



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

Consequences of tree removal, etc.

206 Replacement of trees.

- (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 [^{F1}the order][^{F1}tree preservation regulations], 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 [^{F2}at a time when its cutting down or uprooting is authorised only by virtue of section 198(6)(a),][^{F2}at a prescribed time,]

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 he reasonably can.

- (2) The duty imposed by subsection (1) does not apply to an owner if on application by him the local planning authority dispense 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

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- (b) on such other land as may be agreed between the local planning authority and the owner of the land,
and in such places as may be designated by the local planning authority.
- (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.

Textual Amendments

- F1** Words in s. 206(1)(a) substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\), s. 241\(3\)\(4\), Sch. 8 para. 11\(a\)](#) (with s. 226); S.I. 2012/601, art. 2(a)
- F2** Words in s. 206(1)(b) substituted (6.4.2012 for E.) by [Planning Act 2008 \(c. 29\), s. 241\(3\)\(4\), Sch. 8 para. 11\(b\)](#) (with s. 226); S.I. 2012/601, art. 2(a)

Modifications etc. (not altering text)

- C1** S. 206: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
- C2** S. 206: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)
- C3** S. 206(1) excluded (9.4.2013) by [The Lancashire County Council \(Torrisholme to the M6 Link \(A683 Completion of Heysham to M6 Link Road\)\) Order 2013 \(S.I. 2013/675\), arts. 1, 35\(2\)\(b\)](#)
- C4** S. 206(1) excluded (6.8.2014) by [The Rampion Offshore Wind Farm Order 2014 \(S.I. 2014/1873\), arts. 1, 38\(2\)\(b\)](#) (with arts. 12, 13, Sch. 12)
- C5** S. 206(1) excluded (31.12.2014) by [The Hornsea One Offshore Wind Farm Order 2014 \(S.I. 2014/3331\), arts. 1, 28\(2\)\(b\)](#) (with arts. 37, 38)
- C6** S. 206(1) restricted (11.3.2015) by [The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 \(S.I. 2015/318\), arts. 1, 36\(2\)\(b\)](#) (with arts. 40, 41, Sch. 12)
- C7** S. 206(1) excluded (23.6.2015) by [The Norfolk County Council \(Norwich Northern Distributor Road \(A1067 to A47\(T\)\)\) Order 2015 \(S.I. 2015/1347\), arts. 1, 36\(3\)](#)
- C8** S. 206(1) restricted (26.8.2015) by [The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 \(S.I. 2015/1592\), arts. 1, 36\(2\)\(b\)](#) (with arts. 40, 41)
- C9** S. 206(1) restricted (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\), arts. 1, 26\(2\)\(b\)](#)

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