



Department for Levelling Up,
Housing & Communities

An Overview of Part 9 of the Levelling-up and Regeneration Act 2023 ('LURA') - Compulsory Purchase Provisions

February 2024

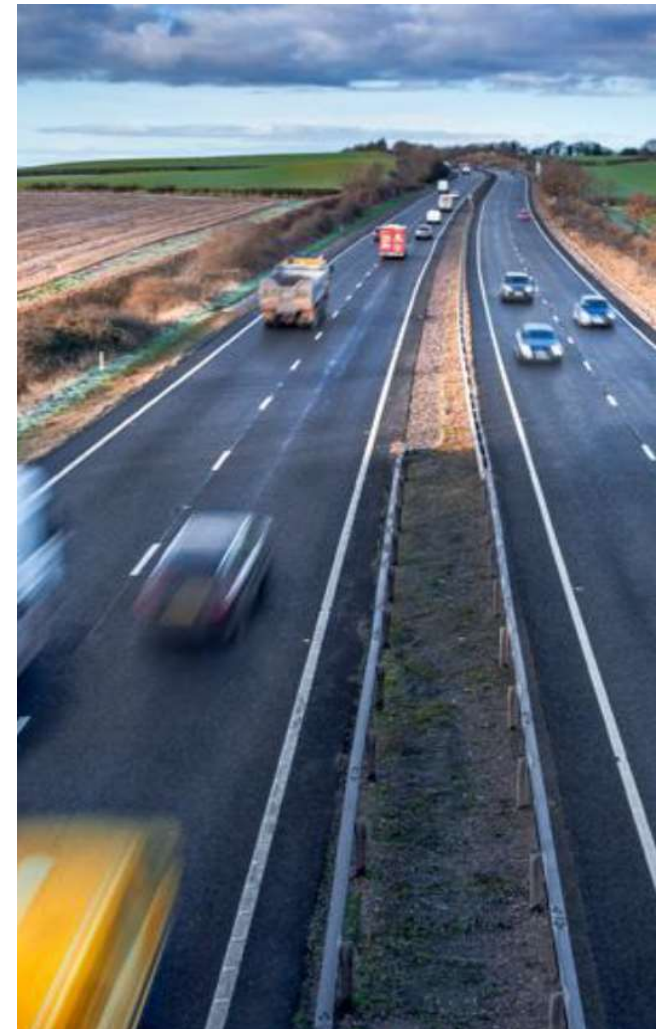


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Introduction

What will be covered:

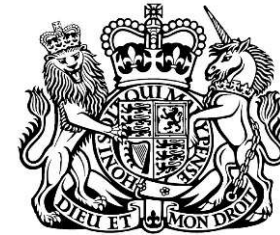
1. An explanation of each section including how they will operate in practice
2. Implementation and timescales





What does Part 9 of the LURA contain?

- 11 sections (180 – 190) and 2 Schedules (18 and 19)
- Sections split across 3 categories:
 1. Compulsory purchase powers (section 180)
 2. Compulsory purchase procedure (sections 181 – 187 and Schedules 18 and 19)
 3. Compulsory purchase compensation (sections 188 – 190)



Levelling-up and Regeneration Act 2023

CHAPTER 55

LEVELLING-UP AND REGENERATION ACT 2023

PART 9

COMPULSORY PURCHASE

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Compulsory purchase powers category

- Section 180 (Acquisition by local authorities for purpose of regeneration)
 - Section 180 inserts new subsection (1B) into section 226 of the Town and Country Planning Act 1990 .
 - Section 180 gives local authorities in England a clearer legal basis to use their powers under section 226 of the Town and Country Planning Act 1990 to make a CPO for regeneration purposes.



Compulsory purchase powers category

- New wording of section 226 of the Town and Country Planning Act 1990:

Section 226 - Compulsory acquisition of land for development and other planning purposes

(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area-

- (a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,
- (b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

[(1B) In the application of subsections (1) and (1A) in England, “improvement” includes regeneration.]



