
STATUTORY INSTRUMENTS

1982 No. 712

The Land Compensation (Northern Ireland) Order 1982

PART III

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

Assumptions as to planning permission

General as to assumptions relating to planning permission

12.—(1) For the purpose of assessing the compensation in respect of any compulsory acquisition of any land, such one or more of the assumptions mentioned in Article 13 as are applicable to the land or any part of it shall be made in ascertaining the value of the interest to be acquired.

(2) Any planning permission which is to be assumed in accordance with Article 13, is in addition to any planning permission which may be in force at the date on which the vesting order becomes operative.

(3) Nothing in this Part shall be construed as requiring it to be assumed that planning permission would necessarily be refused for any development which is not development for which, in accordance with this Part, the granting of planning permission is to be assumed; but in determining whether planning permission for any development could in any particular circumstances reasonably have been expected to be granted in respect of land, regard shall be had to any contrary opinion expressed in relation to that land in any certificate issued under Articles 15 and 17.

(4) For the purposes of any reference in this Article or Article 13 to planning permission which is in force on the date of acquisition, it is immaterial whether the planning permission in question was granted—

- (a) unconditionally or subject to conditions, or
- (b) in respect of the land in question taken by itself or in respect of an area including that land, and for those purposes where development is permitted by an interim development order, that order shall be taken to be planning permission for that development.

Modifications etc. (not altering text)

- C1** Art. 12 modified (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 196\(7\), 254\(1\), \(2\) \(with s. 211\)](#); S.R. 2015/49, arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by S.R. 2016/159, art. 2))

Assumptions as to grant of planning permission

13.—(1) In a case where—

Changes to legislation: *The Land Compensation (Northern Ireland) Order 1982, Cross Heading: Assumptions as to planning permission is up to date with all changes known to be in force on or before 22 April 2024. 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) View outstanding changes*

- (a) the interest is to be compulsorily acquired for purposes which involve the carrying out of proposals of the acquiring authority for development of the land in which the interest subsists or part of it, and
- (b) on the date on which the vesting order becomes operative there is not in force planning permission for that development,

it shall be assumed that planning permission would be granted in respect of that land or that part of it, as the case may be, such as would permit development of it in accordance with the proposals of the acquiring authority.

(2) It shall be assumed that planning permission would be granted in respect of that land or any part of it, for development of any class specified in Schedule 1 to the Land Development Values (Compensation) Act (Northern Ireland) 1965^{F1} (development not constituting new development).

(3) Where a certificate is issued under Article 15 or 17, it shall be assumed that any planning permission which, according to the certificate might reasonably have been expected to be granted in respect of that land or part of it would be so granted, but, where any conditions are, in accordance with those Articles, specified in the certificate, only subject to those conditions and, if any future time is so specified, only at that time.

F1 1965 c. 23 (NI)

Modifications etc. (not altering text)

C2 Art. 13 modified (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), ss. 196\(7\), 254\(1\), \(2\) \(with s. 211\); S.R. 2015/49, arts. 2, 3, Sch. 1 \(with Sch. 2 \(as amended \(16.3.2016\) by S.R. 2016/159, art. 2\)\)](#)

Special assumptions deriving from development plans

14.—(1) If the land in which the interest to be compulsorily acquired subsists or any part of it (not being land in a proposed redevelopment area or in the area of a proposed development scheme) consists or forms part of an area shown in the [^{F2}local development plan] as an area allocated primarily for a use specified in the plan in relation to that area, it shall be assumed that planning permission would be granted in respect of that land or that part of it, as the case may be, for any development which—

- (a) is development for the purposes of that use of that land or that part of it; and
- (b) is development for which planning permission might reasonably have been expected to be granted in respect of that land or that part of it as the case may be.

(2) If that land or any part of it (not being land in a proposed redevelopment area or in the area of a proposed development scheme) consists or forms part of an area shown in the [^{F2}local development plan] as an area allocated primarily for a range of two or more uses specified in the plan in relation to the whole of that area, it shall be assumed that planning permission would be granted, in respect of that land or that part of it, as the case may be, for any development which—

- (a) is development for the purposes of a use of that land or that part of it, being a use falling within that range of uses; and
- (b) is development for which planning permission might reasonably have been expected to be granted in respect of that land or that part of it as the case may be.

F2 Words in art. 14 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. 6 para. 41 \(with s. 211\); 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:

The Land Compensation (Northern Ireland) Order 1982, Cross Heading: Assumptions as to planning permission is up to date with all changes known to be in force on or before 22 April 2024. 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.

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 6(2)-(4) applied (by S.I. 1996/725 (N.I.), art. 18B 18C (as inserted)) by [2022 c. 46 s. 64\(2\)](#)