



2010 CHAPTER 10

PART 3

FELLING OF TREES

Restriction of felling

Compensation on refusal of felling licence

17.—(1) If the Department refuses an application for a felling licence in the case of any trees, any person who is for the time being the owner of the trees is entitled to compensation for any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber comprised therein in consequence of the refusal of a felling licence for them.

(2) Compensation under this section shall be recoverable from the Department on a claim made in the prescribed manner.

(3) Claims for the compensation in the case of any trees may be made from time to time in respect of deterioration taking place after the refusal of a felling licence for those trees, but—

- (a) no such claim shall be made in respect of deterioration taking place more than 10 years before the date of the claim; and
- (b) if the trees have been felled, no such claim shall be made after the expiration of one year from the date of the felling.

(4) In calculating compensation—

- (a) no account shall be taken of deterioration in the quality of the timber which is attributable to neglect of the trees after the refusal of a felling licence for them; and

- (b) the value of the trees at any time shall be ascertained on the basis of prices current at the date of the claim.
- (5) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.