

Changes to legislation: Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

TREE PRESERVATION ORDERS: FURTHER AMENDMENTS

Town and Country Planning Act 1990 (c. 8)

7 T CPA 1990 is amended as follows.

.....
Commencement Information

I1 Sch. 8 para. 7 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

8 In section 198(7) (provisions subject to which section has effect), for “This section” substitute “ Tree preservation regulations ”.

.....
Commencement Information

I2 Sch. 8 para. 8 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

9 In section 200(1) (tree preservation orders do not affect things done or approved by Forestry Commissioners), for “A tree preservation order does not” substitute “ Tree preservation regulations do not ”.

.....
Commencement Information

I3 Sch. 8 para. 9 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

10 In section 202(2) (effect of order made by Secretary of State or Welsh Ministers), for the words from “have the same effect” to the end substitute “ , once it has taken effect in accordance with tree preservation regulations, have the same effect as if it had been made by the local planning authority under section 198(1). ”

.....
Commencement Information

I4 Sch. 8 para. 10 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

11 In section 206(1) (duty to plant replacement tree)—
(a) in paragraph (a), for “the order” substitute “ tree preservation regulations ”, and
(b) in paragraph (b), for the words from “at a time” to the end of the paragraph substitute “ at a prescribed time, ”.

Changes to legislation: Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I5 Sch. 8 para. 11 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 12 In section 207(1) (enforcement of duties to replace trees), in paragraph (b), for “a tree preservation order” substitute “ tree preservation regulations ”.

Commencement Information

I6 Sch. 8 para. 12 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 13 (1) Section 210 (penalties for non-compliance with tree preservation order) is amended as follows.
- (2) In subsection (1)—
- (a) for “a tree preservation order” substitute “ tree preservation regulations ”,
 - (b) in paragraph (a) omit the “or” at the end, and
 - (c) after paragraph (b) insert—
- “or
- (c) causes or permits the carrying out of any of the activities in paragraph (a) or (b),”.
- (3) In subsection (4), for “a tree preservation order” substitute “ tree preservation regulations ”.
- (4) In the side-note, for “order” substitute “ regulations ”.

Commencement Information

I7 Sch. 8 para. 13 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 14 In section 211 (preservation of trees in conservation areas)—
- (a) in subsection (1), for “which might by virtue of section 198(3)(a) be prohibited by a tree preservation order” substitute “ which might by virtue of section 202C be prohibited by tree preservation regulations ”, and
 - (b) in subsection (4), for “a tree preservation order” substitute “ tree preservation regulations ”.

Commencement Information

I8 Sch. 8 para. 14 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 15 In section 212 (power to disapply section 211) omit subsection (4).

Commencement Information

I9 Sch. 8 para. 15 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

Changes to legislation: Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 16 In section 213(1)(b) (duty to plant replacement tree in conservation area), for the words from “at a time” to the end of the paragraph substitute “ at a prescribed time, ”.

Commencement Information

I10 Sch. 8 para. 16 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 17 In section 284(3)(h)(i) (decision relating to an application for consent under a tree preservation order is an action to which the section applies), for “a tree preservation order” substitute “ tree preservation regulations ”.

Commencement Information

I11 Sch. 8 para. 17 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 18 In section 329(3B)(i) (section 329(1)(cc) does not apply to things done in connection with tree preservation orders), for “regulations under section 199” substitute “ tree preservation regulations ”.

Commencement Information

I12 Sch. 8 para. 18 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

- 19 In section 336(1) (interpretation) at the appropriate place insert—
““tree preservation regulations” means regulations under section 202A(1);”.

Commencement Information

I13 Sch. 8 para. 19 in force at 6.4.2012 for E. by S.I. 2012/601, art. 2(a)

Changes to legislation:

Planning Act 2008, Cross Heading: Town and Country Planning Act 1990 (c. 8) is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)