



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART VII

SPECIAL CONTROLS

CHAPTER I

TREES

Trees in conservation areas

172 Preservation of trees in conservation areas

- (1) Subject to the provisions of this section and section 173, any person who, in relation to a tree to which this section applies, does any act which might by virtue of section 160(3)(a) be prohibited by a tree preservation order shall be guilty of an offence.
- (2) Subject to section 173, 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 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 planning authority in whose area the tree is or was situated, or

Status: This is the original version (as it was originally enacted).

- (ii) after the expiry of the period of 6 weeks from the date of the notice but before the expiry of the period of 2 years from that date.
- (4) Section 171 shall apply to an offence under this section as it applies to a contravention of a tree preservation order.