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STATUTORY INSTRUMENTS

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**2008 No. 3202**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Trees) (Amendment No. 2)  
(England) Regulations 2008**

<i>Made</i>	- - - -	<i>15th December 2008</i>
<i>Laid before Parliament</i>		<i>22nd December 2008</i>
<i>Coming into force</i>	-	<i>26th January 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 199(2) and (3), 323 and 333(1) of the Town and Country Planning Act 1990(a) makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008 and shall come into force on 26th January 2009.

**Amendment of previous regulations**

2. The Town and Country Planning (Trees) Regulations 1999(b) are amended by the omission of “where that appeal is made on or after the date on which these Regulations come into force” from regulation 11(1) (application of Part 4 and interpretation).

Signed by authority of the Secretary of State

15th December 2008

*Kay Andrews*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

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(a) 1990 c. 8.

(b) S.I. 1999/1892 to which there are amendments not relevant to this instrument.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Town and Country Planning (Trees) Regulations 1999 (“the 1999 Regulations”) make provision, among other things, for the form of tree preservation orders, for applications for consent to carry out work on trees subject to such orders, and for procedures for appeals without a hearing or inquiry under section 78 of the Town and Country Planning Act 1990 as applied under tree preservation orders and to appeals against tree replacement notices under section 208.

The Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 (S.I. 2008/2260) came into force on 1st October 2008 and substituted a new Part 4 of the 1999 Regulations to provide fast track procedures for appeals. The new Part 4 was only intended to apply in relation to appeals made on or after that date. However, new regulation 11(1) wrongly provides that Part 4 applies in relation to certain types of appeal “where that appeal is made on or after the date on which these Regulations come into force” (being 2nd August 1999, the date the 1999 Regulations came into force).

Regulation 2 corrects that mistake by removing the quoted words.

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