Compulsory purchase procedure category

- Section 181 (Online Publicity)
 - Section 181 amends sections 11, 12, 15, 22 and Schedule 3 of the Acquisition of Land Act 1981 and inserts new section 12A into that Act.
 - Section 181:
 - a) requires publication of a CPO notice on a website as well as physically as is currently the case
 - b) requires copies of orders and maps to be published on a website as well as physically as is currently the case
 - c) requires physical CPO notices to specify a website where the order and associated map can be viewed
 - d) allows the requirement to make copies of orders and maps available at a physical locations to be disapplied in special circumstances by direction



Compulsory purchase procedure category

- Section 181 (Online Publicity)
 - Example – An acquiring authority makes a CPO and is required to publicise the CPO in accordance with section 11 of the Acquisition of Land Act 1981. They will now be required to publish the notice under section 11(1) online together with a copy of the CPO and the map. This could be on the acquiring authority's website.
 - Section 181(2) amends section 7(1) (definitions) of the Acquisition of Land Act 1981 and inserts a definition of “appropriate website” i.e.
““appropriate website” in relation to a notice about a proposed compulsory purchase, means a website which members of the public could reasonably be expected to find on searching on the internet for information about the scheme or project that underlies the proposed purchase,”.



Compulsory purchase procedure category

- Section 182 (Confirmation proceedings)
 - Section 182 amends sections 13A and 13B of the Acquisition of Land Act 1981 which provide the procedures for considering objections to a CPO.
 - Section 182 provides:
 - a) Public inquiries no longer automatically held – confirming authorities will decide the appropriate procedure for considering objections, either through a public inquiry or use of a “representations procedure”.
 - b) “Representations procedure” will allow either –
 - (i) written representations to be submitted, or
 - (ii) a hearing to be held if an objector requests their representations on the CPO to be heard orally.



Compulsory purchase procedure category

- Section 182 (Confirmation proceedings)
 - Example – On receipt of a CPO for confirmation which has been objected to, the confirming authority will decide whether the appropriate procedure to consider the objections will be via
 - (a) the representations procedure or
 - (b) a public inquiry.If the confirming authority decides the representations procedure is appropriate to consider the objections, remaining objectors will be able to request their representations are heard orally at a hearing.
 - Section 13A(1C) of the Acquisition of Land Act 1981 [inserted by section 182 of the LURA] states: *“In deciding between those options, the confirming authority must have regard to the scale and complexity of what is proposed by the order.”*



Compulsory purchase procedure category

- Section 183 (Conditional Confirmation)
 - Section 183 amends section 15 of, and inserts section 13BA into, the Acquisition of Land Act 1981 which allows the confirming authority to confirm a CPO conditionally.
 - Section 183 provides:
 - a) Where a CPO is conditionally confirmed the compulsory purchase powers only become operative once the confirming authority has decided if the conditions have been met.
 - b) A conditionally confirmed CPO will expire if the confirming authority –
 - (i) has not received an application from the acquiring authority by a certain time for the discharge of the conditions i.e. that the conditions have been met, or
 - (ii) having received an application from the acquiring authority for the discharge of conditions, decides the conditions have not been met.



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Compulsory purchase procedure category

- Section 183 (Conditional Confirmation)
 - c) Procedure for submitting an application to discharge conditions will be prescribed.
 - d) Where a CPO is conditionally confirmed, and the conditions have been met, the acquiring authority will need to publish a 'fulfilment notice'. The fulfilment notice will confirm the CPO will become operative.



Compulsory purchase procedure category

- Section 183 (Conditional Confirmation)
 - Example – An acquiring authority may choose to make a CPO alongside seeking other consents such as planning permission or confirmation of the full funding package for the scheme. If at the point of the confirmation decision those elements remain undetermined, but the compelling case in the public interest for the CPO has been demonstrated, an inspector may decide to conditionally confirm the CPO.

