

## Guidance Notes for:

### **Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO)** and/or **Notification of Proposed Works to Trees in Conservation Areas (CA)** *Town and Country Planning Act 1990*

#### **When to use this form**

You will normally need to contact your local planning authority (LPA) before any work can be carried out on protected trees. The LPA is usually the council to which you pay your Council Tax, but where the tree(s) are in the Broads Authority area or a National Park you should consult the relevant Authority.

Protected trees include those covered by a tree preservation order (TPO) or those which grow in a conservation area. You will need to contact the LPA even if you wish to prune branches overhanging from a neighbour's protected tree. You should send one copy of the completed form to your LPA.

- **TPOs** - If you wish to carry out work to trees protected by a TPO you must apply using this form. Your application, and any subsequent appeal, will be decided on the basis of the information you provide now, so it is worth getting it right at the start
- **Conservation areas** - You must give six weeks' notice before carrying out work to trees in a conservation area that are not protected by a TPO. You may use this form for this purpose or you may send a letter or email, which must still include the information required by the form. This gives the LPA an opportunity to consider whether a TPO should be made to protect the tree(s)
- **Permitted development** - You must also apply or give notice to your LPA (as above) if you want to work on a protected tree where you are carrying out development where full planning permission is not needed
- **Planning permission** - Where full planning permission has been granted you might need to apply or give notice to the LPA before carrying out work to protected trees. You should check with the LPA to see what is required

#### **When not to use this form**

You do not need to get the LPA's consent in a few special circumstances: when a tree is dead or dangerous, for example. In this case you are advised to speak to the LPA about proposed work, particularly felling (see 'Further Information' below.) You should be prepared to prove that the work falls within an exemption.

#### **Before you apply**

You may wish to discuss your needs with a competent arborist (tree surgeon) before contacting the LPA. If the LPA are able to, it may be worthwhile discussing your proposals with them informally before you complete the form. Early discussion gives the LPA the chance to:

- Explore whether the work is exempt from the need to apply/notify
- Advise on how best to present your proposals
- Guide you through the process and the LPA's tree protection policies

The advice and guidance given to you during these discussions is given in good faith, but no LPA officer can give you a definite answer as to whether your proposed works will be allowed. You may want to contact the LPA to see if they charge for giving this advice.

## Who can carry out the tree work?

When deciding who should prune or fell your tree you should bear in mind that:

- Tree work is a dangerous activity and should be carried out by trained, competent and appropriately insured arborists
- Tree work should be carried out to a good standard. LPAs will usually require the work to comply with BS 3998 *Recommendations for Tree Work*
- You may wish to contact your LPA for guidance on selecting a contractor in your area.

## Enforcement

The LPA can prosecute when work is carried out without their consent on a preserved tree, without the required notice on a tree in a conservation area or when exemptions are misused.

## Further information

More information about TPO procedures, including exemptions, felling licences and detailed guidance intended primarily for LPAs, can be found in the [‘Tree Preservation Orders and trees in conservation areas’ section of the Planning Practice Guidance website](#).

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## Completing the application form

### Electronic Communication

If you submit this form electronically (from the Planning Portal, or by email or fax) the LPA will take it that you have agreed that they may communicate with you in the same manner. This may include the issuing of their decision. You may cancel this agreement by writing to the LPA and asking them to stop communicating with you electronically.

### 1/2. Applicant’s And Agent’s Names And Addresses

You may submit the application yourself; you do not have to use an agent, nor do you have to be the owner of the tree(s). Complete both boxes if the application is being submitted by an agent (*e.g.* a friend, relative or technical adviser who is acting on the applicant’s behalf).

Your tree work contractor’s name should not be entered here unless they are handling the application on your behalf. All correspondence, including the decision letter, will be sent to the agent. Arrangements for a site visit will also be made through the agent.

### 3. Tree Location

If the trees grow in more than one property, or if a tree trunk straddles the boundary between two properties, you should enter the details of the second address here. If trees grow on any other properties, enter those addresses in the space at the bottom of this question.

## 4. Tree Ownership

You don't have to own the tree(s) to apply for consent but it is good practice to let the owner know what you are proposing. You will still need to get any necessary agreements or permissions from the owner before carrying out any work permitted by the LPA.

