



You and Your Trees: A Guide to Preservation

This leaflet is intended to help if you wish to carry out work on trees which are the subject of a Tree Preservation Order, within a Conservation Area or protected by planning conditions.

Town and Country Planning Law is inevitably complex because it has to deal with development, conservation and environmental matters in many different circumstances. This leaflet attempts to interpret the law relating to trees so that it is easier to understand.

If, when you have read this leaflet you are still in doubt, please contact the Planning Department of the District Council where the Trees and Landscape Officer will be happy to advise you.

Tree Preservation Orders

- What is a Tree Preservation Order?

It is a legal document which requires that the consent of the District Council is needed prior to the felling or the carrying out of surgery, on the specified trees.

- Can any tree be included within a Preservation Order?

No. Fruit trees cannot be included or trees grown as a crop, eg plantations.

- Why are Tree Preservation Orders made?

Orders can be made for historic or amenity reasons. If a tree is of historic interest (ie mentioned in the Domesday Book or other historic document) an Order will give the Local Authority more control over its future treatment. Similarly, if a tree is felt by the Local Authority to be important in views seen by the general public and is in danger of being felled or lopped, an Order can be made to prevent this happening. An Order also enables the Local Authority to enforce more effectively the provision of protective measures during development and to require replacements for any which die or need to be removed.

- How do I know if my trees are the subject of a Preservation Order?

If you are the owner of the trees at the time of making the Order, the Order will be served on you. It is then entered on the Land Charges Register held by the District Council. If you buy a property with preserved trees on it your solicitor should advise you following his normal search of the Land Charges Register. If you are still in doubt, you should contact the District Council's Planning Department which will be happy to advise you.

- Can I object if a Preservation Order is made on my trees?

Yes. Objections should be made in writing to the District Council's Legal Section within 28 days of the Order being served.

- Can I ask for a Preservation Order to be made?

Yes. If you contact the District Council's Planning Department (preferably in writing) they will be happy to inspect the tree(s). The Council will then consider whether or not it is appropriate to make an Order and will let you know.

- Can I obtain advice on preserved trees?

Yes. Advice can be obtained by contacting the Trees and Landscaping Officer in the District Council's Planning Department.

- Can I carry out work on preserved trees?

Yes but you must first obtain the written permission of the District Council. On request you will be sent an application form for consent which should be completed and returned. You may find it helpful to discuss your proposal prior to completing your application. Permission to carry out work (including felling or removing dead wood) is not required if a tree is dead, dying, diseased or dangerous. However, under the terms of the Order a tree which is felled because it has died must be replaced by a new tree unless this requirement is waived by the Local Authority.

- What happens if my application is refused?

You may appeal against the Council's decision and details of how to do this are set out on the back of the decision notice. Similarly, you may appeal against any conditions that may be imposed on a consent.

- How do I know if an application has been made to carry out work on preserved trees?

The District Council keeps a register of all applications which is available for public inspection. Applications are advertised in the local paper with the list of planning applications and occupiers of adjacent properties are also notified.

- Can I object to proposals to carry out work on preserved trees?

Yes, Objections should be made in writing to the Chief Planning Officer as soon as possible.

- What happens if I carry out work on a preserved tree without the prior consent of the District Council?

You may be liable to a fine of up to £20,000 depending on the circumstances.

Trees in Conservation Areas

- Do I need permission to carry out work on trees in a Conservation Area?

Technically, no but in most cases you must give the District Council six weeks notice before commencing work.

- When can I do the work without notifying the District Council?

You do not have to notify the Council in the following cases:

- (i) if trees are dead, dying, diseased or dangerous
- (ii) fruit trees
- (iii) trees with a trunk diameter of less than 75mm (3 inches) or 100mm (4 inches) if they are being removed for the benefit of others (eg. thinning).

- How do I know if a tree is within a Conservation Area?

Contact the District Council's Planning Department which will advise you.

- How do I give notice?

By completing the appropriate forms, setting out the proposal and the reason for wishing to do it. You may wish to obtain advice before you give notice and this can be arranged by contacting the Trees and Landscape Officer.

- How do I know if notice has been given to carry out work on trees in a Conservation Area?

The Local Planning Authority keeps a register of all notifications which is available for public inspection. Notifications are also advertised in the local paper with the list of planning applications received. Occupiers of adjacent properties are notified and a notice is posted on the site which gives brief details of the proposal.

- Can I object if notification is given?

Yes. Simply write to the Chief Planning Officer, giving your reasons.

- Why is six weeks notice required?

This allows the District Council enough time to inspect the tree, offer advice if required, and make a Tree Preservation Order, if necessary.

Trees protected by planning condition

Sometimes, when planning permission is granted for development, a condition is attached which precludes the carrying out of any work on trees within the site without the prior consent of the Local Authority.

- How do I apply for permission to carry out work on trees protected in this way?

By completing the appropriate application form which can be obtained from the District Council's Planning Department. Your application will then be dealt with in the same way as preserved trees.

- What happens if I wish to carry out work on preserved trees within a development site which are also protected by a planning condition?

An application should be made on an application form for work to preserved trees.

Felling Licences

- What is a Felling Licence?

This is a licence to fell trees and can be obtained from the Forestry Authority.

- When is a Felling Licence necessary?

If you wish to fell more than 5 cubic metres of timber per calendar quarter. This is roughly equivalent to five fairly large broadleaved trees.

For more information on Felling Licences contact:

The Forestry Authority, Alice Holt, Wrecclesham, Farnham, GU10 4LF Tel: 01420 23337