Although the compelling case for use of a CPO would be established, and the CPO confirm, the CPO powers would not become operative until the conditions have been met/discharged.

- Section 13BA(1) of the Acquisition of Land Act 1981 [inserted by section 183 of the LURA] states: “*The confirming authority may confirm a compulsory purchase order conditionally.*”.



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Compulsory purchase procedure category

- Section 184 (Corresponding provision for purchases by Ministers)
 - Section 184 introduces Schedule 19 into the LURA which makes the same CPO process changes for Ministerial CPOs.



Compulsory purchase procedure category

- Section 185 (Time limits for implementation)
 - Section 185 inserts section 13D into the Acquisition of Land Act 1981, amends the Compulsory Purchase Act 1965, the Compulsory Purchase (Vesting Declarations) Act 1981 and the Housing Act 1985 which allows the confirming authority to extend the time limit for implementation of a CPO.
 - Section 185 provides:
 - a) When a confirming authority is confirming a CPO, they may include provision in the order specifying a period longer than three years.
 - b) The acquiring authority may not include such a provision in the CPO submitted for confirmation.



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Compulsory purchase procedure category

- Section 185 (Time limits for implementation)
 - Example – An acquiring authority may wish to bring forward a CPO for the whole of a staged development. The later stages of the development may not have been planned for delivery until more than three years from the operative date of the CPO.



Compulsory purchase procedure category

- Section 186 (Agreement to vary vesting date)
 - Section 186 inserts new section 8A into the Compulsory Purchase (Vesting Declarations) Act 1981, amends sections 7, 8, and 10 of, and Schedule A1, to that Act, and amends section 5A of the Land Compensation Act 1961 (valuation date) which allow for the postponement of a vesting date by agreement.
 - Section 186 provides:
 - a) Acquiring authorities may agree in writing with the owner of any interest which is to vest in an authority that the interest is to vest on a date after the vesting date.
 - b) The right to enter upon and take possession of the land will not arise until the interest vests in an acquiring authority on the new vesting date.
 - c) Compensation liability in respect of the interest in the land which is the subject of an agreement with the owner of the interest applies from the new vesting date.



Compulsory purchase procedure category

- Section 186 (Agreement to vary vesting date)
 - Example – An acquiring authority will give notice to a landowner that it intends to acquire that person's interest in land. At least 3 months' notice will be given to the landowner and the date of acquisition/vesting of land ('original acquisition date') will be set.

During the 3-month period, the acquiring authority and the landowner may agree in writing a different date for the acquisition/vesting of land. For instance, the landowner may be relocating to another property and needs to tie the acquisition of their land to the relocation. The exact date of the relocation may only become apparent after the original acquisition date was set and there is now a more suitable date for acquisition.



Compulsory purchase procedure category

- Section 187 (Common standards for compulsory purchase data)
 - Section 187 gives the Secretary of State the power *to make regulations* to require acquiring authorities to comply with approved data standards in relation to *relevant compulsory purchase data*.
 - “Relevant compulsory purchase data” means information that is, or is to be, contained in *relevant compulsory purchase documentation*.
 - “Relevant compulsory purchase documentation” means an order, notice or any other documentation that is, or is to be, prepared by an acquiring authority under, or for the purposes of, *relevant compulsory purchase legislation*.
 - Section 187(6) lists the relevant compulsory purchase legislation e.g. Land Compensation Act 1961, Compulsory Purchase Act 1965, Land Compensation Act 1973, Acquisition of Land Act 1981.....



Compulsory purchase compensation category

- Section 188 ('No-scheme' principle: minor amendments)
 - Section 188 amends sections 6D (definition of the "scheme" in relation to a compulsory acquisition) and 6E (provisions in relation to relevant transport projects) of the Land Compensation Act 1961 to clarify that references in those sections to "development" includes redevelopment, regeneration and improvement.
 - Section 188 provides:
 - a) Where land is acquired for redevelopment, regeneration *or improvement* purposes which is facilitated or made possible by a relevant transport project, the scheme underpinning the CPO which is to be disregarded for the purposes of assessing compensation (i.e. the effect on the value of land arising from the scheme) will include the relevant transport project*.

