



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

## 1965 CHAPTER 23

### PART III

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

#### 26<sup>F1</sup> Compensation where planning permission is revoked or modified.

(1) <sup>F2</sup> Where any planning permission is revoked or modified by an order under [<sup>F3</sup> Article 38 of the Planning Order] then, if on a claim duly made to the Ministry in accordance with this section, it is shown that a person interested in the land to which the permission related—

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification;

the Ministry shall pay to him compensation in respect of that expenditure, loss or damage unless compensation under the Act of 1944 has been paid or is payable in respect of the order in question.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to subsection (2), compensation shall not be paid under this section in respect of—

- (a) any work carried out before the grant of the permission which is revoked or modified; or
- (b) any other loss or damage (not being loss or damage consisting of depreciation of the value of a compensatable estate in any land) arising out of anything done or omitted to be done before the grant of that permission.

*Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.*

*Changes to legislation: Land Development Values (Compensation) Act (Northern Ireland) 1965, Section 26 is up to date with all changes known to be in force on or before 29 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Where an order under<sup>F3</sup> Article 38 of the Planning Order] revokes or modifies any planning permission granted for the carrying out of any new development, then in calculating, for the purposes of this section, the amount of any loss or damage consisting of depreciation of the value of a compensatable estate in any land, it shall be assumed that planning permission would not be granted for any new development of the land but would be granted for any development other than new development.
- (5) Where an order under<sup>F3</sup> Article 38 of the Planning Order] revokes or modifies any planning permission granted for the carrying out of any development other than new development, the amount of compensation for depreciation payable under section 29 shall be the amount of compensation which would be payable under section 29 if subsections (3) and (7) of that section were omitted and the order were such a planning decision as is mentioned in section 29(1) which, in the case of an order revoking any permission, refused planning permission to carry out the development in question, or, in the case of an order modifying any permission, granted planning permission to carry out the development in question subject to the like conditions as are specified in the order.
- (6) Section 20(2) shall have effect in relation to a claim for compensation under this section as it has effect in relation to a claim for compensation under Part II and section 22 shall have effect in relation to a claim for compensation for depreciation (within the meaning of section 27) as it has effect in relation to a claim for compensation under Part II, and in particular those provisions shall have effect as if for any reference to the date of a planning decision there were substituted a reference to the date of an order under<sup>F3</sup> Article 38 of the Planning Order] made after 25th February 1963.
- (7) The Ministry may make regulations under this section as to the manner in which any claims for compensation under this section must be made.

**F1** 1978 NI 18; Mod., 1972 NI 17

**F2** 1972 NI 17

**F3** 1991 NI 11

**Status:**

Point in time view as at 01/01/2006. This version of this provision has been superseded.

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