The owner of the tree is usually the owner of the land on which it grows. Please provide their address if it is different from the address of the site where the tree(s) stands that you have already entered in question 3.

Please provide an explanation separately of tree ownership where a tree is on the boundary and is the joint responsibility of the applicant and the neighbour, or where consent is sought for trees on both properties.

## 5. What Are You Applying For?

Refer to the leaflet *Protected Trees: A Guide to Tree Preservation Procedures*. In conservation areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees).

## 6. Tree Preservation Order Details

The LPA may be able to help you answer this question. You should find the title at the top of the Order. For example: City of Woodville (No. 4) Tree Preservation Order 1992 or City of Woodville (1 Garden Court) Tree Preservation Order 1992.

## 7. Identification Of Tree(s) And Description Of Work

### Identifying the tree(s)

Please give the species of tree if known (e.g. oak, Scots pine); Latin names are not required. Where known, use the numbering of trees from the First Schedule of the TPO (e.g. T1 ash, or two cherry and one birch in G2). Make sure other trees are identified by using a different sequence e.g. A, B, C etc. Make sure the numbering matches that used on the sketch plan (see notes for question 8).

### Poor tree surgery

Proposals that would endanger the health or condition of a tree or greatly reduce its amenity value to the local environment are unlikely to be allowed unless there are strong reasons to do so.

### Describing the works and reasons

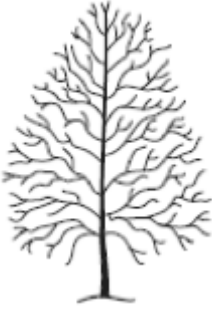



Please make clear to which trees the descriptions of works and reasons apply. Reasons must be given for work to trees protected by a TPO. For trees in conservation areas, giving reasons for work would be helpful, but is not mandatory.

It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to "cut back", "lop" or "trim" some branches is too vague because it fails to indicate the extent of the works.

Examples of common tree work operations are shown on the following page.

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## Common tree work operations

	<p><b>General information</b> - The common operations described and simply illustrated here show some of your options.</p> <p>An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard BS 3998 – <i>Recommendations for Tree Work</i>.</p> <ul style="list-style-type: none"><li>• Please note that the entire branch system is known as the ‘crown’.</li><li>• LPA approval is not required to remove <b>dead branches</b>.</li></ul>
	<p><b>Crown Thinning</b> - This reduces the density of the tree’s crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.</p> <p>The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).</p> <ul style="list-style-type: none"><li>• Useful for letting more light into gardens and windows</li></ul>
	<p><b>Crown Lifting</b> - This means removing lower branches to increase the clearance between the ground and the crown.</p> <p>Identify the branches you wish to remove, or specify a height above ground level to which you wish to “lift” the crown.</p> <ul style="list-style-type: none"><li>• Useful for allowing more light into gardens</li><li>• Prevents low branches obstructing paths, drives etc.</li></ul>
	<p><b>Crown Reduction</b> - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.</p> <p>The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).</p> <ul style="list-style-type: none"><li>• Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering</li></ul>

## Planting replacement trees

Unless there are good reasons, a condition is usually made for a replacement tree to be planted when granting consent to remove a tree protected by a TPO. Please use this opportunity to show your preference of tree should the LPA approve your application and make such a condition.

