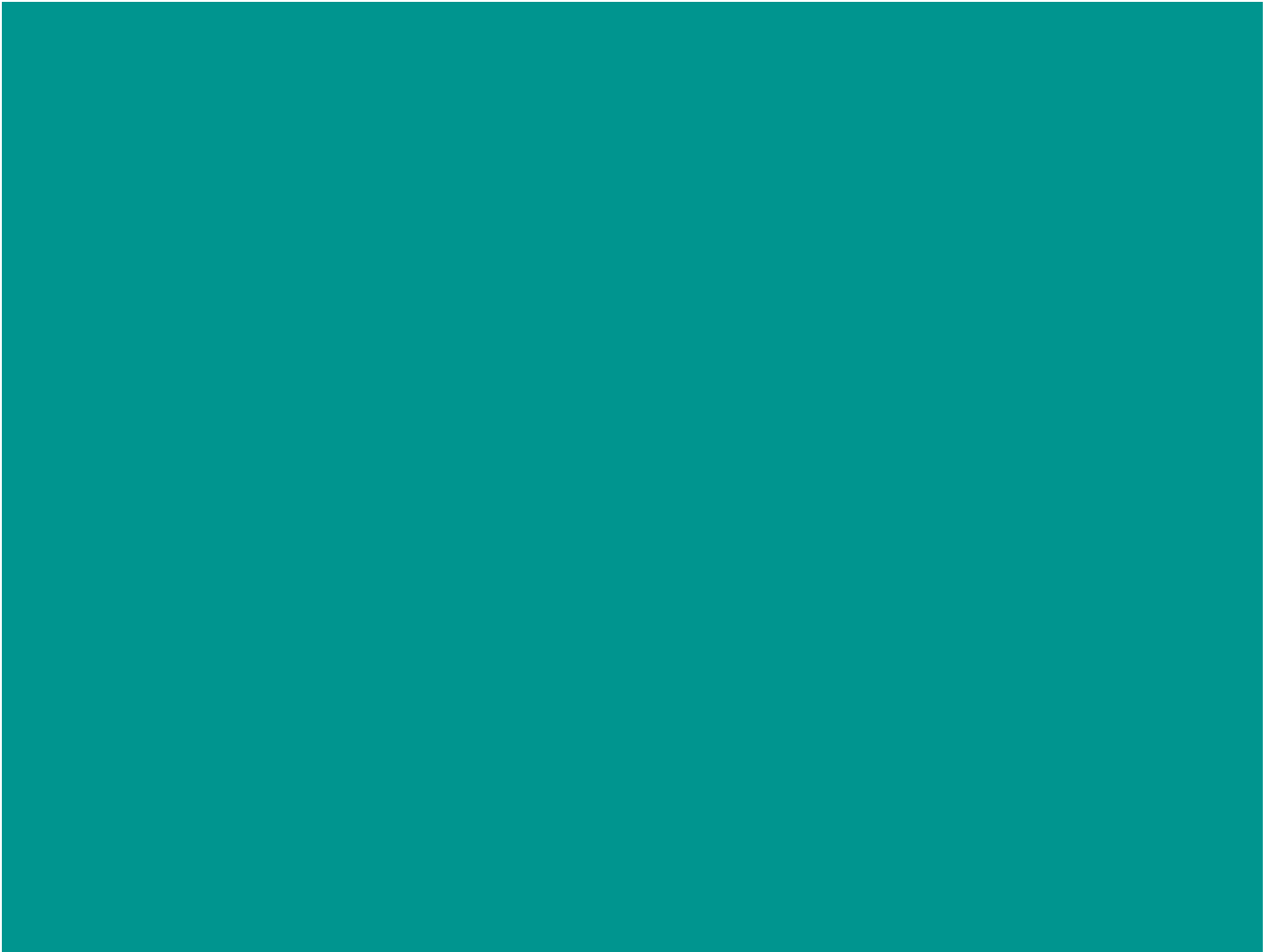




The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Tree Replacement Notices





1. Under section 206(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act) a landowner has a duty to replace a tree which is removed in contravention of a Tree Protection Order (TPO). Where the duty is not complied with, Local Authorities have powers, under section 207 of the Act, to issue Tree Replacement Notices (TRNs). These powers are also exercised where a tree is removed in a Conservation Area in contravention of section 211 of the 1990 Act (i.e. without giving the council six weeks' notice) and in circumstances when a condition to plant a replacement tree, on a consent to fell a tree under a TPO, is not complied with. Section 208 of the 1990 Act gives people served with a TRN a right to appeal to the Welsh Ministers.

## **2. Do I have the right to make an appeal?**

2.1. You, or an agent acting on your behalf, can appeal if you were a person served with a TRN.

## **3. Reasons for the appeal**

3.1. An appeal against a TRN must be made on specific grounds as set out in section 208 of the 1990 Act as amended by the Planning and Compensation Act 1991. The statutory reasons for an appeal are:

- That the duty to replace the tree is not applicable or has been complied with.
- That in all the circumstances of the case the duty to replace the tree should be dispensed with.
- That the requirements of the TRN are unreasonable in respect of (i) the size of the tree, or (ii) the species of the tree, or (iii) the period given.
- That planting the tree in line with the TRN (i) is not required in the interests of amenity, or (ii) would be contrary to the practice of good forestry.
- That the place on which the tree is or trees are to be planted is unsuitable for that purpose.

## **4. How do I appeal?**

4.1. Your appeal should be made on the TRN appeal form obtained from PINS Wales. The appeal form is available online, please use the link below. If you require a hard copy please contact our office. Before completing the appeal form please read our Annexe 01 How to Complete and Submit Your Appeal.

<http://gov.wales/desh/publications/planning/planning-inspectorate/10336365/tree-preservation-and-replacement-appeals?skip=1&lang=en>

4.2. The TRN is suspended pending the Welsh Ministers determination or the withdrawal of the appeal.

## **5. Procedure**

5.1. The Welsh Ministers have delegated the appeal functions to the Planning Inspectorate Wales "PINS Wales". The procedures are set out in the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017, specifically Part 4 (Written Representations) Regulation 22. For further information on the procedures please see the main [Procedural Guide](#) and [Annexe 02](#).