

(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 local 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 local planning authority in whose area the tree is or was situated; or
 - (ii) after the expiry of the period of six weeks from the date of the notice but before the expiry of the period of two years from that date.