Replacement of trees.

(1) If any tree in respect of which a tree preservation order is for the time being in force—
   (a) is removed, uprooted or destroyed in contravention of tree preservation regulations, or
   (b) except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a prescribed time,

   it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the local planning authority dispense with it.

(3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees—
   (a) on or near the land on which the trees removed, uprooted or destroyed stood, or
   (b) on such other land as may be agreed between the local planning authority and the owner of the land,

   and in such places as may be designated by the local planning authority.
(4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(5) The duty imposed by subsection (1) on the owner of any land shall attach to the person who is from time to time the owner of the land.

**Textual Amendments**

F1  Words in s. 206(1)(a) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 11(a) (with s. 226); S.I. 2012/601, art. 2(a)

F2  Words in s. 206(1)(b) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 11(b) (with s. 226); S.I. 2012/601, art. 2(a)

**Modifications etc. (not altering text)**

C1  S. 206: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

C2  S. 206: 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

C3  S. 206(1) excluded (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, 35(2)(b)

C4  S. 206(1) excluded (6.8.2014) by The Rampton Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, 38(2)(b) (with arts. 12, 13, Sch. 12)

C5  S. 206(1) excluded (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, 28(2)(b) (with arts. 37, 38)

C6  S. 206(1) restricted (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, 36(2)(b) (with arts. 40, 41, Sch. 12)

C7  S. 206(1) excluded (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, 36(3)

C8  S. 206(1) restricted (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, 36(2)(b) (with arts. 40, 41)

C9  S. 206(1) excluded (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, 38(2)(b) (with art. 39)

C10 S. 206(1) excluded (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), 31(2)(b) (with arts. 37, 38)

C11 S. 206(1) excluded (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), 34(4) (with arts. 39, 40, Sch. 8 para. 19)
### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Town and Country Planning Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

#### Changes and effects yet to be applied to:

- s. 206(1) excluded by S.I. 2017/330 art. 23(3)(b)
- s. 206(1) excluded by S.I. 2017/817 art. 41(2)(b)
- s. 206(1) excluded by S.I. 2018/994 art. 35(2)(b)
- s. 206(1) restricted by S.I. 2014/2384 art. 26(2)(b)
- s. 206(1) restricted by S.I. 2017/1202 art. 39(2)(b)

#### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied in part by 2017 c. 7 s. 22(7). 22(8)50(6)(7)
- Act applied in part (with modifications) by S.I. 2019/882 Sch. 4 para. 1
- Act construed as one with S.I. 2017/1012, Pt. 6 Ch. 2 (except regs. 84, 85) by S.I. 2017/1012 reg. 86
- Act modified by S.I. 2017/1012 reg. 78(3)(a)
- Act modified by S.I. 2017/1214 Sch. 7 para. 1

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 applied by S.I. 2017/126 art. 21(4)
- Pt. 9 applied by S.I. 2017/430 art. 9(2)
- s. 59A(4)(a)(b) excluded by S.I. 2017/402 art. 5
- s. 61F(8A)(8B) inserted by 2017 c. 20 s. 5(2)
- s. 61G(6A)-(6D) inserted by 2017 c. 20 s. 5(3)
- s. 61G(6D) applied (with modifications) by 2004 c. 5, s. 38C(5A) (as inserted) by 2017 c. 20 s. 5(8)
- s. 61J(5A) inserted by 2017 c. 20 s. 5(4)
- s. 61M(4A) inserted by 2017 c. 20 s. 4(2)
- s. 69(1)(cza) inserted by 2015 c. 7 Sch. 4 para. 8(2)
- s. 69A inserted by 2017 c. 20 s. 17
- s. 70(2)(aza) inserted by 2017 c. 20 s. 1(2)
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70(3B)-(3F) inserted by 2017 c. 20 s. 1(3)
- s. 72(6) inserted by 2017 c. 20 Sch. 3 para. 3
- s. 73(2A) inserted by 2017 c. 20 Sch. 3 para. 4
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 90(2ZA) words inserted by 2017 c. 4 s. 39(13)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 100ZA and cross-heading inserted by 2017 c. 20 s. 14(1)
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 108(1A)(1B) inserted by 2015 c. 2 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
– s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
– s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
– s. 153(4A) excluded by S.I. 2017/1150 art. 22(3)
– s. 153(4A) excluded by S.I. 2017/1202 art. 29(3)(c)
– s. 153(4A) excluded by S.I. 2017/1214 art. 30(3)(c)
– s. 153(4A) excluded by S.I. 2018/446 arts. 21(4)22(3)
– s. 153(4A) excluded by S.I. 2018/574 art. 27(4)(c)
– s. 153(4A) excluded by S.I. 2018/923 art. 22(3)(c)
– s. 153(4A) excluded by S.I. 2018/994 art. 27
– s. 153(4A) excluded by S.I. 2019/1268 art. 24(3)(c)
– s. 153(4A) excluded by 2017 c. 7, s. 7(2) (as amended) by 2017 c. 7 Sch. 14 para. 2
– s. 153(4A) excluded by 2017 c. 7, s. 8(2) (as amended) by 2017 c. 7 Sch. 14 para. 3
– s. 153(4A) inserted by 2016 c. 22 s. 200(2)
– s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
– s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
– s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
– s. 177(4A) inserted by 2017 c. 20 Sch. 3 para. 8
– s. 196(1A) inserted by 2008 c. 29 Sch. 10 para. 8(2)
– s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
– s. 265(3)(aa) functions transferred by S.I. 2018/644 art. 25(b)
– s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
– s. 305(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
– s. 319B applied (with modifications) by S.I. 2018/1181 reg. 9
– s. 319B applied (with modifications) by S.I. 2018/1182 reg. 17(2)
– s. 322C applied by S.I. 2017/565 reg. 31(12)
– s. 322C applied by S.I. 2018/1181 reg. 13(3)
– s. 322C applied by S.I. 2018/1182 reg. 20(3)
– s. 324(1B) inserted by 2015 c. 7 Sch. 4 para. 21
– s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
– s. 333(3ZAA) inserted by 2017 c. 20 s. 14(2)

Sch. 1 para. 8(3A)-(3E) inserted by 2017 c. 20 s. 2(3)
– Sch. 1 para. 8A(1A)-(1D) inserted by 2017 c. 20 s. 2(7)
– Sch. 1 para. 8A(2) words inserted by 2017 c. 20 s. 2(8)(a)
– Sch. 1 para. 8A(2) words inserted by 2017 c. 20 s. 2(8)(b)
– Sch. 1 para. 8A(3) words substituted by 2017 c. 20 s. 2(9)
– Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
– Sch. 4B para. 13B(1)(c)(ii) words substituted by S.I. 2018/1232 reg. 2(5)
– Sch. 4B para. 13B(6)(a) words substituted by S.I. 2018/1232 reg. 2(5)
– Sch. 4C para. 6(5) words substituted by S.I. 2017/1012 Sch. 6 para. 5
– Sch. 4C para. 6(5) words substituted by S.I. 2017/1013 Sch. 4 para. 1(2)
– Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
– Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
– Sch. 9A inserted by 2016 c. 22 Sch. 13
– Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)