STATUTORY INSTRUMENTS

1972 No. 1634 (N.I. 17)

Planning (Northern Ireland) Order 1972

[1st November
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PART I

PRELIMINARY

Title and commencement

1.—(1) This Order[F1] may be cited as the Planning (Northern Ireland) Order 1972.

(2) *Commencement*

F1 1980 NI 12

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and to the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

[[F2](2) Words and expressions used in this Order and in the **[**[F3]Planning Act (Northern Ireland) 2011**]** have the same meaning in this Order as they have in **[**[F4]that Act**]** .**]**
Para. (3) rep. by SLR 1976

F2 1991 NI 11
F3 Words in art. 2(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. 9(a)** (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)
F4 Words in art. 2(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. 9(b)** (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)

PARTS II#VII (arts. 3#63) rep. by 1991 NI 11

PART VIII

COMPENSATION

Art. 64 rep. by 2001 c. 2 (NI)

Compensation where listed building consent revoked or modified

[F5]65 . . . .

F5 Art. 65 repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation in respect of orders under Article 29A or 37G(3)

[F6]65A. . . . . . .

F6 Art. 65A repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation in respect of tree preservation orders

[F7]66. . . . . . .

F7 Art. 66 repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation where hazardous substances consent modified or revoked under Article 60 of the Planning Order

[F8]66A. . . . . . .

F8 Art. 66A repealed (1.4.2015) by Planning Act (Northern-Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation in respect of orders under Article 100 of the Planning Order

66B.—(1) Any person who, at the time of an order under Article 100(1) of the Planning Order coming into force, has an estate in land having lawful access to a road to which the order relates shall be entitled to be compensated by the Department in respect of any depreciation in the value of his estate which is directly attributable to the order and of any other loss or damage which is so attributable.

(2) In paragraph (1) "lawful access" means access authorised by virtue of planning permission or**[**[F9] Article 80 of the Roads (Northern Ireland) Order 1993**]**, or access in respect of which no such authorisation is necessary.

(3) A claim for compensation under paragraph (1) shall be made to the Department within the time and in the manner prescribed.

(4) **[**[F10]Sections 31 and 33**]** of the Act of 1965 shall, subject to any necessary modifications, have effect in relation to compensation under paragraph (1) as they have effect in relation to compensation payable under Part III of that Act.

F9 1993 NI 15
F10 2001 c. 2 (NI)

Compensation for loss due to stop notice

[F11]**67.** . . . . . .

F11 Art. 67 repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation for loss or damage caused by service of building preservation notice

[F12]**67A.** . . . . . .

F12 Art. 67A repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation for loss due to temporary stop notice

[F13]**67B.** . . . . . .

F13 Art. 67B repealed (1.4.2015) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 7** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Compensation where planning permission required under this Order but not under the Act of 1944

68.—(1) This Article shall apply—

(a) where the development of land was permitted before**[**[F14] 1st October 1973**]** by virtue of Article 4 of, and paragraph 5 of the Schedule to, the Planning (Interim Development) Order (Northern Ireland) 1944 (development by mining undertakers); or

(b) where by virtue of section 9(1)(i) of the Act of 1944, the erection before**[**[F14] 1st October 1973**]** of certain buildings for the purpose of agriculture did not constitute development,

if in either such case, by virtue of**[**[F14] the Planning **[**[F15]Act**]]** , planning permission is required, and that permission is refused or granted subject to conditions.

(2) In a case falling within paragraph (1), section 26 of the Act of 1965 shall apply as if—

(a) planning permission had been granted for the development; and

(b) on the date of the planning decision in question that permission had been revoked or modified under Article 29.

F14 1991 NI 11