
STATUTORY INSTRUMENTS

2012 No. 605

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

PART 3

PROHIBITED ACTIVITIES AND EXCEPTIONS

Trees in conservation areas – exceptions

- 15.**—(1) Section 211(1) (preservation of trees in conservation areas) shall not apply to—
- (a) the cutting down, topping, lopping or uprooting of a tree—
 - (i) in the circumstances mentioned in regulation 14;
 - (ii) by, or on behalf of, the Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967(2) or otherwise under their management or supervision; or
 - (iii) by, or on behalf of, a local planning authority;
 - (b) the cutting down of a tree in accordance with a felling licence granted by the Forestry Commissioners under Part II of the Forestry Act 1967 (Commissioners’ power to control felling of trees);
 - (c) the cutting down of a tree in accordance with a plan of operations or other working plan approved by the Forestry Commissioners, and for the time being in force, under a forestry dedication covenant entered into under section 5 of the Forestry Act 1967(3) (forestry dedication covenants and agreements) or under the conditions of a grant or loan made under section 1 of the Forestry Act 1979(4) (finance for forestry);
 - (d) the cutting down or uprooting—
 - (i) of a tree whose diameter does not exceed 75 millimetres; or
 - (ii) where carried out for the sole purpose of improving the growth of other trees, of a tree whose diameter does not exceed 100 millimetres; or
 - (e) the topping or lopping of a tree whose diameter does not exceed 75 millimetres.
- (2) For the purpose of this regulation—
- (a) where a tree has more than one stem at a point 1.5 metres above the natural ground level its diameter shall be treated for the purposes of paragraph (1)(d)(i) and (e) or paragraph (1)(d)(ii) as exceeding 75 millimetres or 100 millimetres respectively, if any stem when measured over its bark at that point exceeds 75 millimetres or 100 millimetres respectively; and

(1) Section 211 was amended by section 86 of the Planning and Compulsory Purchase Act 2004 (c. 5) and by sections 36 and 192(8) of, and paragraphs 34 and 36 of Schedule 2 and paragraphs 7 and 14 of Schedule 8 to, the Planning Act 2008 (c. 29).
(2) 1967 c. 10.
(3) Section 5 was amended by S.I. 1999/1747 and S.I. 2009/1307; there are other amendments not relevant to these Regulations.
(4) 1979 c. 21; section 1 was amended by S.I. 2000/746; there are other amendments not relevant to these Regulations.

- (b) in any other case, the diameter of a tree shall be ascertained by measurement, over the bark of the tree, at a point 1.5 metres above the natural ground level.