

199.—If, on a claim made to the local authority, it is shown that, as a result of the action of the authority pursuant to *section 182* in placing, renewing or removing any cable, wire or pipeline, attaching any bracket or fixture or affixing any notice, the value of an interest of any person in the land or structure existing at the time of the action of the planning authority is reduced, or that any person having an interest in the land or structure at that time has suffered damage by being disturbed in his or her enjoyment of the land or structure, that person shall, subject to the other provisions of this Part, be entitled to be paid by the local authority by way of compensation the amount of the reduction in value or the amount of the damage.

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Compensation regarding cables, wires and pipelines.

200.—If, on a claim made to the planning authority, it is shown that the value of an interest of any person in land, being land over which a public right of way has been created by an order under *section 207* made by that authority, is reduced, or that any person having an interest in the land has suffered damage by being disturbed in his or her enjoyment of the land, in consequence of the creation of the public right of way, that person shall, subject to the other provisions of this Part, be entitled to be paid by the planning authority by way of compensation the amount of the reduction in value or the amount of the damage.

Compensation regarding creation of public rights of way.

201.—If, on a claim made to the planning authority, it is shown that, as a result of anything done under *section 252* or *253*, any person has suffered damage, the person shall, subject to the other provisions of this Part, be entitled to be paid by the planning authority by way of compensation the amount of the damage.

Compensation regarding entry on land.

PART XIII

Amenities

202.—(1) Where, in the opinion of the planning authority, by reason of—

Area of special amenity.

(a) its outstanding natural beauty, or

(b) its special recreational value,

and having regard to any benefits for nature conservation, an area should be declared under this section to be an area of special amenity, it may, by resolution, make an order to do so and the order may state the objective of the planning authority in relation to the preservation or enhancement of the character or special features of the area, including objectives for the prevention or limitation of development in the area.

(2) Where it appears to the Minister that an area should be declared under this section to be an area of special amenity by reason of—

(a) its outstanding natural beauty, or

(b) its special recreational value,

and having regard to any benefits for nature conservation, he or she may, if he or she considers it necessary, direct a planning authority to make an order under this section in relation to an area specified

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in the direction and may, if he or she thinks fit, require that objectives specified in the direction be included by the planning authority in the order in respect of matters and in a manner so specified, and if the Minister gives a direction under this subsection the planning authority concerned shall comply with the direction.

(3) An order made pursuant to a direction under *subsection (2)* shall be revoked or amended only with the consent of the Minister.

(4) An order under this section shall come into operation on being confirmed, whether with or without modification, under *section 203*.

(5) Where the functional areas of two planning authorities are contiguous, either authority may, with the consent of the other, make an order under this section in respect of an area in or partly in the functional area of the other.

(6) Any order under this section may be revoked or varied by a subsequent order under this section.

(7) Subject to *subsection (3)*, a planning authority may, from time to time, review an order made under this section (excepting any order merely revoking a previous order), for the purpose of deciding whether it is desirable to revoke or amend the order.

Confirmation of
order under *section*
202.

203.—(1) As soon as may be after it has made an order under *section 202*, a planning authority shall publish in one or more newspapers circulating in the area to which the order relates a notice—

- (a) stating the fact of the order having been made, and describing the area to which it relates,
- (b) naming a place where a copy of the order and of any map referred to therein may be seen during office hours,
- (c) specifying the period (not being less than 4 weeks) within which, and the manner in which, objections to the order may be made to the planning authority, and
- (d) specifying that the order requires confirmation by the Board and that, where any objections are duly made to the order and are not withdrawn, an oral hearing will be held and the objections will be considered before the order is confirmed.

(2) As soon as may be after the period for making objections has expired, the planning authority may submit the order made under *section 202* to the Board for confirmation, and, when making any such submission, it shall also submit to the Board any objections to the order which have been duly made and have not been withdrawn.

