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STATUTORY INSTRUMENTS

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**2012 No. 605**

**The Town and Country Planning (Tree  
Preservation)(England) Regulations 2012**

**PART 4**

**APPLICATIONS FOR CONSENT UNDER TREE PRESERVATION ORDERS**

**Applications for consent under tree preservation order**

**16.**—(1) Subject to the following provisions of this regulation, an application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which an order is for the time being in force shall—

- (a) be made in writing to the authority on a form published by the Secretary of State for the purpose of proceedings under these Regulations;
- (b) include the particulars specified in the form; and
- (c) be accompanied, whether electronically or otherwise, by—
  - (i) a plan which identifies the tree or trees to which the application relates;
  - (ii) such information as is necessary to specify the work for which consent is sought;
  - (iii) a statement of the applicant's reasons for making the application; and
  - (iv) appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.

(2) Where an application is made using electronic communication, the applicant shall be taken to have agreed—

- (a) to the use of such communication by the authority for the purposes of that application;
- (b) that the address for these purposes is the address incorporated into, or otherwise logically associated with, that application; and
- (c) that deemed agreement under this paragraph shall subsist until the applicant gives notice in writing—
  - (i) withdrawing any address notified to the authority for that purpose; or
  - (ii) revoking the deemed agreement,

and such withdrawal or revocation shall be final and shall take effect on the date specified by the person in the notice being not less than seven days after the date on which the notice is given.

**Determination of applications for consent and conditions**

**17.**—(1) Where an application is made to the authority for consent under an order in accordance with regulation 16 the authority may—

- (a) grant consent under the order, either unconditionally or subject to any such condition as is specified in paragraph (2); or

(b) refuse consent under the order.

(2) The conditions referred to in paragraph (1) are—

- (a) conditions within subsection (4) of section 202D(1) (tree preservation regulations: consent for prohibited activities);
- (b) conditions requiring approvals to be obtained from the person giving the consent;
- (c) conditions specifying the standard to which the works for which consent has been given must be carried out; and
- (d) conditions specifying that the works may be carried out on multiple occasions or within a specified time period only or both.

(3) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(4) Where consent is granted under paragraph (1)(a)—

- (a) such consent shall be valid for a period of two years beginning with the date of its grant; and
- (b) the works for which such consent is granted may only be carried out once,

unless otherwise stated in a condition within paragraph (2)(d).

(5) A grant of consent under paragraph (1)(a) shall (except so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.