



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART VIII

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

##### *Other restrictions*

#### **175 Compensation in respect of requirement as to replanting of trees**

- (1) The provisions of this section shall have effect where, in pursuance of provision made by a tree preservation order, a direction is given, by the local planning authority or the Secretary of State, for securing the replanting of all or any part of a woodland area which is felled in the course of forestry operations permitted by or under the order.
- (2) If the Forestry Commissioners decide not to make any advance under section 4 of the Forestry Act 1967 in respect of the replanting and come to that decision on the ground that the direction frustrates the use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry, the local planning authority exercising functions under the tree preservation order shall be liable, on the making of a claim in accordance with this section, to pay compensation in respect of such loss or damage, if any, as is caused or incurred in consequence of compliance with the direction.
- (3) The Forestry Commissioners shall, at the request of the person under a duty to comply with the direction, give a certificate stating whether they have decided not to make any such advance and, if so, the grounds of their decision.
- (4) A claim for compensation under this section must be served on the local planning authority within twelve months from the date on which the direction was given, or where an appeal has been made to the Secretary of State against the decision of the local planning authority, from the date of the decision of the Secretary of State on the appeal, but subject in either case to such extension of that period as the local planning authority may allow.