(3) (a) If no objection is duly made to the order, or if all objections so made are withdrawn, the Board may confirm the order made under *section 202*, with or without modifications, or refuse to confirm it.

(b) Where any objections to the order are not withdrawn, the Board shall hold an oral hearing and shall consider the objections, and may then confirm the order, with or without modifications, or refuse to confirm it.

(4) Any reference in this Act, or any other enactment, to a special amenity area order shall be construed as a reference to an order confirmed under this section. Pt.XIII S.203

204.—(1) A planning authority may, by order, for the purposes of the preservation of the landscape, designate any area or place within the functional area of the authority as a landscape conservation area. Landscape conservation areas.

(2) (a) Notwithstanding any exemption granted under *section 4* or under any regulations made under that section, the Minister may prescribe development for the purpose of this section, which shall not be exempted development.

(b) Development prescribed under *paragraph (a)* may be subject to any conditions or restrictions that the Minister may prescribe.

(3) An order made by a planning authority under this section may specify, in relation to all or any part of the landscape conservation area, that any development prescribed by the Minister under *subsection (2)* shall be considered not to be exempted development in that area.

(4) Where a planning authority proposes to make an order under this section, it shall cause notice of the proposed order to be published in one or more newspapers circulating in the area of the proposed landscape conservation area.

(5) A notice under *subsection (4)* shall state that—

(a) the planning authority proposes to make an order designating a landscape conservation area, indicating the place or places and times at which a map outlining the area may be inspected, and shall give details of the location of the area and any prescribed development which it proposes to specify in the order, and

(b) submissions or observations regarding the proposed order may be made to the planning authority within a stated period of not less than 6 weeks, and that the submissions or observations will be taken into consideration by the planning authority.

(6) The members of a planning authority, having considered the proposed order and any submissions or observations made in respect of it, may, as they consider appropriate, by resolution, make the order, with or without modifications, or refuse to make the order.

(7) Where a planning authority wishes to amend or revoke an order made under this section, the planning authority shall give notice of its intention to amend or revoke the order, as the case may be.

(8) A notice under *subsection (7)* (which shall include particulars of the proposed amendment or revocation of the order) shall be published in one or more newspapers circulating in the landscape conservation area.

(9) A notice under *subsection (7)* shall state that—

(a) the planning authority proposes to amend or revoke the order, and

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(b) submissions or observations regarding the proposed amendment or revocation of the order may be made to the planning authority within a stated period of not less than 6 weeks, and that the submissions or observations will be taken into consideration by the planning authority.

(10) The planning authority, having considered the proposed amendment or revocation of the order and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, revoke the order or amend the order, with or without modifications, or refuse to make the order, as the case may be.

(11) Before making an order under this section, the planning authority shall consult with any State authority where it considers that any order relates to the functions of that State authority.

(12) (a) A planning authority shall give notice of any order made under this section in at least one newspaper circulating in its functional area, and the notice shall give details of any prescribed development which is specified in the order.

(b) Notice under this subsection shall also be given to the Board and to any other prescribed body which in the opinion of the planning authority has an interest in such notice.

(13) Where 2 or more planning authorities propose to jointly designate any area or place, which is situated within the combined functional area of the planning authorities concerned, as a landscape conservation area, the functions conferred on a planning authority under this section shall be performed jointly by the planning authorities concerned, and any reference to "planning authority" shall be construed accordingly.

(14) Particulars of an order under this section shall be entered in the register.

Tree preservation orders.

205.—(1) If it appears to the planning authority that it is expedient, in the interests of amenity or the environment, to make provision for the preservation of any tree, trees, group of trees or woodlands, it may, for that purpose and for stated reasons, make an order with respect to any such tree, trees, group of trees or woodlands as may be specified in the order.

