



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART II

#### AERODROMES AND OTHER LAND

##### *Supplemental*

### **53 Compensation in respect of planning decisions relating to safety of aerodromes, etc.**

- (1) A local planning authority (in this section referred to as “a planning authority”) shall be <sup>F1</sup>entitled to recover from the relevant person] a sum equal to any compensation which the planning authority has become liable to pay, if—
- (a) it has become so liable under <sup>F2</sup>section 107, 108, <sup>F3</sup> . . . 144(2) or 279(1) of the Town and Country Planning Act 1990] or <sup>F4</sup>section 76, 77, 95(2) or 232(1) of the Town and Country Planning (Scotland) Act 1997] (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers’ operational land); and
  - (b) the liability is attributable to a planning decision which would not have been taken, or, in the case of compensation under <sup>F5</sup>the said section 107] or <sup>F6</sup>the said section 76] to an order under <sup>F5</sup>section 97 of the said Act of 1990] or <sup>F6</sup>section 65 of the said Act of 1997] which would not have been made, but for the need—
    - <sup>F7</sup>(i) . . . . .
    - <sup>F7</sup>(ii) . . . . .
    - <sup>F8</sup>(iii) to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence.]
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of subsection (1) above, the planning authority <sup>F9</sup>shall refund to the person who paid that sum] any amount received by the planning authority in respect of the compensation under <sup>F10</sup>sections 111 and 112 of the said Act of 1990] or <sup>F11</sup>section 82

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 53. (See end of Document for details)*

of the said Act of 1997] (which relate to the recovery of compensation on subsequent development).

- (3) Where a purchase notice is served under [F12section 137 of the said Act of 1990] or [F13section 88 of the said Act of 1997] in respect of a planning decision which would not have been taken but for [F14a need referred to in [F15subsection (1)(b)(iii)],] any local authority who are deemed under [F12section 139(3) or 143(1) of the said Act of 1990] or [F13section 90(3) or 94(1) of the said Act of 1997] to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing [F16given to the relevant person] not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, [F16require the relevant person] to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined.
- (4) Where a notice in writing is given to [F17the relevant person] under subsection (3) above, [F17the relevant person] shall, subject to any agreement between it and the local authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (5) Any dispute as to whether a planning decision would not have been taken or an order under [F18the said section 97] or [F19the said section 65] would not have been made but for such a need as is mentioned in subsection (1) above shall be referred to and determined by the Secretary of State.
- (6) In the preceding provisions of this section “planning decision” means a decision made on an application under Part III of [F20the said Act of 1990] or Part III of [F21the said Act of 1997]; and references in those provisions to a local planning authority include, in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.
- (7) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland or under the [F22Planning Act (Northern Ireland) 2011] by the Department of the Environment for Northern Ireland or the Planning Appeals Commission—
  - (a) the Department of the Environment for Northern Ireland becomes liable to pay compensation to any person; and
  - [F23(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence,
 the Department shall be entitled to recover from the licence holder a sum equal to that compensation.]
- (8) Where a sum equal to any compensation is payable or paid to the said Department in pursuance of subsection (7) above, the Department shall pay [F24the licence holder] any amount received by the Department in respect of the compensation under section 24 of the M1Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).
- (9) In subsection (7) above, “planning decision” includes a revocation or modification of planning permission under section 3 of the M2Planning (Interim Development) Act (Northern Ireland) 1944.
- [F25(10) The relevant person for the purposes of this section is—
  - F26(a) . . . . .
  - (b) in a case to which subsection (1)(b)(iii) applies, the licence holder.]

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 53. (See end of Document for details)*

### Textual Amendments

- F1** Words in s. 53(1) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(2)(a)** (with s. 106); S.I. 2001/869, **art. 2**
- F2** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(a)(i)**
- F3** Figure "114," in s. 53(1)(a) repealed (E.W.) (25.9.1991) by **Planning and Compensation Act 1991** (c. 34, SIF 28:1, 23:1), ss. 31(4), 84(6), Sch. 6 para. 6, **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art. 3**
- F4** Words in s. 53(1)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(a)(i)**
- F5** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(a)(ii)**
- F6** Words in s. 53(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(a)(ii)**
- F7** S. 53(1)(b)(i)(ii) omitted (10.11.2011) by virtue of **The Airport Charges Regulations 2011** (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(7)(a)**
- F8** S. 53(1)(b)(iii) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(2)(b)** (with s. 106); S.I. 2001/869, **art. 2**
- F9** Words in s. 53(2) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(3)** (with s. 106); S.I. 2001/869, **art. 2**
- F10** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(b)**
- F11** Words in s. 53(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(b)**
- F12** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(c)**
- F13** Words in s. 53(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(c)**
- F14** Words in s. 53(3) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(4)(a)** (with s. 106); S.I. 2001/869, **art. 2**
- F15** Words in s. 53(3) substituted (10.11.2011) by **The Airport Charges Regulations 2011** (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(7)(b)**
- F16** Words in s. 53(3) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(4)(b)(c)** (with s. 106); S.I. 2001/869, **art. 2**
- F17** Words in s. 53(4) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(5)** (with s. 106); S.I. 2001/869, **art. 2**
- F18** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(d)**
- F19** Words in s. 53(5) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(d)**
- F20** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(e)**
- F21** Words in s. 53(6) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(e)**
- F22** Words in s. 53(7) substituted (N.I.) (1.4.2015) by **Planning Act (Northern-Ireland) 2011** (c. 25), s. 254(1)(2), **Sch. 6 para. 38** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
- F23** S. 53(7)(b) and the words following it substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(6)** (with s. 106); S.I. 2001/869, **art. 2**
- F24** Words in s. 53(8) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(7)** (with s. 106); S.I. 2001/869, **art. 2**
- F25** S. 53(10) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(8)** (with s. 106); S.I. 2001/869, **art. 2**
- F26** S. 53(10)(a) and word "and" omitted (10.11.2011) by virtue of **The Airport Charges Regulations 2011** (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(7)(c)**

---

**Changes to legislation:** There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 53. (See end of Document for details)

---

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

**C1** S. 53 extended by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxv)**

**Marginal Citations**

**M1** 1965 c. 23 (N.I.).

**M2** 1944 c. 3 (N.I.).

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 53.