



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

1965 CHAPTER 23

^{F1}PART II

^{F1}COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

MEASURE OF COMPENSATION

18 ^{F1}Assessment of depreciation.

- (1) For the purposes of this Part, the value of a compensatable estate in land, or of a compensatable estate in so far as it subsists in particular land, shall be taken to be depreciated by a planning decision (in this section referred to as “the relevant decision”) if, and to the extent to which, that value, calculated in accordance with subsections (2) to (5), falls short of what that value, so calculated, would have been if the relevant decision had been a decision to the contrary effect.
- (2) Subject to subsections (3) to (5), any such value shall for the purposes of this section be calculated as at the time of the relevant decision, but—
 - (a) as affected by that decision, by any grant of planning permission made in relation to the land in question after that decision and by any [^{F2} direction under Article 69 of the Order of 1972]; and
 - (b) on the assumption that, after the relevant decision, and apart from any such permission or [^{F2} direction] as is mentioned in paragraph (a), planning permission would not be granted for any new development of the land in question but would be granted for any development thereof other than new development.
- (3) If in consequence of another planning decision or of an order under [^{F3}section 68 or 72 of the Planning Act] revoking or modifying any planning permission, being a decision given or order made—
 - (a) before the relevant decision; and

Changes to legislation: *There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 18. (See end of Document for details)*

- (b) either in respect of the whole or part of the land to which the relevant decision relates, or in respect of land which includes the whole or part of that land; compensation to which this subsection applies has been paid or is payable in respect of a compensatable estate subsisting in land which is the subject of that other planning decision or that order, the calculation to be made under this section shall be made as if that other planning decision had been a decision to the contrary effect, or that order had not been made, as the case may be.
- (4) Where under this section a calculation has to be made as if a planning decision were a decision to the contrary effect or an order under [^{F3}section 68 or 72 of the Planning Act] had not been made the calculation shall be made on the footing that any development must comply with the provisions of any statutory provision (other than the Planning [^{F4}Act]) which would be applicable thereto.
- (5) Subsection (3) applies—
- (a) to any compensation under the Act of 1944;
 - (b) to any compensation under this Part; and
 - (c) to so much of any compensation as is payable or was paid under section 26 in respect of loss or damage consisting of depreciation of the value of a compensatable estate in land.
- (6) In this section and in section 19 “a decision to the contrary effect” means—
- (a) in relation to a decision refusing permission, a decision granting the permission subject to such conditions, if any, of a description falling within section 15(4) as the person giving the decision might reasonably have been expected to impose had he not refused the permission;
 - (b) in relation to a decision granting the permission subject to conditions, a decision granting the permission subject only to such of those conditions, if any, as fall within section 15(4).

F1 rep. with saving by [2001 c. 2 \(NI\)](#)

F2 [1972 NI 17](#)

F3 Words in s. 18(3)(4) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 4 para. 2](#) (with s. 211); [S.R. 2015/49](#), arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

F4 Word in s. 18(4) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 4 para. 3](#) (with s. 211); [S.R. 2015/49](#), arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 18.