



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 7

CROWN APPLICATION OF PLANNING ACTS

CHAPTER 2

SCOTLAND

Trees

95 **Tree preservation orders: Scotland**

For section 162 of the Town and Country Planning (Scotland) Act 1997 (Orders affecting land where Forestry Commissioners interested) there is substituted the following section—

“162 Tree preservation: Forestry Commissioners

- (1) A tree preservation order does not have effect in respect of anything done—
 - (a) by or on behalf of the Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision;
 - (b) by or on behalf of any other person in accordance with a relevant plan which is for the time being in force.
- (2) A relevant plan is a plan of operations or other working plan approved by the Forestry Commissioners under—
 - (a) a forestry dedication agreement within the meaning of section 5 of the Forestry Act 1967, or

Status: This is the original version (as it was originally enacted).

(b) conditions of a grant or loan made under section 1 of the Forestry Act 1979.

(3) A reference to a provision of the Forestry Act 1967 or the Forestry Act 1979 includes a reference to a corresponding provision replaced by that provision or any earlier corresponding provision.”

96 Trees in conservation areas in Scotland: acts of Crown

In the Town and Country Planning (Scotland) Act 1997 (c. 8), after section 172(4) (preservation of trees in conservation areas) there are inserted the following subsections—

- “(5) An emanation of the Crown must not, in relation to a tree to which this section applies, do an act mentioned in subsection (1) above unless—
- (a) the first condition is satisfied, and
 - (b) either the second or third condition is satisfied.
- (6) The first condition is that the emanation serves notice of an intention to do the act (with sufficient particulars to identify the tree) on the planning authority in whose area the tree is situated.
- (7) The second condition is that the act is done with the consent of the authority.
- (8) The third condition is that the act is done—
- (a) after the end of the period of six weeks starting with the date of the notice, and
 - (b) before the end of the period of two years starting with that date.”