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WELSH STATUTORY INSTRUMENTS

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**2017 No. 548**

**The Town and Country Planning (Trees)  
(Amendment) (Wales) Regulations 2017**

**Amendment to the 1999 Regulations**

- 2.—(1) The 1999 Regulations are amended as follows.
- (2) The Schedule (Form of Tree Preservation Order) is amended as follows—
- (a) in article 7, omit paragraph (2);
  - (b) in Part 1 of Schedule 2, the adaptations and modifications to section 78(1) of the Planning Act mentioned in column (2) of Part 1 of Schedule 2 are amended as follows—
    - (i) in paragraph (a) after “In subsection (1)” insert “omit paragraph (aa) and”;
    - (ii) after paragraph (c) insert—
      - “(ca) After subsection (3) insert—  
“(3A) The notice mentioned in subsection (3) must be accompanied by a full statement of case.”;
    - (iii) in paragraph (d) for the substituted subsection (4) substitute—
      - “(4) The appellant must serve on the authority, as soon as reasonably practicable, a copy of—
        - (a) the notice mentioned in subsection (3); and
        - (b) the full statement of case.”;
    - (iv) after paragraph (d) insert—
      - “(da) Omit subsections (4A) to (4BB).”;
    - (v) in paragraph (e) in the substituted subsection (5) after “the application of section 79(1)” insert “and section 319B(7)”;
    - (vi) after paragraph (e) insert—
      - “(f) After subsection (5) insert—  
“(6) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;
  - (c) the adaptations and modifications to section 79(2) of the Planning Act mentioned in column (2) of Part 1 of Schedule 2 are amended as follows—

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- (1) Section 78 was amended by section 197 of, and paragraphs 1 and 2 of Schedule 11 to, the Planning Act 2008 (c. 29), article 3 of, and paragraphs 1 and 3 of the Schedule to, the Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773) (W. 280), sections 45, 47(1) and 55 of, and paragraph 7(1) and (2) of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4), section 150(5) of, and paragraphs 1 and 21 of Schedule 12 to, the Housing and Planning Act 2016 (c. 22). Other amendments are not relevant to these Regulations.
- (2) Section 79 was amended by sections 18 and 32 of, and paragraph 19 of Schedule 7 to, the Planning and Compensation Act 1991 (c 34), section 196(4) of, and paragraphs 1 and 4 of Schedule 10 to the Planning Act 2008, article 3 of, and paragraphs

- (i) in paragraph (a) for “subsections (1) and (2)” substitute “subsection (1)”;
  - (ii) for paragraph (b) substitute—
    - “(b) Omit subsections (1A) to (3A).”;
  - (iii) for paragraph (c) substitute—
    - “(c) For subsection (4), substitute—
      - “(4) The provisions of section 70(1), (1A) and (1B) apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.”;
  - (iv) in paragraph (d) for “(6A)” substitute “(6ZA)”;
  - (v) after paragraph (d) insert—
    - “(da) In subsection (6A), for “such an appeal” substitute “an appeal in relation to an application for consent under a tree preservation order”.”;
- (d) omit Part 2 of Schedule 2.