



Planning (Compensation, etc.) Act (Northern Ireland) 2001

2001 CHAPTER 2

An Act to abolish the right to compensation in respect of certain planning decisions; and to amend Article 121(1)(c)(iv) of the Planning (Northern Ireland) Order 1991. [20th March 2001]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Abolition of compensation for planning decisions restricting new development

1. Parts I and II of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23) (in this Act referred to as “the 1965 Act”) (compensation for planning decisions restricting new development where land has a balance of development value) shall cease to have effect.

Abolition of compensation for planning decisions restricting development other than new development

2. Section 29 of the 1965 Act (compensation for planning decisions restricting development other than new development) shall cease to have effect.

Abolition of compensation for refusal of consent to alteration etc. of listed building

3. Article 64 of the [Planning \(Northern Ireland\) Order 1972 \(NI 17\)](#) (in this Act referred to as “the 1972 Order”) (compensation for refusal of consent to alteration, etc. of listed building) shall cease to have effect.

Application of Act

4. This Act, except section 5, shall have effect, or be treated as having had effect, in any case where the application for planning permission referred to in section 14(1) of the 1965 Act or in section 29(1) of the 1965 Act or, as the case may be, the application for listed building consent referred to in Article 64 of the 1972 Order is made on or after 23rd October 2000.

Amendment of the Planning (Northern Ireland) Order 1991

5. In Article 121(1)(c)(iv) of the [Planning \(Northern Ireland\) Order 1991 \(NI 11\)](#) (rights of entry), for the words “sub-paragraph (a)(iv)” there shall be substituted “sub-paragraph (a)(v)”.

Amendments, savings and repeals

6.—(1) The statutory provisions specified in Schedule 1 shall have effect subject to the amendments set out in that Schedule.

(2) Without prejudice to section 28 of the Interpretation Act (Northern Ireland) 1954 (c. 33), the savings in Schedule 2 shall have effect.

(3) The statutory provisions set out in Schedule 3 are hereby repealed to the extent specified in column 2 of that Schedule.

Short title

7. This Act may be cited as the Planning (Compensation, etc.) Act (Northern Ireland) 2001.

SCHEDULES

SCHEDULE 1

Section 6(1).

Amendments

*The Land Development Values (Compensation)
Act (Northern Ireland) 1965 (c. 23)*

1. For section 30 there shall be substituted the following section—

“30 Public bodies in relation to compensation under section 26.

30. Where a public body are entitled to a compensatable estate in any land, compensation under section 26 shall not be payable to that body in respect of an order under Article 38 of the Planning Order whereby any planning permission is revoked or modified unless the order is in respect of any land specified in any regulations under section 4 or land of a class or description so specified.”.

2. In section 33—
 - (a) in subsection (1), for the words “any of the purposes of Part II or III” there shall be substituted “the purposes of section 26”; and
 - (b) in subsection (3), for the words “any of the provisions of Part II or III” there shall be substituted “section 26”.

The Planning (Northern Ireland) Order 1972 (NI 17)

3. In Article 65(4), for “27 to 33 and 37 to 39” there shall be substituted “27, 30, 31, 33 and 37”.
4. In Article 66B(4), for the words “Sections 31 to 33” there shall be substituted “Sections 31 and 33”.
5. In Article 69—
 - (a) for the words “Part II, or section 26 or 29, of the Act of 1965 in relation to a planning decision or order” there shall be substituted “section 26 of the Act of 1965 in relation to an order”; and
 - (b) for the words “the decision or order” there shall be substituted “the order”.

The Planning (Northern Ireland) Order 1991 (NI 11)

6. In Schedule 5, in the amendment to the 1965 Act beginning “Sections 15(1)(b)(i)”, for the words “Sections 15(1)(b)(i), 18(2), 29 and 43(1)” there shall be substituted “Section 43(1)”.

*The Historic Monuments and Archaeological
Objects (Northern Ireland) Order 1995 (NI 9)*

7. In Articles 9(7) and 11(6) for the words “Sections 32 and 33” there shall be substituted “Section 33” and for the words “they have” there shall be substituted “it has”.

The Water (Northern Ireland) Order 1999 (NI 6)

8. In paragraph 7(5) of Schedule 2 for the words “Sections 31 to 33(1)” there shall be substituted “Sections 31 and 33(1)”.

SCHEDULE 2

Section 6(2).

Savings

1. The repeal by this Act of Part I of the 1965 Act does not affect the operation, for the purposes of section 30 of the 1965 Act, of regulations made under section 4 of that Act.
2. The repeal by this Act of Part II of the 1965 Act does not affect the operation of section 20(2) of the 1965 Act for the purposes of section 26 of that Act.
3. The repeal by this Act of Part II of the 1965 Act does not affect the operation of section 22 of the 1965 Act for the purposes of—
 - (a) section 26 of that Act; or
 - (b) Article 65 of the 1972 Order.
4. The repeal by this Act of Part II of the 1965 Act does not affect the operation, for the purposes of section 27 of the 1965 Act, of section 23 of that Act and any regulations made by virtue of that section.
5. The repeal by this Act of Part II of the 1965 Act does not affect the operation of section 24 of the 1965 Act for the purposes of section 27 or 37 of that Act.
6. The repeal by this Act of section 29 of the 1965 Act does not affect the operation of that section for the purposes of section 26 of the 1965 Act.

SCHEDULE 3

Section 6(3).

Repeals

Short Title	Extent of repeal
The Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23).	Parts I and II. In section 27(3), the words “as they have effect with respect to an apportionment under section 21”. In section 27(7), the words “and section 28”. Sections 28 and 29. Section 32. Section 33(2). Section 37(6). Sections 38 and 39. In section 40(1), the words “for the determination of its development value or”. In section 43(1), the definitions of “caravan” and “caravan site”. In section 43(1), in the definitions of “Part III compensation” the words “or 29”. In section 43(4), the words “, except for the purposes of section 22,”. Schedule 3.
The Planning (Northern Ireland) Order 1972 (NI 17)	Article 64. Article 69A. Article 90.
The Land Compensation (Northern Ireland) Order 1982 (NI 9).	In Schedule 2, paragraph 10.

Short Title	Extent of repeal
The Planning (Amendment) (Northern Ireland) Order 1982 (NI 20).	Article 18.
The Planning (Northern Ireland) Order 1991 (NI 11).	In Schedule 5, in the amendment to the 1965 Act beginning “Sections 15(1)(b) (i)” the words “(1), (3), (4), (12)”.
	In Schedule 5, the amendments to sections 15 and 18 of the 1965 Act.
