
STATUTORY INSTRUMENTS

1973 No. 1896

**Land Acquisition and Compensation
(Northern Ireland) Order 1973**

PART II

COMPENSATION FOR DEPRECIATION CAUSED BY USE OF PUBLIC WORKS

Assessment of compensation: assumptions as to planning permission

8.—(1) The following assumptions shall be made in assessing the value of the interest in respect of which the claim is made.

(2) Subject to paragraph (3), it shall be assumed that planning permission would be granted in respect of the land in which the interest subsists (“the relevant land”) or any part thereof for development of any class specified in Schedule 1 to the Land Development Values (Compensation) Act (Northern Ireland) 1965 .

(3) Notwithstanding paragraph (2)—

- (a) it shall not by virtue of that paragraph be assumed that planning permission would be granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Schedule 1 if it is development for which planning permission has been refused and compensation under section 29 of the said Act of 1965 has become payable in respect of that refusal;
- (b) where planning permission has been granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Schedule 1 but was so granted subject to conditions, and compensation under the said section 29 has become payable in respect of the imposition of the conditions, it shall not by virtue of paragraph (2) be assumed that planning permission for that development, in respect of the relevant land or that part thereof, as the case may be, would be granted otherwise than subject to those conditions;
- (c) where planning permission had been granted, in respect of the relevant land or any part thereof, for development of any class specified in the said Schedule 1 but that permission was revoked or modified by an order under Article 29 of the Planning (Northern Ireland) Order 1972 or section 3 of the Planning (Interim Development) Act (Northern Ireland) 1944 and compensation under section 26 of the said Act of 1965 has become payable in respect of that revocation or modification, it shall not by virtue of paragraph (2) be assumed that planning permission would be granted for so much of that development on the relevant land as is not permitted by virtue of that order.

(4) It shall be assumed that planning permission would not be granted in respect of the relevant land or any part thereof for any development other than such development as is mentioned in paragraph (2); and, if planning permission has been granted in respect of the relevant land or any part thereof for such other development, it shall be assumed that the planning permission has not been granted in so far as it relates to development that has not been carried out.

Changes to legislation: *There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 8. (See end of Document for details)*

(5) In this Article any expression which is also used in the said Act of 1965 has the same meaning as in that Act.

Changes to legislation:

There are currently no known outstanding effects for the Land Acquisition and Compensation (Northern Ireland) Order 1973, Section 8.