

2011 CHAPTER 25

PART 4 ADDITIONAL PLANNING CONTROL CHAPTER 3 TREES

Replacement of trees

- **125.**—(1) If any tree in respect of which a tree preservation order is for the time being in force—
 - (a) is removed, uprooted or destroyed in contravention of the order; or
 - (b) except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of section 122 on the grounds that it is dying or dead or has become dangerous,

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as the owner reasonably can.

- (2) The duty imposed by subsection (1) does not apply to an owner if on application by the owner the council dispenses with it.
- (3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees—
 - (a) on or near the land on which the trees removed, uprooted or destroyed stood; or
 - (b) on such other land as may be agreed between the council and the owner of the land,

Status: This is the original version (as it was originally enacted).

and in such places as may be designated by the council.

- (4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.
- (5) The duty imposed by subsection (1) on the owner of any land shall attach to the person who is from time to time the owner of the land.