(2) Without prejudice to the generality of *subsection (1)*, an order under this section may—

(a) prohibit (subject to any conditions or exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees, and

(b) require the owner and occupier of the land affected by the order to enter into an agreement with the planning authority to ensure the proper management of any trees, group of trees or woodlands (including the replanting of trees), subject to the planning authority providing assistance, including financial assistance, towards such management as may be agreed.

(3) (a) Where a planning authority proposes to make an order under this section, it shall—

- (i) serve a notice (which shall include particulars of the proposed order) of its intention to do so on the owner and the occupier of the land affected by the order, and
- (ii) cause notice of the proposed order to be published in one or more newspapers circulating in its functional area.

(b) A notice under *paragraph (a)(i)* shall be accompanied by a map indicating the tree, trees, group of trees or woodland to be preserved.

(4) A notice under *subsection (3)* shall state that—

- (a) the planning authority proposes to make an order preserving the tree, trees, group of trees or woodlands,
- (b) submissions or observations regarding the proposed order may be made to the planning authority within a stated period of not less than 6 weeks, and that the submissions or observations will be taken into consideration by the planning authority, and
- (c) any person who contravenes an order or, pending the decision of a planning authority, a proposed order under this section, shall be guilty of an offence.

(5) The planning authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, make the order, with or without modifications, or refuse to make the order, and any person on whom notice has been served under *subsection (3)* shall be notified accordingly.

(6) Where a planning authority intends to amend or revoke an order made under this section, the planning authority shall give notice of its intention to amend or revoke the order, as the case may be.

(7) (a) A notice under *subsection (6)* (which shall include particulars of the proposed order) shall be—

- (i) served on the owner and the occupier of the land affected by the order, and on any other person on whom a notice was served under *subsection (3)*, and
- (ii) published in one or more newspapers circulating in the functional area of the planning authority.

(b) A notice under *subsection (6)* shall be accompanied by a map indicating the tree, trees, group of trees or woodland to be affected by the amendment or revocation of the order.

(8) A notice under *subsection (6)* shall state that—

- (a) the planning authority proposes to amend or revoke the order, and
- (b) submissions or observations regarding the proposal may be made to the planning authority within a stated period of

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not less than 6 weeks, and that the submissions or observations will be taken into consideration by the planning authority.

(9) The planning authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, revoke the order or amend the order, with or without modifications, or refuse to make the order, as the case may be, and any person on whom notice has been served under *subsection (7)* shall be notified accordingly.

(10) Any person who contravenes an order or, pending the decision of a planning authority, a proposed order under this section, shall be guilty of an offence.

(11) Without prejudice to any other exemption for which provision may be made by an order under this section, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any enactment or so far as may be necessary for the prevention or abatement of a nuisance or hazard.

(12) Particulars of an order under this section shall be entered in the register.

Creation of public rights of way pursuant to agreement.

206.—(1) A planning authority may enter into an agreement with any person having the necessary power in that behalf for the creation, by dedication by that person, of a public right of way over land.

(2) An agreement made under this section shall be on such terms as to payment or otherwise as may be specified in the agreement, and may, if it is so agreed, provide for limitations or conditions affecting the public right of way.

(3) Where an agreement has been made under this section, it shall be the duty of the planning authority to take all necessary steps for securing that the creation of the public right of way is effected in accordance with the agreement.

(4) Particulars of an agreement made under this section shall be entered in the register.

Compulsory powers for creation of public rights of way.

207.—(1) If it appears to the planning authority that there is need for a public right of way over any land, the planning authority may, by resolution, make an order creating a public right of way over the land.

(2) (a) Where a planning authority proposes to make an order under this section, it shall—

(i) serve a notice (which shall include particulars of the proposed order) of its intention to do so on the owner and the occupier of the land over which the public right of way is proposed to be created and on any other person who in its opinion will be affected by the creation of the public right of way, and

(ii) cause notice of the proposed order to be published in one or more newspapers circulating in its functional area.

(b) A notice under *paragraph (a)(i)* shall be accompanied by a map indicating the public right of way to be created.