[*Section 6D(4): "A "relevant transport project" means a transport project carried out in the exercise of a statutory function or by the exercise of compulsory purchase powers"]



Compulsory purchase compensation category

- Section 189 (Prospects of planning permission for alternative development)
 - Section 189 amends sections 14, 17, 18, 19, 20 and 22 of the Land Compensation Act 1961 and changes how appropriate alternative development is to be established and the CAAD process.
 - Section 189:
 - a) Moves the planning certainty associated with establishing appropriate alternative development (AAD) from section 14 to section 17 of the Land Compensation Act 1961 which means a Certificate of Appropriate Alternative Development (CAAD) must be obtained to establish AAD .
 - b) Prevents AAD from being established at a date after the relevant valuation date i.e "a later date".
 - c) Only a 'positive' CAAD will be issued by a LPA i.e. confirming a certain description of development is AAD in relation to the acquisition. Either a CAAD will be issued or the application will be rejected.



Compulsory purchase compensation category

- Section 189 (Prospects of planning permission for alternative development)
 - d) Streamlines the process for obtaining a CAAD i.e. only the description of development given in the application will be considered for a CAAD (although a CAAD may be issued for a less extensive form of development but it must fall within the same description as given in the application).
 - e) Removes the requirement for acquiring authorities to pay landowners' costs for applying for a CAAD (including appeals).
 - f) Clarifies:
 - (i) The date of determination of a CAAD where the relevant valuation date has not yet occurred (i.e. where a notice to treat is deemed to be served following acceptance of a blight notice).
 - (ii) That CAADs may still be applied for even where an acquiring authority has acquired the land in question via a GVD but before compensation has been agreed or awarded.



Compulsory purchase procedure category

- Section 189 (Prospects of planning permission for alternative development)

Example – A landowner considers in the absence of a CPO scheme there is a prospect of planning permission being granted on their land for a 5-storey residential block with 20 units so they apply for a CAAD. In making their CAAD application the landowner is responsible for all their expenses incurred in preparing and submitting the application. When considering the CAAD application, the LPA will determine whether it would have been more likely than not that it would have granted planning permission for the description of development outlined in the CAAD application or a less extensive form of the same development e.g. a 4-storey residential block with 15 units.

If the LPA determines it more likely than not that it would not have granted planning permission for the description of development outlined in the CAAD application, then it should reject the application. If the LPA issues a CAAD and establishes the development is AAD, then it will be taken as certain for the purposes of section 14(2)(b) of the Land Compensation Act 1961 that planning permission would have been granted for the description of development contained in the CAAD on the relevant valuation date or if earlier, the date on which the CAAD application was determined.



Compulsory purchase compensation category

- Section 190 (Power to require prospects of planning permission to be ignored)
 - Section 190 inserts new section 15A and Schedule 2A into the Acquisition of Land Act 1981 and new section 14A and Schedule 2A into the Land Compensation Act 1961. It also amends the New Towns Act 1981.
 - Section 190 provides:
 - a) For certain types of CPOs only*, certain public sector authorities may include in their CPOs a direction that section 14 of the Land Compensation Act 1961 is to be disapplied so that the prospects of planning permission ('hope value) including AAD cannot be considered when the value of the land is assessed for compensation purposes.
 - b) Where a CPO which includes a section 14A direction is confirmed the assessment of the value of land may only take account of any existing planning permission which is in force on the land or any prospect of planning permission being granted for the conversion of a single dwelling into a two or more separate dwellings.

[* Acquisitions for purposes which include affordable housing, a hospital/health facility, or education provision.]



