
WELSH STATUTORY INSTRUMENTS

2012 No. 792 (W.107)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Trees)
(Amendment) (Wales) Regulations 2012

<i>Made</i>	- - - -	<i>10 March 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13 March 2012</i>
<i>Coming into force</i>	- -	<i>30 April 2012</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 198(8) and 333(1) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012 and they come into force on 30 April 2012.

(2) These Regulations apply in relation to—

- (a) applications made on or after 30 April 2012; and
- (b) Wales.

Amendments to the Town and Country Planning (Trees) Regulations 1999

2.—(1) The Town and Country Planning (Trees) Regulations 1999(3) are amended as follows.

(2) After regulation 9A insert—

(1) 1990 c. 8. Section 198(8) was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5) section 42(3). Section 333(1) was amended by the Environment Act 1995 (c. 25) section 78 and Schedule 10, paragraph 32(12).

(2) Functions under those sections, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers.

(3) S.I. 1999/1892 to which there are amendments not relevant to this instrument.

“Applications for consent under tree preservation order: Wales

9B.—(1) Subject to the following provisions of this regulation, an application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which an order is for the time being in force must—

- (a) be made in writing to the authority—
 - (i) on a form published by the Welsh Ministers for the purpose of proceedings under these Regulations; or
 - (ii) where the authority has consented to applications being made electronically, on a form published electronically by the Welsh Ministers and provided to the applicant using electronic communication for that purpose;
- (b) include the particulars specified in the form;
- (c) be accompanied, whether electronically or otherwise by—
 - (i) a plan which identifies the tree or trees to which the application relates;
 - (ii) such information as is necessary to specify the work for which consent is sought;
 - (iii) a statement of the applicant’s reasons for making the application; and
 - (iv) appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.

(2) Where an application is made using electronic communication, the applicant is taken to have agreed—

- (a) to the use of such communication by the authority for the purposes of the application;
- (b) that the applicant’s address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that deemed agreement under this paragraph will subsist until the applicant gives notice in writing—
 - (i) withdrawing any address notified to the authority for that purpose; or
 - (ii) revoking that deemed agreement,

and such withdrawal or revocation will be final and must take effect on the date specified by the applicant in the notice being not less than seven days after the date on which the notice is given.”.

(3) In the Schedule (form of tree preservation order)—

- (a) omit article 6 (applications for consent under the order); and
- (b) in article 9(4)(b) for the words “statement of reasons” to “such statement” substitute “application and the documents and particulars accompanying it”.

10 March 2012

John Griffiths
Minister for Environment and Sustainable
Development, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Town and Country Planning (Trees) Regulations 1999 (“the 1999 Regulations”) make provision, among other things, for the form of tree preservation orders and for applications for consent to carry out work on trees subject to an order.

Regulation 2(2) of these Regulations inserts a new regulation 9B into the 1999 Regulations to make provision for the form and content of applications for consent for tree works in Wales. Consequential amendments are made to the Schedule to the 1999 Regulations by regulation 2(3).

An impact assessment was prepared in relation to these Regulations. Copies may be obtained from the Planning Directorate, the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and online at www.wales.gov.uk.