

Obligations to replant trees in a Conservation Area

Under Section 213 of the Town and Country Planning Act 1990, there is an obligation on property owners in a Conservation Area to replant trees that do not have Tree Preservation Orders on them (these are dealt with separately), if the tree was cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed:

- 1 because it was dead, dying or dangerous (see Section 198(6)(a)); or
- 2 in contravention of Section 211, which requires that the owner:
 - serve notice on the Local Planning Authority (but this is not required if the tree is already protected by a TPO, is small or is being worked on as part of forestry operations or on behalf of the LPA); and
 - either has the permission of the Local Planning Authority, or receives no response to notification within six weeks and does the work within two years.
- 3 to comply with an Act of Parliament or to prevent or abate a nuisance.

The LPA may waive the replanting requirement. If the owner notifies the LPA of planned work, the LPA has no power to require replanting.