



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 7

#### CROWN APPLICATION OF PLANNING ACTS

#### CHAPTER 1

#### ENGLAND AND WALES

#### *Trees*

#### **85 Tree preservation orders: Forestry Commissioners**

For section 200 of the principal Act (Orders affecting land where Forestry Commissioners interested) there is substituted the following section—

#### **“200 Tree preservation orders: 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 covenant within the meaning of section 5 of the Forestry Act 1967, or

*Status: Point in time view as at 07/06/2006.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Cross Heading: Trees is up to date with all changes known to be in force on or before 16 June 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)*

- (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.”

**Commencement Information**

**I1** S. 85 in force at 7.6.2006 by S.I. 2006/1281, art. 2(a)

**86 Trees in conservation areas: acts of Crown**

After section 211(4) of the principal Act (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 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.”

**Commencement Information**

**I2** S. 86 in force at 7.6.2006 by S.I. 2006/1281, art. 2(a)

**Status:**

Point in time view as at 07/06/2006.

**Changes to legislation:**

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