



## 2011 CHAPTER 25

### Part 6

#### Compensation

##### **Compensation in respect of tree preservation orders**

**183.**—(1) A tree preservation order may make provision for the payment by the council, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of loss or damage caused or incurred in consequence—

- (a) of the refusal of any consent required under the order; or
- (b) of the grant of any such consent subject to conditions.

(2) In assessing compensation payable under subsection (1) account shall be taken of—

- (a) any compensation under subsection (1) which has been paid whether to the claimant or to any other person, in respect of the same tree; and
- (b) any injurious affect on any land of the claimant which would result from the felling of the tree which is the subject of the claim.

(3) Except in so far as may be otherwise provided by any tree preservation order, any question of disputed compensation under subsection (1) shall be referred to and determined by the Lands Tribunal.

(4) Claims made under this section shall be made to and paid by the council which made the order in question or, where the order was made by the Department under section 124, the council which is treated as having made it and references in this section to the council shall be construed accordingly.

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*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 183. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** Ss. 181-186 applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
- .....

**Commencement Information**

- I1** S. 183 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 183 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 183.