
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 6

Assessment of plans and projects

CHAPTER 2

Planning

Planning permission

Planning permission: compensation

74.—(1) Where the appropriate authority determines not to confirm an order under section 97 of the TCPA 1990 which has taken effect under regulation 73(1), any claim for compensation under section 107 of that Act (compensation where planning permission revoked or modified)^{MI} is limited to any loss or damage directly attributable to the permission being suspended or temporarily modified for the duration of the period between the order so taking effect and the appropriate authority's determination not to confirm the order.

(2) Where the appropriate authority determines not to confirm an order under section 102 of the TCPA 1990 (orders requiring discontinuance of use or alteration or removal of buildings or works) which has taken effect under regulation 73(3), any claim for compensation under section 115 of that Act (compensation in respect of orders under section 102) is limited to any loss or damage directly attributable to the effect of the order in suspending or imposing conditions on any right to continue a use of the land for the duration of the period between the order so taking effect and the appropriate authority's determination not to confirm the order.

(3) Paragraph (4) applies where—

(a) compensation is payable in respect of—

(i) an order under section 97 of the TCPA 1990; or

(ii) any order mentioned in section 115(1) of that Act or to which that section applies by virtue of section 115(5); and

(b) the order has been made pursuant to regulation 65 (review of existing decisions and consents).

(4) Where this paragraph applies, the authority liable to pay the compensation must refer the question as to the amount of the compensation to the Upper Tribunal for its determination, unless and to the extent that in any particular case the appropriate authority has indicated in writing that such a reference and determination may be dispensed with.

Changes to legislation: *The Conservation of Habitats and Species Regulations 2017, Section 74 is up to date with all changes known to be in force on or before 22 April 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](#)*

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Marginal Citations

M1 Section 107 was amended by the [Planning and Compensation Act 1991 \(c. 34\), Schedule 1](#), paragraph 8 and Schedule 6, paragraph 13; and by the [Housing and Planning Act 2016 \(c. 22\), Schedule 12](#), paragraphs 1 and 28.

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 41\(2\)\(aa\)](#) inserted by [2023 c. 55 Sch. 8 para. 38\(5\)](#)
- [reg. 108\(6\)](#) inserted by [2023 c. 55 Sch. 8 para. 39\(6\)](#)
- [reg. 111\(2\)\(aa\)\(ab\)](#) substituted for [reg. 111\(2\)\(a\)\(b\)](#) by [2023 c. 55 Sch. 8 para. 40\(3\)\(a\)](#)