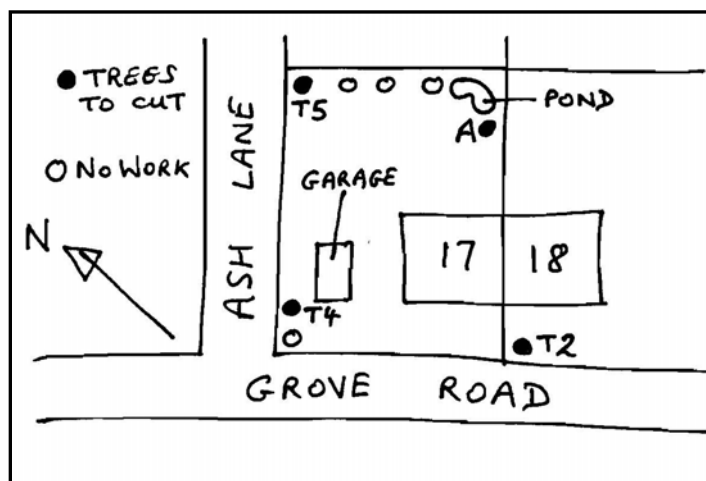
## 8. Additional Information

When setting out the reasons for proposed works to trees protected by a TPO, please provide sufficient evidence to support your case. Note that failure to supply precise and detailed information may result in your application being rejected or delay in dealing with it. Additional information should be posted or hand-delivered at the same time as the form or supplied electronically in support of your application. Applications cannot be processed until all mandatory information is received by the LPA.

References to an arboriculturist refer to a person who has recognised qualifications, experience and expertise in the field of tree management.

### Sketch plan identifying the trees

The sketch plan should show boundaries and adjoining properties (including house numbers or names) and names of roads. It is not necessary to draw a scaled plan, but it may be useful to show approximate distances between the tree(s) in question and other relevant features. If possible, include an arrow showing north. Show the position of the tree(s) in relation to buildings and add the numbering used in question 7.



*Reduced example of a sketch plan*

It may be helpful to show other trees in the garden to help the LPA identify the trees on the form. If there are many trees, it is important to make it clear which tree(s) you want to work on.

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and explain how the tree(s) have been marked on site (e.g. coloured tape, tree tags). The bark of trees must not be damaged e.g. by scarring or cutting into the bark.

Photographs can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.

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## For work to trees covered by a TPO

Unless the LPA agree in writing that the tree(s) is of very low amenity value you must provide the information detailed below when your application relates to the condition of the tree or damage that it is causing.

- **Condition of tree(s)**

The presence and impact of pests, diseases or fungi that require work to be carried out to the tree(s) should be described in written evidence or diagnostic information from an arboriculturist or other appropriate expert. Arboricultural evidence must be provided to support applications that suggest the tree has defects that may be of concern to the current or future safe retention of the tree or parts of the tree.

- **Subsidence**

Reports will usually be provided by a structural engineer and/or a chartered surveyor and be supported by technical analysis from other experts e.g. for root and soil analysis. These reports must include the following information:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map
- Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack-monitoring data. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s)
- A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out
- Proposals and estimated costs of options to repair the damage

In addition, you must include a report from an arboriculturist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

- **Other structural damage**

Technical evidence in respect of other structural damage (e.g. garden walls, drains, paving, drive surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert.

## 9. Authority Employee / Member

You must declare whether the applicant or agent is a member of the council's staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

For the purposes of this question, 'related to' means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision-maker in the local planning authority.

## 10. Application For Tree Works - Checklist

You may find it helpful to use this checklist to make sure that you have given the local planning authority all the required information.

### 11. Declaration

Please sign and date your application.

### 12. Applicant Contact Details

Please provide contact information for the applicant.

### 13. Agent Contact Details

Please provide contact information for the agent.

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## What happens next?

### Tree preservation order applications

The LPA will usually carry out a site visit to help them assess the proposed works. They may discuss alternative works with you.

You will have a right of appeal to the Planning Inspectorate where the LPA has not issued a decision within either eight weeks or two months of your application, depending on the age of the TPO.

You should confirm with your LPA which period applies; alternatively you can agree an extended period with them. Details of these processes can be found in the leaflet *Protected Trees: A Guide to Tree Preservation Procedures* mentioned in 'Further Information' earlier in this guidance.

### Conservation area notices

The LPA has six weeks within which they can object to your proposals. This gives the LPA the opportunity to protect trees of amenity value, which may be harmed by the proposed works. A site visit is usually carried out.

The LPA can only object formally by making a TPO on the tree(s) concerned. In many cases, where the LPA feel that the works are inappropriate, they may discuss alternative work with you.

If you do not receive a decision within six weeks of your notice then you can carry out the works you gave notice for, but no more.

If a TPO is made this will prevent you doing the work without making an application for consent. You will have the right to object to the TPO and the LPA will provide details on how to do this.