



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART III

PLANNING CONTROL

Additional powers of control

29 Tree preservation orders

- (1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order (in this Act referred to as a “tree preservation order”) with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—
 - (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act falling within the next following subsection, subject to such adaptations and modifications as may be specified in the order.
- (2) References in this Act to provisions thereof falling within this subsection are references to—
 - (a) the provisions of this Part of this Act relating to planning permission and to applications for planning permission, except sections fifteen and sixteen, subsections (2) to (5) of section seventeen, subsection (1) of section nineteen and sections twenty-five and twenty-six of this Act, and

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- (b) such of the provisions of Part VIII of this Act as are therein stated to be provisions falling within this subsection.
- (3) A tree preservation order shall not be made in relation to any land in respect of which a forestry dedication covenant is in force under the Forestry Act, 1947, or in respect of which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947.
- (4) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.
- (5) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and, subject to the next following subsection, such regulations shall, in particular, make provision for securing—
- (a) that notice of the submission of any such order to the Minister shall be given to the owners and occupiers of land affected by the order ;
 - (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
 - (c) that copies of the order, when confirmed by the Minister, shall be served on the owners and occupiers of the land to which it relates.
- (6) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations ; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.
- (7) Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.
- (8) The preceding provisions of this section shall have effect subject to the provisions—
- (a) of section thirteen of the Forestry Act, 1951 (which relates to licences under that Act to fell trees comprised in a tree preservation order), and
 - (b) of subsection (4) of section two of the Opencast Coal Act, 1958 (which relates to land comprised in an authorisation under that Act which is affected by a tree preservation order).