Compulsory purchase compensation category

- (c) Acquiring authorities will not be able to confirm their own CPOs which include a section 14A direction and the confirmation decision will be taken by the relevant Secretary of State (not inspector).
- (d) CPOs with a section 14A direction included will be confirmed where the eligible public sector acquiring authority can demonstrate:
 - (i) there is a compelling case in the public interest for use of compulsory purchase powers (including attempts have been made by the acquiring authority to acquire land/properties by agreement in the first instance); and
 - (ii) the benefits of acquiring the land without the assessment of value attributed to the prospect of the grant of planning permission ('hope value') is proportionate and justified in the public interest.



Compulsory purchase compensation category

- (e) The Secretary of State is required to make a direction for the payment of additional compensation by the acquiring authority where it appears the following conditions are met:
 - (i) the acquiring authority's statement of commitments has not been fulfilled
 - (ii) either that:
 - * the period of 10 years (beginning with the date on which the CPO became operative) has expired, or
 - * there is no longer any realistic prospect of the statement of commitments being fulfilled within that period, and
 - (iii) the CPO would not have been confirmed with the section 14 A direction on the basis of a statement of commitments reflecting what has been done with the land since its acquisition.
- (f) An application for a direction for the payment of additional compensation may not be made 13 years after the CPO which included the section 14A direction became operative.



Compulsory purchase compensation category

- (g) Where additional compensation is payable, the amount payable is the difference between:
 - (i) the original amount of compensation awarded or agreed to be paid to the person in respect of the acquisition, and
 - (ii) the alternative amount of compensation that would have been assessed as due in respect of the acquisition if compensation been assessed without the disapplication of section 14 of the 1961 Act.
- (h) The additional compensation payment may also include an amount to make good qualifying, financial losses to be defined in regulations.



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Implementation of Part 9 of the LURA

- Commencement of sections 180 – 190 and Schedules 18 & 19

Section	Indicative Date of Commencement	Regulations Needed to Operate?
180	31 January 2024	No
181	1 May 2024	Yes
182	31 January 2025	Yes
183	31 January 2025	Yes
184 and Schedules 18 & 19	31 January 2025	Yes
185	31 January 2024	No
186	31 January 2024	No
187	31 January 2024	No
188*	31 January 2024	No
189*	31 January 2024	Yes
190*	31 January 2024	No

*Transitional provisions exist for these sections



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored) Examples

➤ Example 1 – Using a CPO to facilitate affordable housing

Where a local authority has taken steps to acquire land by agreement to progress a mixed-use scheme which it is funding and involves affordable housing provision, commercial uses, market housing, student accommodation in a city centre location, but where such an agreement cannot be reached with the landowner, the authority may make a CPO under section 226 of the Town and Country Planning Act 1990 to acquire the land providing there is a compelling case in the public interest to do so.

To ensure the local authority has:

- a) upfront certainty on the viability of its scheme to be facilitated by a CPO and confidence as to its ability to deliver the amount of affordable housing provision, the authority may include a section 14A direction in the CPO. If the CPO is confirmed with the direction included, the authority may acquire the land by not paying 'hope value' compensation. This means the compensation to be paid by the local authority for the value of the land would not include value attributed to:
 - appropriate alternative development for which the grant of planning permission may be assumed (ignoring the local authority's scheme) if a CAAD is issued under section 17 or 18 of the Land Compensation Act 1961, or
 - the prospect of a planning permission being granted on the land (ignoring the local authority's scheme) for a use which has a greater value than the existing use of the land (section 14(2)(b) of the Land Compensation Act 1961).



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 1 – Using a CPO to facilitate affordable housing

Where a CPO is confirmed with a section 14A direction included, affected landowners may claim compensation for the value of:

- any existing planning permission on the land which remains in force, or
- the prospect of planning permission being granted for the conversion of a single dwelling into a two or more separate dwellings.

