

A BRIEF GUIDE TO TREE PRESERVATION PROCEDURES

WHAT IS A TREE PRESERVATION ORDER (TPO)?

This is an order made by a local planning authority which in general makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the planning authority's permission. This includes both branches and roots of a tree.

WHAT IS THE PURPOSE OF A TREE PRESERVATION ORDER?

To protect trees which make significant impact on their local surroundings. This is particularly important where trees are in immediate danger.

WHAT TYPE OF TREES CAN BE COVERED BY AN ORDER?

All types, including hedgerow trees, but not hedges, bushes or shrubs. The order can cover anything from a single tree to woodlands.

HOW CAN I FIND OUT IF A TREE IS COVERED BY AN ORDER?

Details of TPO's are available for inspection at the Planning Reception and you can make a request through our CRM Team on 01785 619344 or you can by e-mail trees@staffordbc.gov.uk.

IF I SEE WORK BEING CARRIED OUT ON A PROTECTED TREE, HOW CAN I FIND OUT IF THE OWNER HAS PERMISSION?

Check with our Tree Officer by e-mail: trees@staffordbc.gov.uk regarding applications and decisions.

WHAT CAN I DO IF I THINK TREES SHOULD BE PROTECTED?

Contact the local authority in writing detailing the trees, the locations, have reasons why you think the tree(s) should be protected, and identify the threat to the well-being of the trees. An officer will visit the tree, make an assessment, and if the tree is worthy of protection, make a Tree Preservation Order.

DOES THE LOCAL PLANNING AUTHORITY THEN BECOME RESPONSIBLE FOR LOOKING AFTER THE PROTECTED TREES?

NO The owner remains responsible for the trees, their condition and any damage they may cause. But the planning authority's permission is required before carrying out work on them unless they are dying, dead or dangerous. In this case, notification to the local planning authority of the intent to fell or carry out work is necessary. If in doubt, check with the local planning authority. However, the planning authority is able to offer appropriate advice and help on how the trees should be managed.

WHAT HAPPENS IF I CARRY OUT WORK ON A PROTECTED TREE WITHOUT PERMISSION?

If you deliberately destroy a tree, or damage it in a manner likely to destroy it, you could be fined up to £20,000 if convicted in the magistrate's court. In determining the amount of the fine, the court will take account of any financial benefit arising from the offence. For other

offences you could be fined up to £2,500. You will normally have to plant a replacement tree if the tree was cut down or destroyed.

ARE THERE ANY EXTRA RESTRICTIONS IN A CONSERVATION AREA?

YES You have to give your local planning authority six weeks notice before carrying out work on trees which are located in a conservation area, but are not yet the subject of a tree preservation order. This gives the authority an opportunity to consider whether an order should be made to protect the trees.

You do NOT need to give notice if you want to work on trees less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres in diameter if thinning to help the growth of other trees). If in doubt contact your local planning authority for further details of any exceptions.

HOW ARE TREES ON DEVELOPMENT SITES AFFECTED?

Trees on development sites can be protected by TPO`s, Conservation Area restrictions or by planning conditions attached to the planning permission, or both.

Planning conditions may also require you to plant trees which may then be covered by TPO`s. The Order takes effect once the trees are planted. Protection of the trees by planning condition lasts for 5 years from when the trees were planted. Any work done to these trees would require permission from the local planning authority.

A TPO doesn't prevent planning permission being granted, but the planning officer will consider the risk to protected trees when deciding the planning application.

Application forms to carry out work to protect trees are available from the Planning and Engineering Services, Civic Centre, Riverside, Stafford or by request through our CRM Team on 01785 619344.

CONTACTS:

General Enquiries - Tel 01785 619344

E-mail – trees@staffordbc.gov.uk
