

## SCHEDULE

Regulation 3(1)

### Form of Tree Preservation Order

Town and Country Planning Act 1990

The [*title of Order (including year)*]

The [*name of Council*], in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### **Citation**

1. This Order may be cited as [*title of Order (including year)*].

#### **Interpretation**

- 2.—(1) In this Order “the authority” means the [*name of Council making the Order*].

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### **Effect**

- 3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### **Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this [*insert date of Order*] day of [*insert month and year*]

**Status:** This is the original version (as it was originally made).

*[if the Council's Standing Orders require the sealing of such documents:]*

[The Common Seal of *[insert name of Council]*

was affixed to this Order in the presence of—

.....]

*[if the Council's Standing Orders do not require the sealing of such documents:]*

[Signed on behalf of the *[insert name of Council]*

.....

Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by *[insert name of Council]* without modification on the [ ] day of *[insert month and year]*]

**Status:** This is the original version (as it was originally made).

OR

[This Order was confirmed by the *[insert name of Council]*, subject to the modifications indicated by *[state how indicated]*, on the [ ] day of *[insert month and year]*]

[Signed on behalf of the *[insert name of Council]*]

.....

Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by *[insert name of Council]* on the [ ] day of *[insert month and year]*]

[Signed on behalf of the *[insert name of Council]*]

.....

Authorised by the Council to sign in that behalf]

**Status:** This is the original version (as it was originally made).

[VARIATION OF ORDER

[This Order was varied by the *[insert name of Council]* on the [ ] day of *[insert month and year]* by a variation order under reference number *[insert reference number to the variation order]* a copy of which is attached]

[Signed on behalf of the *[insert name of Council]*

.....

Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by the *[insert name of Council]* on the [ ] day of *[insert month and year]*]

[Signed on behalf of the *[insert name of Council]*

.....

Authorised by the Council to sign in that behalf]