



## 2011 CHAPTER 25

### Part 5

#### Enforcement

##### *Trees*

#### **Execution and cost of works required by section 164 notice**

**166.**—(1) If, within the period specified in a notice under section 164(1) for compliance with it, or within such extended period as the council may allow, any trees which are required to be planted by a notice under that section have not been planted, the council may—

- (a) enter the land and plant those trees; and
- (b) recover from the person who is then the owner of the land any expenses reasonably incurred by it in doing so and those expenses shall be a civil debt recoverable summarily.

(2) Where such a notice has been served—

- (a) any expenses incurred by the owner of any land for the purpose of complying with the notice; and
- (b) any sums paid by the owner of any land under subsection (1) in respect of expenses incurred by the council in planting trees required by such a notice to be planted,

shall be deemed to be incurred or paid for the use and at the request of any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

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*Status: Point in time view as at 01/04/2015. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 166. (See end of Document for details)*

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(3) Subsections (3) to (9) of section 146 shall with any necessary modifications apply to a notice under this section as those subsections apply to an enforcement notice.

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

- C1** Pt. 5 applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
- C2** Pt. 5 (except ss. 157-163) applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), **2** (with regs. 3-10)

**Commencement Information**

- I1** S. 166 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 166 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)

**Status:**

Point in time view as at 01/04/2015. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 166.