
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision regarding the making of tree preservation orders under section 160 of the Town and Country Planning (Scotland) Act 1997 (“the Act”). They replace and revoke the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975.

Regulation 3 requires a tree preservation order to contain a map to describe the location of the trees, group of trees or woodland to which it relates. This requirement is relaxed where the order revokes or varies an earlier order without including any additional tree within the protection conferred by that order. Regulation 4 sets out requirements in relation to notification to interested persons (defined in regulation 2) and to the public. Regulation 5 makes provision for the making of representation and the consideration of such representations by the planning authority. Regulations 6 and 7 respectively make provision regarding the procedure to be followed following a decision to confirm or not to confirm a tree preservation order.

Section 172 of the Act protects trees in conservation areas. Regulation 8 disapplies section 172 in respect of various acts.

Regulation 9 makes provision relating to the how an application for consent to carry out any action prohibited by a tree preservation order is to be made. Regulation 10 makes provision for the use of electronic communications. Regulation 11 revokes the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 1975 and two other instruments which amended those Regulations and makes saving provisions.