
STATUTORY INSTRUMENTS

1982 No. 712

The Land Compensation (Northern Ireland) Order 1982

PART IV

CERTIFICATION OF ALTERNATIVE DEVELOPMENT VALUE

Certificate of alternative development value

15.—(1) Where an interest in land is proposed to be acquired by an authority possessing compulsory acquisition powers and that land or part of it is in a proposed redevelopment area or in the area of a proposed development scheme or does not consist or form part of an area—

- (a) which that authority propose to develop for residential, commercial, or industrial use or for a range of two or more uses any of which is residential, commercial or industrial; or
- (b) indicated in the [^{F1}local development plan] for a use which is primarily residential, commercial or industrial or for a range of two or more uses any of which is residential, commercial or industrial;

then, subject to paragraph (2), either of the parties directly concerned may apply to the [^{F2}council within whose district the land is situated] for a certificate under this Article.

(2) If in the case of an interest in land falling within paragraph (1), the acquiring authority have purchased it or have been granted or have made a vesting order in respect of it, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this Article shall be made by the person entitled to the interest or the acquiring authority after the date of that reference except either—

- (a) with the consent in writing of the other of those parties, or
 - (b) with the leave of the Lands Tribunal.
- (3) An application under this Article made by either of those parties—
- (a) shall specify one or more classes of development appearing to the applicant to be classes of development which would be appropriate for the land in question if it were not proposed to be acquired by an authority possessing compulsory acquisition powers; and
 - (b) shall be accompanied by a statement specifying the date on which a copy of the application has or will be served upon the other of those parties.

(4) Where an application is made to the [^{F3}council] for a certificate under this Article in respect of an interest in the land, that [^{F4}council] shall, not earlier than twenty-one days after the date specified in the statement mentioned in paragraph (3) (b), issue to the applicant a certificate stating either of the following to be the opinion of that [^{F4}council] regarding the planning permission that might have been expected to be granted in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory acquisition powers—

- (a) that planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) might reasonably have been expected to be granted; or

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(b) that planning permission could not reasonably have been expected to be granted for any development other than the development, if any, which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.

(5) Where, in the opinion of the [F⁵council] planning permission might reasonably have been expected to be granted as mentioned in paragraph (4) (a) but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions or that future time or both as the case may be, in addition to the other matters required to be contained in the certificate.

(6) Where an application for a certificate under this Article relates to land of which part (but not the whole) consists or forms part of such an area as mentioned in paragraph (1) (a) or (b), any certificate issued under this Article in pursuance of that application shall be limited to so much of that land as does not fall within any such area.

(7) In determining, for the purposes of the issue of a certificate under this Article, whether planning permission for any particular class of development might reasonably have been expected to be granted in respect of any land, the [F⁶council] shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the [F¹local development plan] relating to the land.

(8) On issuing to one of the parties directly concerned a certificate under this Article in respect of an interest in land, the [F⁷council] shall serve a copy of the certificate on the other of those parties.

(9) For the purpose of this Article an interest in land shall be taken to be an interest proposed to be acquired by an authority possessing compulsory acquisition powers—

- (a) where an application for the making of a vesting order in respect of that interest has been made under any statutory provision; or
- (b) where an offer in writing has been made by or on behalf of the authority to negotiate for the purchase of that interest; or
- (c) where a notice requiring the purchase of that interest has been served under any statutory provision and under that statutory provision there is deemed to be a contract to sell the interest to the authority.

(10) In this Article “the parties directly concerned” in relation to an interest in land means the person entitled to the interest and the authority by whom it is proposed to be acquired.

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| <p>F1 Words in art. 15 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))</p> <p>F2 Words in art. 15(1) 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. 42 (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))</p> <p>F3 Words in art. 15(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. 6 para. 44 (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))</p> <p>F4 Words in art. 15(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. 6 para. 43 (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))</p> <p>F5 Words in art. 15(5) 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. 44 (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))</p> |
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- F6** Words in art. 15(7) 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. 44](#) (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))
- F7** Words in art. 15(8) 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. 44](#) (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))

Appeal against certificate under Article 15

16.—(1) Where the [^{F8}council] has issued a certificate under Article 15 in respect of an interest in land—

- (a) the person for the time being entitled to that interest; or
- (b) the authority possessing compulsory acquisition powers by whom that interest is proposed to be acquired;

may appeal to the planning appeals commission against that certificate.

(2) On any appeal under this Article against a certificate, the planning appeals commission shall consider the matters to which the certificate relates as if the application for the certificate had been made to it in the first instance, and shall either confirm the certificate or vary it or cancel it and issue a different certificate in its place, as the commission may consider appropriate.

(3) Before determining any appeal under this Article the commission shall, if any such person or authority as is mentioned in paragraph (1) (a) or (b) so desires, afford to each such person or authority and to the [^{F8}council] an opportunity of appearing before and being heard by the commission.

- F8** Words in art. 16 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. 44](#) (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))

Applications and notices of appeal

17.—(1) The Department of the Environment may by regulations made subject to negative resolution make provision with respect to the manner in which applications under Article 15 are to be made and dealt with.

- [^{F9}(2) Regulations under paragraph (1) may include provisions—
- (a) as to the manner in which notices of appeals are to be given and the time for giving any such notice; and
 - (b) requiring councils to furnish the Department of the Environment and such other persons (if any) as may be prescribed by the regulations, with such information as may be so prescribed with respect to applications under Article 15.”]

- F9** Art. 17(2) 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. 45](#) (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))

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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\(2\)](#)