



Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

PART III

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

[^{F17} Certificates of appropriate alternative development

(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)) apply to the local planning authority for a certificate containing whichever of the following statements is the applicable statement—

- (a) that in the local planning authority's opinion there is development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition;
- (b) that in the local planning authority's opinion there is no development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition.

(2) If—

- (a) the acquiring authority have served a notice to treat in respect of the interest or an agreement has been made for the sale of the interest to that authority, and
- (b) a reference has been made to the Upper Tribunal to determine the amount of the compensation payable in respect of the interest,

no application for a certificate under this section may be made after the making of that reference by either of the parties directly concerned except with the consent in writing of the other party directly concerned or the permission of the Upper Tribunal.

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

- (a) must contain whichever of the following statements is the applicable statement—
 - (i) that in the applicant's opinion there is development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition concerned;

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- (ii) that in the applicant's opinion there is no development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition concerned;
 - (b) must, if it contains a statement under paragraph (a)(i), specify—
 - (i) each description of development that in the applicant's opinion is, for the purposes of section 14, appropriate alternative development in relation to the acquisition, and
 - (ii) the applicant's reasons for holding that opinion; and
 - (c) must 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 local planning authority for a certificate under this section in respect of an interest in land, the local planning authority must not, without the agreement of the other party directly concerned, issue a certificate to the applicant before the end of 22 days beginning with the date specified in the statement under subsection (3)(c).
- (5) If a certificate under this section contains a statement under subsection (1)(a) it must also—
- (a) identify every description of development (whether specified in the application or not) that in the local planning authority's opinion is, for the purposes of section 14, appropriate alternative development in relation to the acquisition concerned, and
 - (b) give a general indication—
 - (i) of any conditions to which planning permission for the development could reasonably have been expected to be subject,
 - (ii) of when the permission could reasonably have been expected to be granted if it is one that could reasonably have been expected to be granted only at a time after the relevant valuation date, and
 - (iii) of any pre-condition for granting the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.
- (6) If a certificate under this section contains a statement under subsection (1)(a)—
- (a) then, for the purposes of section 14, development is appropriate alternative development in relation to the acquisition concerned if, and only if, it is of a description identified in accordance with subsection (5)(a) in the certificate, and
 - (b) the matters indicated in accordance with subsection (5)(b) in the certificate are to be taken to apply in relation to the planning permission that under section 14(3) may be assumed to be in force for that development.
- (7) If a certificate under this section contains a statement under subsection (1)(b) then, for the purposes of section 14, there is no development that is appropriate alternative development in relation to the acquisition concerned.
- (8) References in subsections (5) to (7) to a certificate under this section include references to the certificate as varied and to any certificate issued in place of the certificate.
- (9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority must serve a copy of the certificate on the other of those parties.

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- (10) In assessing any compensation payable to any person in respect of any compulsory acquisition, there must be taken into account any expenses reasonably incurred by the person in connection with the issue of a certificate under this section (including expenses incurred in connection with an appeal under section 18 where any of the issues are determined in the person's favour).
- (11) For the purposes of this section and sections 18 to 20, the Broads Authority is the sole district planning authority for the Broads; and here “ the Broads ” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

Textual Amendments

- F1** S. 17 substituted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 232\(3\), 240\(2\)](#) (with [s. 232\(8\)](#)); [S.I. 2012/628](#), [art. 8\(d\)](#) (with [arts. 9,12,13,16, 18-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), [arts. 2, 4](#))

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Changes and effects yet to be applied to :

- s. 17(1) words substituted by [2023 c. 55 s. 189\(3\)\(a\)](#)
- s. 17(10) words omitted by [2023 c. 55 s. 189\(3\)\(e\)\(ii\)](#)
- s. 17(10) words substituted by [2023 c. 55 s. 189\(3\)\(e\)\(i\)](#)

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

- Act applied by [2023 asc 3 s. 142\(5\)](#)
- Act applied by [S.I. 2024/360 art. 38\(3\)](#)
- Act applied by [S.I. 2024/393 art. 30\(3\)](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/526 Sch. 10 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/564 Sch. 8 para. 12](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(a\)](#)
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

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

- s. 14(2A)(2B) substituted for s. 14(3)(4) by [2023 c. 55 s. 189\(2\)\(b\)](#)
- s. 14A inserted by [2023 c. 55 s. 190\(2\)\(a\)](#)
- s. 17(1A)-(1C) inserted by [2023 c. 55 s. 189\(3\)\(b\)](#)
- s. 17(3)(ba) substituted for s. 17(3)(a)(b) by [2023 c. 55 s. 189\(3\)\(c\)](#)
- s. 17(5A)-(5C) substituted for s. 17(5)-(8) by [2023 c. 55 s. 189\(3\)\(d\)](#)
- s. 18(2)(b)(iia) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(ii\)](#)
- s. 18(2)(aa) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(i\)](#)
- s. 18(2A)(2B) inserted by [2023 c. 55 s. 189\(4\)\(b\)](#)
- s. 22(2A) inserted by [2023 c. 55 s. 189\(7\)](#)
- s. 32(3) inserted by [2023 c. 55 s. 190\(2\)\(b\)](#)

– Sch. 2A inserted by [2023 c. 55 s. 190\(2\)\(c\)](#)