STATUTORY RULES OF NORTHERN IRELAND

2008 No. 160

ENVIRONMENTAL PROTECTION

The Waste Management Licences (Consultation and Compensation) Regulations (Northern Ireland) 2008

Made - - - -	*4th April 2008*
Coming into operation	*19th May 2008*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 7(3) and (4), 9(5)(b) and 11(6)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**1**).

Citation and commencement

1. These Regulations may be cited as the Waste Management Licences (Consultation and Compensation) Regulations (Northern Ireland) 2008, and shall come into operation on 19th May 2008.

Interpretation

2. In these Regulations, —

"the 1982 Order" means the Land Compensation (Northern Ireland) Order 1982(**2**);

"grantor" means a person who has granted, or joined in the granting of, rights pursuant to the requirements of Article 6(4) or 12(9);

"relevant interest" means an interest in land in respect of which rights have been granted pursuant to the requirements of Article 6(4) or 12(9),

and any reference to a numbered Article is a reference to the Article bearing that number in the Waste and Contaminated Land (Northern Ireland) Order 1997.

Consultations - prescribed periods

3. For the purposes of—

(**1**) S.I 1997/2778 (N.I. 19)
(**2**) S.I. 1982/712(N.I. 9)

(a) Paragraph 5 of Article 9 (consultation before the grant of certain licences) (including that paragraph as applied by Article 12(10) (revocation and suspension of licences)) the period shall be 3 months; and

(b) Paragraph 6 of Article 11 (consultation before certain variations), the period shall be 6 weeks.

Compensation following grant of rights

4. Subject to the provisions of these Regulations, compensation is payable under Article 7 (compensation where rights granted pursuant to Article 6(4) or 12(9)) for loss and damage of the following descriptions—

(a) depreciation in the value of any relevant interest to which the grantor is entitled which results from the grant of the rights;

(b) depreciation in the value of any other interest in land to which the grantor is entitled which results from the exercise of the rights;

(c) loss or damage, in relation to any relevant interest to which the grantor is entitled, which—

(i) is attributable to the grant of the rights or the exercise of them;

(ii) does not consist of depreciation in the value of that interest; and

(iii) is loss or damage for which he would have been entitled to compensation by way of compensation for disturbance, if that interest had been acquired compulsorily under the Land Acquisition and Compensation (Northern Ireland) Order 1973(**3**) in pursuance of a notice to treat served on the date on which the rights were granted;

(d) damage to, or injurious affection of, any interest in land to which the grantor is entitled which is not a relevant interest, and which results from the grant of the rights or the exercise of them; and

(e) loss in respect of work carried out by or on behalf of the grantor which is rendered abortive by the grant of the rights or the exercise of them.

Time at which entitlement to compensation arises

5.—(1) Subject to paragraph (2), an entitlement to compensation under Article 7 arises on the date of the grant of the rights.

(2) Where, after a grant of rights pursuant to Article 6(4) or 12(9), the conditions of the licence which rendered the grant of rights necessary are upheld on the final determination of an appeal against those conditions, the entitlement to compensation arises on the date of the final determination of the appeal.

Application for compensation

6.—(1) An application for compensation under Article 7 shall be made by the grantor within the period beginning with the date on which the entitlement to compensation arises in his case and ending on whichever is the later of the following dates—

(a) 12 months after the date on which the entitlement to compensation arises in his case; or

(b) 6 months after the date on which the rights were first exercised.

(2) An application shall be made in writing and served on the holder of the licence to whom the rights were granted.

(3) The application shall contain, or be accompanied by—

(**3**) S.I. 1973/1896 (N.I. 21)