STATUTORY INSTRUMENTS

1974 No. 539

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Land Compensation Development Order 1974

Made - - - -	*22nd March* 1974
Laid before Parliament	*28th March* 1974
Coming into Operation	*1st April* 1974

The Secretary of State for the Environment, in exercise of his powers under section 24 of the Town and Country Planning Act 1971**(a)** and section 20 of the Land Compensation Act 1961**(b)** and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Land Compensation Development Order 1974 and shall come into operation on 1st April 1974.

Interpretation

2.—(1) In this order—
"the Act of 1961" means the Land Compensation Act 1961; and
"the parties directly concerned" has the meaning assigned to that expression by section 22(1) of the Act of 1961.

(2) A section referred to by number in this order means the section so numbered in the Act of 1961.

(3) The Interpretation Act 1889**(c)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Application for and issue of certificates

3.—(1) An application to a local planning authority for a certificate under section 17 of the Act of 1961 shall be in writing and shall (as well as complying with the requirements of section 17(3)) include a plan or map sufficient to identify the land to which the application relates.

(2) The time within which a certificate is to be issued by a local planning authority shall, subject to the provisions of section 17(4), be two months of the receipt of such an application by them.

(a) 1971 c. 78. **(b)** 1961 c. 33. **(c)** 1889 c. 63.

(3) If a local planning authority issue a certificate otherwise than for the class or classes of development specified in the application made to them, or contrary to representations in writing made to them by a party directly concerned, they shall in that certificate include a statement in writing of their reasons for so doing and give particulars of the manner in which and the time within which an appeal may be made to the Secretary of State under section 18 and this order.

(4) The county planning authority shall send a copy of every certificate issued by them to the council of every district in which any part of the land to which the certificate relates is situated and a district planning authority shall, if the certificate issued by them specifies a class or classes of development relating to a county matter, send a copy of that certificate to the county planning authority, and where any part of the land is situated within Greater London the council of a London borough or the Common Council of the City of London, as the case may be, shall, where the certificate issued by them specifies a class or classes of development for which a planning application would fall to be dealt with by the Greater London Council, send a copy of that certificate to that authority.

Appeals

4.—(1) The time for giving notice of an appeal under section 18 shall be within one month of—

(*a*) receipt of the certificate, or

(*b*) the expiry of the time or extended period mentioned in sub-section (4) of that section,

as the case may be.

(2) Notice of appeal shall be given in writing to the Secretary of State and a copy of such notice shall be sent by the appellant to the other of the parties directly concerned and to the local planning authority who issued the certificate under section 17, or if no certificate has been issued, to the local planning authority to whom the application for a certificate was made, and where the issue of a certificate falls to be determined by a local planning authority other than that to which the application was made, the copy notice of appeal shall be forwarded to the local planning authority concerned.

(3) The appellant shall within one month of giving notice of appeal, or such longer period as the Secretary of State may in any particular case allow, furnish to the Secretary of State one copy of the application to the local planning authority, and of the certificate (if any) issued by the local planning authority, together with a statement of the grounds of appeal.

(4) If an appellant does not within the time limited under the last preceding paragraph furnish to the Secretary of State the copies of the documents thereby required, the appeal shall be treated as withdrawn.

Information as to certificates, etc.

5. Where a written request is made to a local planning authority by any person appearing to them to have an interest in the land which is the subject of a certificate under section 17 for—

(*a*) the name and address of the applicant for the certificate and the date of the application, and

(*b*) a copy of the certificate,

the local planning authority shall furnish such person with such information and a copy of the certificate, if any, or shall pass the written request to the local planning authority whose function it is to issue the certificate, which authority shall then comply with such request.

Publication of general requirements

6. If a local planning authority, on issuing a certificate, specify conditions by reference to general requirements formulated by them under section 17(6), that authority shall supply with such certificate and every copy thereof a copy of such requirements (or of so much thereof as is relevant to the certificate) unless, before the certificate is issued, the requirements in question have been made available to the public by depositing them for public inspection at all reasonable hours both at their office and at the office of the county or district planning authority in which the land is situate, or in the case of Greater London, at the office of the Greater London Council, as the case may be.

Revocation

7. The Land Compensation Development Order 1963**(a)** is hereby revoked provided that any application for, any appeal against, or any request for information as to a certificate under section 17 which is outstanding at the coming into operation of this order shall have effect as if made and shall be dealt with under and in accordance with the provisions of this order.

Anthony Crosland,

Secretary of State for the Environment.

22nd March 1974.

(a) S.I. 1963/749 (1963 I, p. 899).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces the Land Compensation Development Order 1963. The Order prescribes the procedure for determining, and for appealing against, certificates under section 17 of the Land Compensation Act 1961 and for obtaining information as to such certificates. It requires a county planning authority to send a copy of every certificate issued by them to the district planning authority in which part of the land is situated and requires a district planning authority to send a copy of every certificate it issues to the county planning authority if the certificate specifies a class or classes of development which is a county matter within the meaning of the Local Government Act 1972 (c.70). A duty is also imposed on a London borough and the Common Council of the City of London to send to the Greater London Council a copy of every certificate they issue specifying a class of development for which a planning application would be determined by that Council. The Order also prescribes the procedure for securing that where conditions in such certificates are specified by reference to general requirements copies of such requirements shall be supplied, unless the requirements have previously been made public at the offices of both the county and district planning authority or, in the case of certificates relating to land in Greater London, at the office of the London borough or Common Council of the City of London and the Greater London Council.

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