A CPO with a section 14A direction included will only be confirmed if the local authority has demonstrated:

- a) there is a compelling case in the public interest for use of compulsory purchase powers (including attempts have been made by the local authority to acquire land/properties by agreement in the first instance); and
- b) the benefits of acquiring the land without the assessment of value attributed to the prospect of the grant of planning permission ('hope value') is proportionate and justified in the public interest.

If the local authority does not deliver the scheme it promised (including the provision of specific numbers of affordable housing units) within 10 years of the CPO which included the section 14A direction becoming operative, or earlier where there is no realistic prospect that the scheme can be delivered within 10 years, affected landowners may ask the confirming authority to issue a direction that additional compensation may be paid to them by the authority.



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 1 – Using a CPO to facilitate affordable housing

Where the confirming authority issues a direction that additional compensation may be paid to affected landowners, additional compensation will be payable where the amount of ‘hope value’ compensation they were prevented from claiming (“the alternative amount of compensation”) is greater than the original amount of compensation they received from the local authority for their land (“the original amount of compensation”).

The amount of additional compensation affected landowners will receive will be the difference between the alternative amount of compensation and the original amount of compensation.

The alternative amount of compensation may be assessed by taking account of the value associated with:

- a) appropriate alternative development for which the grant of planning permission on the land may be assumed (ignoring the local authority’s original scheme) if a Certificate of Appropriate Alternative Development is issued under section 17 or 18 of the Land Compensation Act 1961; or
- b) the prospect of a planning permission being granted on the land (ignoring the local authority’s original scheme) for a use which has a greater value than the existing use of the land (section 14(2)(b) of the Land Compensation Act 1961).



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 2 – Using a CPO to facilitate construction of a hospital

Where a National Health Trust has taken steps to acquire land by agreement to progress a scheme to facilitate the construction of a new hospital and associated facilities, but where such an agreement cannot be reached with the landowner, the Trust may make a CPO under paragraph 27 of Schedule 4 to the National Health Service Act 2006 to acquire the land providing there is a compelling case in the public interest to do so.

To ensure the Trust has:

- a) upfront certainty on the viability of its scheme to be facilitated by a CPO, and
 - b) confidence as to its ability to deliver the new hospital and associated facilities,
- it may include a section 14A direction in the CPO. If the CPO is confirmed with the direction included, the Trust may acquire the land at closer to existing use value by not paying 'hope value' compensation. This means the compensation to be paid by the Trust for the value of the land would not include value attributed to:
- appropriate alternative development for which the grant of planning permission may be assumed (ignoring the Trust's scheme) if a CAAD is issued under section 17 or 18 of the Land Compensation Act 1961, or
 - the prospect of a planning permission being granted on the land (ignoring the Trust's scheme) for a use which has a greater value than the existing use of the land (section 14(2)(b) of the Land Compensation Act 1961).



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 2 – Using a CPO to facilitate construction of a hospital

Where a CPO is confirmed with a section 14A direction included, affected landowners may claim compensation for the value of:

- any existing planning permission on the land which remains in force, or
- the prospect of planning permission being granted for the conversion of a single dwelling into a two or more separate dwellings.

A CPO with a section 14A direction included will only be confirmed if the Trust has demonstrated:

- a) there is a compelling case in the public interest for use of compulsory purchase powers (including attempts have been made by the Trust to acquire land/properties by agreement in the first instance); and
- b) the benefits of acquiring the land without the assessment of value attributed to the prospect of the grant of planning permission ('hope value') is proportionate and justified in the public interest.

If the Trust does not deliver the scheme it promised within 10 years of the CPO which included the section 14A direction becoming operative, or earlier where there is no realistic prospect that the scheme can be delivered within 10 years, affected landowners may ask the confirming authority to issue a direction that additional compensation may be paid to them by the Trust.



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 2 – Using a CPO to facilitate construction of a hospital

Where the confirming authority issues a direction that additional compensation may be paid to affected landowners, additional compensation will be payable where the amount of ‘hope value’ compensation they were prevented from claiming (“the alternative amount of compensation”) is greater than the original amount of compensation they received from the Trust for their land (“the original amount of compensation”).

