



# Land Development Values (Compensation) Act (Northern Ireland) 1965

## 1965 CHAPTER 23

### <sup>F1</sup>PART II

#### <sup>F1</sup>COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

##### MEASURE OF COMPENSATION

#### 17 <sup>F1</sup>Amount of compensation.

- (1) Where compensation is payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision depreciating the value of that compensatable estate, the amount of the compensation shall, subject to subsections (2) to (5), be whichever is the lesser of the following amounts:—
  - (a) the amount by which the value of that compensatable estate (if it is a compensatable estate subsisting only in land to which this section applies), or (if it is a compensatable estate extending to other land) the amount by which the value of the compensatable estate in so far as it subsists in land to which this section applies, is depreciated by the decision;
  - (b) the amount of the balance of development value, immediately before the decision, of so much of the land in which the compensatable estate subsists as is land to which this section applies.
- (2) Land to which this section applies, in relation to a planning decision, is land which—
  - (a) constitutes or forms part of the decision area; and
  - (b) at the time of the decision has a balance of development value.
- (3) If in relation to any land to which this section applies—
  - (a) compensation is payable under this Part in respect of two or more compensatable estates in that land by reason of the same planning decision; and

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**Changes to legislation:** *There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 17. (See end of Document for details)*

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- (b) the aggregate amount of compensation payable apart from this subsection in respect of the compensatable estates referred to in paragraph (a) would exceed the amount mentioned in subsection (1)(b);

the amount mentioned in subsection (1)(b) shall be allocated between those compensatable estates in proportion to the depreciation of the value of each of them respectively, and the amount of the compensation payable in respect of any of those compensatable estates shall be the sum so allocated to that compensatable estate.

- (4) Where—

- (a) at the date of such a planning decision as is mentioned in section 14(1), a public body are entitled to a compensatable estate in the land constituting or forming part of the decision area; and
- (b) by virtue of section 14(2), compensation is not payable in respect of that compensatable estate;

then for the purpose of determining the amount of compensation payable in respect of any other compensatable estate in that land, subsection (3) shall have effect as if the public body had made a claim for and were entitled to compensation under this Part.

- (5) Where the land constituting the decision area, taken as a whole, does not satisfy both of the following conditions—

- (a) that at the time of the decision it has a balance of development value; and
- (b) that every compensatable estate subsisting therein, the value of which is depreciated by the decision, subsists in the whole of that land;

subsection (6) shall have effect for the purpose of assessing the compensation payable under this Part in respect of any compensatable estate subsisting in that land or any part thereof.

- (6) Where this subsection applies in relation to a compensatable estate in land—

- (a) the depreciation of the value of the compensatable estate by the planning decision shall first be ascertained with reference to the whole of the land which constitutes or forms part of the decision area and is land in which that compensatable estate subsists;
- (b) the land referred to in paragraph (a) shall then be treated as divided into as many parts as may be requisite to ensure that each such part consists of land which either—
- (i) satisfies both of the conditions mentioned in subsection (5); or
- (ii) is not land which, at the time of the decision, has a balance of development value;
- (c) the depreciation of the value of the compensatable estate, ascertained in accordance with paragraph (a), shall then be apportioned between those parts, according to the nature of those parts and the effect of the planning decision in relation to each of them;

and the amount of the compensation shall be the aggregate of the amounts which would be payable by virtue of the preceding provisions of this section if the planning decision had been made separately with respect to each of those parts.

- (7) In this section “the decision area” in relation to a planning decision means the aggregate of the land to which the decision relates.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 17.