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Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

Trees in conservation areas

213 Enforcement of controls as respects trees in conservation areas.

(1) If any tree to which section 211 applies—
(a) is removed, uprooted or destroyed in contravention of that section; or
(b) is removed, uprooted or destroyed or dies [F1at 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) The duty imposed by subsection (1) on the owner of any land attaches to the person who is from time to time the owner of the land and may be enforced as provided by section 207 and not otherwise.

Textual Amendments

F1 Words in s. 213(1)(b) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), Sch. 8 para. 16 (with s. 226); S.I. 2012/601, art. 2(a)
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Modifications etc. (not altering text)
C1 S. 213: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
C2 S. 213: 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. 213(1) restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, 27(5)(b)
Changes to legislation:
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Changes and effects yet to be applied to:
– s 153(4A) excluded by S.I. 2020/402 art. 27(3)(c)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
– Act modified in part by S.I. 2020/141 Sch. 9 para. 1
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
– s. 69(1)(cza) inserted by 2015 c. 7 Sch. 4 para. 8(2)
– s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
– 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. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
– 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. 7 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. 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. 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. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
– s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
– s. 324(1B) inserted by 2015 c. 7 Sch. 4 para. 21
– s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
– 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. 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)