
STATUTORY INSTRUMENTS

2012 No. 605

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

PART 7

MISCELLANEOUS PROVISIONS

Prescribed time

25. The prescribed(1) time for the purposes of section 206(1)(b) (replacement of trees) and section 213(1)(b)(2) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulation 14(1)(a)(i) or 14(1)(c).

Revocation, transitional, transitory and saving provisions

26.—(1) The Town and Country Planning (Trees) Regulations 1999(3) (“the 1999 Regulations”), so far as they apply to England, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008(4) and the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008(5) are revoked except—

- (a) for regulation 17 of the 1999 Regulations (amendment of the Town and Country Planning General Regulations 1992(6)); and
- (b) so far as is necessary for the continuing application of orders to which paragraphs (2) to (4) apply, certificates to which paragraph (3)(b) applies and directions to which paragraph (5) applies.

(2) Where, at commencement, an order has been made by an authority but not confirmed, that order—

- (a) shall not take effect, other than provisionally in the case of an order which includes a direction by the authority that the provisions of section 201 (provisional tree preservation orders)(7) shall apply (c), unless and until confirmed by the authority; and
- (b) must be confirmed no later than the expiration of the period of six months beginning with commencement.

(a) (3) (a) This paragraph and paragraph (4) apply to certain orders made by an authority prior to 2nd August 1999;

(b) where, at commencement—

- (i) the provisions of paragraph (4)(a)(i) are satisfied;

(1) For the meaning of “prescribed” see section 336(1) of the Town and Country Planning Act 1990.

(2) Section 213 was amended by section 192(8) of, and paragraphs 7 and 16 of Schedule 8 to, the Planning Act 2008.

(3) S.I. 1999/1892; amended by S.I. 2008/2260 and 2008/3202.

(4) S.I. 2008/2260.

(5) S.I. 2008/3202.

(6) S.I. 1992/1492; amended by S.I. 1999/1892 and 1999/1810. There are other amendments not relevant to these Regulations.

(7) Section 201 was repealed by sections 192(1) and (4) and 238 of, and Schedule 13 to, the Planning Act 2008.

(ii) a certificate was issued by the authority when refusing or granting consent subject to conditions certifying that the authority were satisfied that the refusal or condition is in the interests of good forestry or that the trees have an outstanding or special amenity value; and

(iii) that certificate is still in force,

that certificate shall continue in force, in spite of anything in these Regulations, in accordance with the terms of the certificate for a period of 12 months following the date of grant or refusal, or the date of a decision by the Secretary of State following an appeal, whichever is the later.

(4) Where, at commencement—

(a) either—

(i) an application for consent to carry out works to a tree has been made and the authority have refused that consent or have granted consent subject to conditions; or

(ii) an appeal has been made to the Secretary of State—

(aa) against a decision of the authority such as is mentioned in paragraph (i); or

(bb) following a failure by the authority to determine any application for consent to carry out works to a tree within 8 weeks beginning on the date on which the application was received by the authority,

and the Secretary of State has dismissed the appeal or has granted consent subject to conditions;

(b) the right to claim compensation in respect of that refusal, dismissal or grant has arisen; and

(c) either no claim for compensation has yet been made or a claim for compensation has been made but not yet determined,

any such claim made prior to commencement or made within 12 months of the date of that refusal, dismissal or grant shall be dealt with in accordance with the provisions contained in that order and regulation 24 shall not apply to that claim.

(5) Where, at commencement, a direction for replanting is in force, it shall continue in force until the expiry of that direction, in spite of anything in these Regulations.