

2014 No. 53

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Tree Preservation Order and
Trees in Conservation Areas) (Scotland) Amendment
Regulations 2014**

Made - - - - - *26th February 2014*

Laid before the Scottish Parliament *28th February 2014*

Coming into force - - - *1st April 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 173 of the Town and Country Planning (Scotland) Act 1997^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Amendment Regulations 2014 and come into force on 1st April 2014.

Amendment of the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010

2.—(1) The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010^(b) are amended in accordance with paragraph (2).

(2) In regulation 8 (trees in conservation areas)—

(a) after paragraph (1)(a) insert—

“(aa) the carrying out of any action—

(i) required to be taken in accordance with a high hedge notice; or

(ii) authorised by virtue of section 22(1) of the High Hedges (Scotland) Act 2013^(c)”; and

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2010/434.

(c) 2013 asp 6.

(b) in paragraph (2) after the definition of “diameter” insert—

““high hedge notice” has the meaning given by section 8(2) of the High Hedges (Scotland) Act 2013;”.

St Andrew’s House,
Edinburgh
26th February 2014

DEREK MACKAY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 (“the 2010 Regulations”).

Section 172 of the Town and Country Planning (Scotland) Act 1997 operates to protect trees in conservation areas which are not subject to a tree preservation order. Regulation 8 of the 2010 Regulations disapplies section 172 in certain cases. Regulation 2 of these Regulations amends regulation 8. The new paragraph (1)(aa) provides that section 172 does not apply where action is taken in accordance with a high hedge notice issued under the High Hedges (Scotland) Act 2013 or is authorised by section 22(1) of that Act.

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