The amount of additional compensation affected landowners will receive will be the difference between the alternative amount of compensation and the original amount of compensation.

The alternative amount of compensation may be assessed by taking account of the value associated with:

- a) appropriate alternative development for which the grant of planning permission on the land may be assumed (ignoring the Trust’s original scheme) if a Certificate of Appropriate Alternative Development is issued under section 17 or 18 of the Land Compensation Act 1961; or
- b) the prospect of a planning permission being granted on the land (ignoring the Trust’s original scheme) for a use which has a greater value than the existing use of the land (section 14(2)(b) of the Land Compensation Act 1961).



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 3 – Using a CPO to facilitate construction of a school

Where a local authority has taken steps to acquire land by agreement to progress a scheme to facilitate the construction of a new primary school, but where such an agreement cannot be reached with the landowner, the authority may make a CPO under section 530 of the Education Act 1996 to acquire the land providing there is a compelling case in the public interest to do so.

To ensure the local authority has:

- a) upfront certainty on the viability of its scheme to be facilitated by a CPO, and
 - b) confidence as to its ability to deliver the new primary school,
- it may include a section 14A direction in the CPO. If the CPO is confirmed with the direction included, the authority may acquire the land at closer to existing use value by not paying 'hope value' compensation. This means the compensation to be paid by the authority for the value of the land would not include value attributed to:
- appropriate alternative development for which the grant of planning permission may be assumed (ignoring the local authority's scheme) if a CAAD is issued under section 17 or 18 of the Land Compensation Act 1961, or
 - the prospect of a planning permission being granted on the land (ignoring the local authority's scheme) for a use which has a greater value than the existing use of the land (section 14(2)(b) of the Land Compensation Act 1961).



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Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored) Examples

➤ Example 3 – Using a CPO to facilitate construction of a school

Where a CPO is confirmed with a section 14A direction included, affected landowners may claim compensation for the value of:

- any existing planning permission on the land which remains in force, or
- the prospect of planning permission being granted for the conversion of a single dwelling into a two or more separate dwellings.

A CPO with a section 14A direction included will only be confirmed if the local authority has demonstrated:

- a) there is a compelling case in the public interest for use of compulsory purchase powers (including attempts have been made by the authority to acquire land/properties by agreement in the first instance); and
- b) the benefits of acquiring the land without the assessment of value attributed to the prospect of the grant of planning permission ('hope value') is proportionate and justified in the public interest.

If the local authority does not deliver the scheme it promised within 10 years of the CPO which included the section 14A direction becoming operative, or earlier where there is no realistic prospect that the scheme can be delivered within 10 years, affected landowners may ask the confirming authority to issue a direction that additional compensation may be paid to them by the authority.



Compulsory purchase compensation category

Annex - Section 190 (Power to require prospects of planning permission to be ignored)

Examples

➤ Example 3 – Using a CPO to facilitate construction of a school

Where the confirming authority issues a direction that additional compensation may be paid to affected landowners, additional compensation will be payable where the amount of ‘hope value’ compensation they were prevented from claiming (“the alternative amount of compensation”) is greater than the original amount of compensation they received from the local authority for their land (“the original amount of compensation”).

The amount of additional compensation affected landowners will receive will be the difference between the alternative amount of compensation and the original amount of compensation.

The alternative amount of compensation may be assessed by taking account of the value associated with:

- a) appropriate alternative development for which the grant of planning permission on the land may be assumed (ignoring the local authority’s original scheme) if a Certificate of Appropriate Alternative Development is issued under section 17 or 18 of the Land Compensation Act 1961; or
- b) the prospect of a planning permission being granted on the land (ignoring the local authority’s original scheme) for a use which has a greater value than the existing use of the land (section 14(2)(b) of the Land Compensation Act 1961).