



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VIII

SPECIAL CONTROLS

CHAPTER I

TREES

Trees in conservation areas

211 Preservation of trees in conservation areas.

(1) Subject to the provisions of this section and section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 198(3)(a) be prohibited by a tree preservation order shall be guilty of an offence.

[^{F1}(1A) Subsection (1) does not apply so far as the act in question is authorised by an order granting development consent.]

(2) Subject to section 212, this section applies to any tree in a conservation area in respect of which no tree preservation order is for the time being in force.

(3) It shall be a defence for a person charged with an offence under subsection (1) to prove—

(a) that he served notice of his intention to do the act in question (with sufficient particulars to identify the tree) on the local planning authority in whose area the tree is or was situated; and

(b) that he did the act in question—

(i) with the consent of the local planning authority in whose area the tree is or was situated, or

Status: Point in time view as at 01/03/2010. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 211 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) after the expiry of the period of six weeks from the date of the notice but before the expiry of the period of two years from that date.
- (4) Section 210 shall apply to an offence under this section as it applies to a contravention of a tree preservation order .
- [^{F2}(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.
- [Subsection (5) does not apply so far as the act in question is authorised by an order
^{F3}(5A) granting development consent.]
- (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 local 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.]

Textual Amendments

- F1** S. 211(1A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241, **Sch. 2 para. 36(2)** (with s. 226); [S.I. 2010/101](#), **art. 2** (with art. 6)
- F2** S. 211(5)-(8) inserted (7.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 86, 121 (with s. 111); [S.I. 2006/1281](#), **art. 2**
- F3** S. 211(5A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241, **Sch. 2 para. 36(3)** (with s. 226); [S.I. 2010/101](#), **art. 2** (with art. 6)

Modifications etc. (not altering text)

- C1** S. 211: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; [S.I. 1993/2762](#), **art. 3**
S. 211 excluded (2.8.1999) by [S.I. 1999/1892](#), **reg. 10(1)**
- C2** S. 211: 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. 211(1) excluded (18.12.1996) by 1996 c. 61, **s. 28(1)(b)**
- C4** S. 211(1) excluded (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), **art. 28(4)(b)** (with art. 38)
- C5** S. 211(1) excluded (22.3.2005) by [The Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), **art. 45** (with art. 51)
S. 211(1) excluded (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), **art. 43(4)** (with art. 52)
S. 211(1) excluded (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), **art. 33(4)**
- C6** S. 211(1) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 19**
- C7** S. 211(5) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **s. 19**

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