



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART VIII

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

##### *Other restrictions*

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

- (1) The provisions of this section shall have effect where a requirement is imposed by the local planning authority or the Secretary of State by or under a tree preservation order 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 requirement 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 requirement.
- (3) The Forestry Commissioners shall, at the request of the person under a duty to comply with the requirement, 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 requirement was imposed, or where an application has been made to the Secretary of State for the determination of any question relating to the reasonableness of a requirement, from the date of the

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*Status: This is the original version (as it was originally enacted).*

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decision of the Secretary of State on the application, but subject in either case to such extension of that period as the local planning authority may allow.

- (5) Any question of disputed compensation under this section shall be determined in accordance with section 70 of the Countryside (Scotland) Act 1967.
- (6) Section 67 of the Countryside (Scotland) Act 1967 (grants to local authorities) shall have effect in relation to the expenditure of a local planning authority in or in connection with paying compensation under this section as it has effect in relation to the expenditure mentioned in that section.