
Status: Point in time view as at 06/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROCEEDINGS UNDER TOWN AND COUNTRY PLANNING ACTS IN RELATION TO TREE PRESERVATION ORDERS

- 1 Provisions of section 15 of this Act requiring an application for a felling licence to be dealt with under the Town and Country Planning Acts shall be construed in accordance with this Schedule.
- 2 Where under section 15(2)(a) an application, on being referred to the Minister, falls to be dealt with [^{F1}under the Town and Country Planning (Scotland) Act 1997], the following shall apply:—
- (a) if the tree preservation order applies ^{F2}...[^{F3}section 46 of the Town and Country Planning (Scotland) Act 1997] the provisions of the order and any [^{F4}provisions of that Act] relating to the order shall apply as if the application—
 - (i) had been one made under the order for the felling of the trees; and
 - (ii) had been referred to the Minister in pursuance of the said section as so applied;
 - (b) if the order contains no such provisions as aforesaid it shall have effect for the purposes of this paragraph as if ^{F5}... [^{F3}the said section 46] were incorporated therein subject to such modifications as the Minister may direct.

Textual Amendments

- F1** Words in Sch. 3 para. 2 substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), **Sch. 8 para. 6(2)(a)** (with s. 226); [S.I. 2012/601](#), art. 2(a)
- F2** Words in Sch. 3 para. 2 repealed (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), Sch. 8 para. 6(2)(b), **13** (with s. 226); [S.I. 2012/601](#), art. 2(a)(c), Sch.
- F3** Words in Sch. 3 para. 2 substituted (27.5.1997) by virtue of 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 13(3)(a)**
- F4** Words in Sch. 3 para. 2 substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), **Sch. 8 para. 6(2)(c)** (with s. 226); [S.I. 2012/601](#), art. 2(a)
- F5** Words in Sch. 3 para. 2 repealed (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\)](#), s. 241(3)(4), Sch. 8 para. 6(2)(d), **13** (with s. 226); [S.I. 2012/601](#), art. 2(a)(c), Sch.

[^{F6}2A (1) Where under section 15(2)(a) an application, on being referred to the appropriate national authority, falls to be dealt with under the Town and Country Planning Act 1990, the appropriate national authority must decide the application as if it were an application for consent for the felling of trees made under tree preservation regulations.

- (2) In this paragraph, “ the appropriate national authority ” means—
- (a) the Secretary of State in relation to England;
 - (b) the Welsh Ministers in relation to Wales.]

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Textual Amendments

F6 Sch. 3 para. 2A inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 6(3) (with s. 226); S.I. 2012/601, art. 2(a)

3 Where under section 15(3)(a) of this Act an application, on being referred to an authority who have made a tree preservation order, falls to be dealt with under [F7the Town and Country Planning (Scotland) Act 1997], the provisions of the order and any provisions of [F8that Act] relating to the order shall apply as if the application were an application made to the said authority for consent for the felling of the trees to which the application for a felling licence relates.

Textual Amendments

F7 Words in Sch. 3 para. 3 substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 6(4)(a) (with s. 226); S.I. 2012/601, art. 2(a)
F8 Words in Sch. 3 para. 3 substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 6(4)(b) (with s. 226); S.I. 2012/601, art. 2(a)

[F93A Where under section 15(3)(a) an application, on being referred to an authority who have made a tree preservation order, falls to be dealt with under the Town and Country Planning Act 1990, the authority must decide the application as if it were an application for consent for the felling of trees made under tree preservation regulations.]

Textual Amendments

F9 Sch. 3 para. 3A inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 6(5) (with s. 226); S.I. 2012/601, art. 2(a)

4 F10

Textual Amendments

F10 Sch. 3 para. 4 repealed (27.3.2004) by The Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), art. 5(2), Sch. 2 (with art. 6)

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