



Countryside Act 1968

1968 CHAPTER 41

Trees and woodlands

23 Provision of facilities by Forestry Commissioners

- (1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 (in this section referred to as " the Commissioners ") shall have the powers conferred on them by this section.
- (2) The Commissioners may, on any land placed at their disposal by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Wales, provide, or arrange for or assist in the provision of, tourist, recreational or sporting facilities and any equipment, facilities or works ancillary thereto, including without prejudice to that generality—
 - (a) accommodation for visitors,
 - (b) camping sites and caravan sites,
 - (c) places for meals and refreshments,
 - (d) picnic places, places for enjoying views, parking places, routes for nature study and footpaths,
 - (e) information and display centres,
 - (f) shops in connection with any of the aforesaid facilities,
 - (g) public conveniences,

and the Commissioners shall have power to make such charges as they think fit in connection with any of those facilities.

In this subsection " provide" includes manage, maintain and improve.

- (3) The power of the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales under section 39 of the Forestry Act 1967 to acquire land shall include power to acquire land in proximity to land placed by him at the disposal of the Commissioners where it appears to him that the land which it is proposed to acquire is reasonably required by the Commissioners for the provision of such facilities as are mentioned in subsection (2) above.

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Either of the said Ministers shall have power to dispose of land acquired by him, whether by way of sale, lease or exchange, where in his opinion it is no longer so required, or where in his opinion the disposal is desirable for the purpose of securing the provision of any of those facilities by any other body or person.

- (4) The Commissioners' powers to make byelaws under section 46 of the Forestry Act 1967 shall include power to make byelaws for regulating the reasonable use by the public of the facilities described in subsection (2) above, and in relation to any such matter as is described in section 41(3) of this Act.
- (5) The Countryside Commission shall have power to act as agent for the Commissioners in the exercise of their powers under subsection (2) above.
- (6) All expenses incurred by the Commissioners in the exercise of their powers under this section shall be paid out of the Forestry Fund, and all sums received by the Commissioners in the exercise of their powers under this section shall be paid into the Forestry Fund.

24 Amendments of Forestry Act 1967

- (1) Without prejudice to the provisions of section 11 of this Act, the said Commissioners may, on any land placed at their disposal by the Minister (as defined in the Forestry Act 1967), plant, care for and manage trees in the interests of amenity, and in section 3(1) of the Forestry Act 1967 (management of forestry land) the reference to the Commissioners' functions under that Act shall include a reference to their functions under this subsection.
- (2) The said Minister may acquire, whether by purchase, feu, lease, exchange or excambion, land which in his opinion ought to be used for planting trees in the interests of amenity, or partly for that purpose and partly for afforestation, together with any other land which must necessarily be acquired therewith, and may place any land acquired by him under this subsection at the disposal of the Commissioners.
- (3) The said Minister shall have power to dispose of land acquired by him under this section, whether by sale, feu, lease, exchange or excambion, where in his opinion it is no longer required by him for the purpose for which it was acquired.
- (4) The definition of " public open space " in section 9(6) of the Forestry Act 1967 shall not include a country park provided under section 7 of this Act, or a park or pleasure ground in the Lee Valley Regional Park which in the opinion of the Minister serves the purpose set out in section 6(1) of this Act when the considerations in paragraphs (a) and (b) of that subsection are taken into account.
- (5) This section shall be construed as one with the Forestry Act 1967, and that Act shall have effect as if subsections (2) and (3) above formed part of section 39 of that Act.

25 Tree preservation orders: provision for compensation

- (1) This section has effect where in pursuance of provision made by a tree preservation order a direction is given, by the local planning authority or the Minister, for securing the re-planting 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 re-planting 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 Minister against the decision of the local planning authority, from the date of the decision of the Minister on the appeal, 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 128 of the Town and Country Planning Act 1962 (reference to Lands Tribunal).
- (6) This section shall be construed as one with Part III of the Town and Country Planning Act 1962, and section 3(6) of that Act (references in Part III to local planning authority to include references to any other authority to whom functions have been delegated) shall apply accordingly.
- (7) The terms of any delegation of functions by a local planning authority effected in pursuance of the said section 3 before the coming into force of this section may be varied, so as to take account of any liability under this section of a local authority to whom functions have been so delegated, in such manner as the local planning authority and the other local authority may agree, or, if they fail to agree, as may be determined by the Minister.
- (8) This section, without subsections (5) to (7), shall apply to Scotland subject to the following modifications—
 - (a) references to a direction given in pursuance of provision made by a tree preservation order shall be construed as references to a requirement imposed by or under such an order;
 - (b) for any reference to the Minister there shall be substituted a reference to the Secretary of State ;
 - (c) references in subsection (4) to an appeal against the decision of a local planning authority shall be construed as references to an application for the determination of any question relating to the reasonableness of a requirement;
 - (d) any question of disputed compensation shall be determined in accordance with section 70 of the Countryside (Scotland) Act 1967;and shall be construed as one with Part II of the Town and Country Planning (Scotland) Act 1947.
- (9) 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 Scotland in or

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in connection with paying compensation under this section as it has effect in relation to the expenditure mentioned in that section.

26 Tree preservation orders: compensation under Planning Acts

In section 125(1) of the Town and Country Planning Act 1962, so far as it relates to tree preservation orders, and in section 26(2) of the Town and Country Planning (Scotland) Act 1947 (both of which sections provide for compensation for refusal of consent under tree preservation orders) for the words " damage or expenditure " there shall be substituted " loss or damage ".