(3) A notice under *subsection (2)* shall state that—

(a) the planning authority proposes to make an order creating the public right of way, and

(b) submissions or observations regarding the proposed order may be made to the planning authority within a stated period of not less than 6 weeks and that the submissions or observations will be taken into consideration by the planning authority.

(4) The planning authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, make the order, with or without modifications, or refuse to make the order and any person on whom notice has been served under *subsection (2)* shall be notified accordingly.

(5) Any person who has been notified of the making of an order under *subsection (4)* may appeal to the Board against the order within 4 weeks of being notified under that subsection.

(6) Where an appeal is brought under this section against an order, the Board may confirm the order with or without modifications or annul the order.

(7) An order under this section (other than an order which is annulled) shall take effect—

(a) in case no appeal against it is taken or every appeal against it is withdrawn before the expiration of the period for taking an appeal, on the expiration of the period for taking an appeal, or

(b) in case an appeal or appeals is or are taken against it and the appeal or appeals is or are not withdrawn during the period for taking an appeal, when every appeal not so withdrawn has been either withdrawn or determined.

(8) Particulars of a right of way created under this section shall be entered in the register.

(9) Any public right of way created under an enactment repealed by this Act that was in force immediately before the commencement of this section shall be deemed to have been made under this section.

208.—(1) Where a public right of way is created pursuant to this Act, or where a provision in a development plan in force on the commencement of this section relates to the preservation of a public right of way, the way shall be maintained by the planning authority.

Supplemental provisions with respect to public rights of way.

(2) (a) Where a right of way is required by this section to be maintained by the planning authority, a person shall not damage or obstruct the way, or hinder or interfere with the exercise of the right of way.

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(b) A person who contravenes this subsection shall be guilty of an offence.

(3) Where, in the case of a right of way required by this section to be maintained by the planning authority, the way is damaged or obstructed by any person, the planning authority maintaining the right of way may repair the damage or remove the obstruction, and the expenses incurred by it in the repair or removal shall be paid to them by that person and, in default of being so paid, shall be recoverable from him or her as a simple contract debt in any court of competent jurisdiction.

Repair and tidying of advertisement structures and advertisements.

209.—(1) If it appears to a planning authority that, having regard to the interests of public safety or amenity, an advertisement structure or advertisement in its area should be repaired or tidied, the planning authority may serve on the person having control of the structure or advertisement a notice requiring that person to repair or tidy the advertisement structure or advertisement within a specified period.

(2) If it appears to a planning authority that any advertisement structure or advertisement is derelict, the planning authority may serve on the person having control of the structure or advertisement a notice requiring that person to remove the advertisement structure or advertisement within a specified period.

(3) If within the period specified in a notice under this section, the advertisement structure or advertisement is not repaired or tidied, or removed, as the case may be, the planning authority may enter on the land on which the structure is situate or the advertisement is exhibited and repair, tidy or remove the structure or advertisement and may recover as a simple contract debt in any court of competent jurisdiction from the person having control of the structure or advertisement any expenses reasonably incurred by it in that behalf.

PART XIV

Acquisition of Land, etc.

Appropriation of land for local authority purposes.

210.—(1) Where—

- (a) land is vested in a local authority for the purposes of its functions under this or any other enactment, and
- (b) the local authority is satisfied that the land should be made available for the purposes of any of those functions,

the local authority may appropriate the land for those purposes.

(2) Where land is vested in a local authority by means of compulsory acquisition under any enactment, no claim shall be made for compensation or additional compensation and the acquisition shall not be challenged on account of any appropriation of land in accordance with *subsection (1)*.

Disposal of land by local authority.

211.—(1) Any land acquired for the purposes of or appropriated under this Act or any other Act or acquired otherwise, by a local authority, may be sold, leased or exchanged, subject to such conditions as it may consider necessary where it no longer requires the land for any of its functions, or in order to secure—