



# Planning and Compensation Act 1991

## 1991 CHAPTER 34

### PART IV

#### LAND COMPENSATION - SCOTLAND

#### **75 Certification of appropriate alternative development.**

- (1) For section 25(1) of the <sup>M1</sup>Land Compensation (Scotland) Act 1963 (certificate of appropriate alternative development may be issued only if land is not in an area defined in development plan as an area of comprehensive development or shown in the plan as allocated for residential, commercial or industrial use) there is substituted—

“(1) Where an interest in land is proposed to be acquired by an authority possessing 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) In subsection (4) of that section (certificate stating that permission for development would or would not be granted) for paragraphs (a) and (b) there is substituted—

“(a) planning permission would have been granted for development of one or more 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. ”

- (3) After subsection (9) of that section there is inserted—

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*Changes to legislation: There are currently no known outstanding effects for the  
Planning and Compensation Act 1991, Section 75. (See end of Document for details)*

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“(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)”.

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

**C1** S. 75 restricted (18.9.1991) by S.I. 1991/2092, art. 4, **Sch. 2 Pt. II para. 5**

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**Commencement Information**

**II** S. 75 wholly in force at 25.09.1991 see s. 84(2)(3) and S.I. 1991/2092, **art. 3**.

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**Marginal Citations**

**M1** 1963 c. 51.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 75.