



# Land Compensation (Scotland) Act 1963

## 1963 CHAPTER 51

### PART III

#### PROVISIONS DETERMINING AMOUNT OF COMPENSATION

##### *Assumptions as to planning permission*

#### **22 Assumptions as to planning permission.**

- (1) For the purpose of assessing compensation in respect of any compulsory acquisition, such one or more of the assumptions mentioned in sections 23 and 24 of this Act as are applicable to the relevant land or any part thereof shall [<sup>F1</sup>(subject to subsection (3A) of this section)] be made in ascertaining the value of the relevant interest.
- (2) Any planning permission which is to be assumed in accordance with any of the provisions of those sections is in addition to any planning permission which may be in force at the date of service of the notice to treat.
- (3) Nothing in those provisions shall be construed as requiring it to be assumed that planning permission would necessarily be refused for any development which is not development for which, in accordance with those provisions, the granting of planning permission is to be assumed;

[<sup>F2</sup>(3A) In determining—

- (a) for the purpose referred to in subsection (1) of this section whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of any land; or
- (b) whether any of the assumptions mentioned in section 24 of this Act (but not section 23) are applicable to the relevant land or any part thereof,

regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Part IV of this Act.]

---

*Changes to legislation: There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 22. (See end of Document for details)*

---

- (4) For the purposes of any references in this section, or in section 23 of this Act, to planning permission which is in force on the date of service of the notice to treat, it is immaterial whether the planning permission in question was granted—
- (a) unconditionally or subject to conditions, or
  - (b) in respect of the land in question taken by itself or in respect of an area including that land, or
  - (c) on an ordinary application or on an outline application or by virtue of a development order,

or is planning permission which, in accordance with any direction or provision given or made by or under any enactment, is deemed to have been granted.

[<sup>F3</sup>(5) If, in a case where—

- (a) the relevant land is to be acquired for use for, or in connection with, providing, altering or improving a public road; or
- (b) that use, or its use in that connection, is being considered by the roads authority,

a determination mentioned in subsection (7) of this section falls to be made, that determination shall be made on the following assumption.

- (6) The assumption is that, if the relevant land were not so used, no public road would be provided, altered or improved to meet the same or substantially the same need as would have been met by the provision, alteration or improvement of the public road referred to in paragraph (a) or (b) of subsection (5) of this section.
- (7) The determinations referred to in subsection (5) of this section are—
- (a) a determination, for the purpose of assessing compensation in respect of any compulsory acquisition, whether planning permission might reasonably have been expected to be granted for any development if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers, and
  - (b) a determination under section 25 of this Act as to the development for which, in the opinion of the planning authority, planning permission would or would not have been granted if no part of the relevant land were proposed to be acquired by any authority possessing compulsory purchase powers .]

#### Textual Amendments

- F1** Words in s. 22(1) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 79, [Sch. 17 Pt. I para. 7\(1\)](#), (with s. 84(5)); S.I. 1991/2092, [art.3](#) (with art. 4, Sch. 2 Pt. II)
- F2** S. 22(3A) substituted (25.9.1991) for words in s. 22(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s. 79, [Sch. 17 Pt. I para. 7\(2\)](#), (with s. 84(5)); S.I. 1991/2092, [art.3](#) (with art. 4, Sch. 2 Pt. II)
- F3** S. 22(5)(6)(7) added (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:2\)](#), s.74, (with s. 84(5)); S.I. 1991/2092, [art.3](#) (with art. 4 Sch. 2 Pt. I para. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Section 22.