



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

Compensation for loss or damage caused by orders, etc.

204 Compensation in respect of requirement as to replanting of trees.

[^{F1}(1) This section applies where—

- (a) 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; and
 - (b) the Forestry Commissioners decide not to make any grant or loan under section 1 of the ^{M1}Forestry Act 1979 in respect of the replanting by reason 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.
- (2) Where this section applies, 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 such a direction as is mentioned in subsection (1)(a), give a certificate stating—
- (a) whether they have decided not to make such a grant or loan as is mentioned in subsection (1)(b), and

Status: Point in time view as at 26/09/2012. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 204 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) if so, the grounds for their decision.
- (4) A claim for compensation under this section must be served on the local planning authority—
- (a) within 12 months from the date on which the direction was given, or
 - (b) where an appeal has been made to the Secretary of State against the decision of the local planning authority, within 12 months 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.]

Textual Amendments

F1 Ss. 203-205 repealed (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), ss. 192(6), 241(3)(4), [Sch. 13](#) (with s. 226); [S.I. 2012/601](#), art. 2(a)(c), [Sch.](#)

Modifications etc. (not altering text)

C1 S. 204: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), [Sch. 1](#)

Marginal Citations

M1 [1979 c. 21](#).

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