

TREE ADVICE NOTE



*A guide for
tree owners*

Introduction

Trees are important in our environment for landscape, cultural and wildlife reasons and many are protected. This does not mean that work can not be carried out on them if necessary, but there are restrictions. This advice note explains the forms of protection and how you should go about getting the necessary permission before carrying out works to trees.

If work does need to be carried out on an important tree every effort should be made to minimise the effect on the tree, with felling only considered as a last resort.

In this advice note the definition of “**work**” includes the **cutting of branches and roots**, as well as the **potentially damaging effects of soil disturbance** (including raising and lowering soil levels, ground compaction, laying of hard surfacing within the root spread of the tree. Refer to our Planning for Trees Advice Note for further information).



‘Veteran Trees are important for landscape, cultural and wildlife value’

Tree Protection

Single trees, groups of trees and woodlands can be protected by the following laws. Under these laws works to trees can be controlled and penalties imposed for unauthorised work. Below is a list of the forms of protection and how to go about getting the right permission. One or more of these forms of protection may apply to the tree(s) in question and before carrying out work to any tree you should check all the following:

a) **Tree Preservation Orders (TPO)** - Under Government legislation it is the role of the Local Planning Authority to protect trees by placing Tree Preservation Orders (TPO) on trees that are deemed to have an important role in the local landscape, particularly where trees are in immediate danger of being harmed. If a tree has a TPO it is protected under law and you will require permission from us to carry out any work.

b) **Trees located within Conservation Areas** - Conservation Areas are defined by legislation as “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. If trees are within a Conservation Area and the tree trunks have a diameter of more than 7.5cm measured 1.5m from the ground, the trees are protected by law and you will need to give us 6 weeks notice should you wish to carry out any work.



‘Trees add to the setting of buildings’

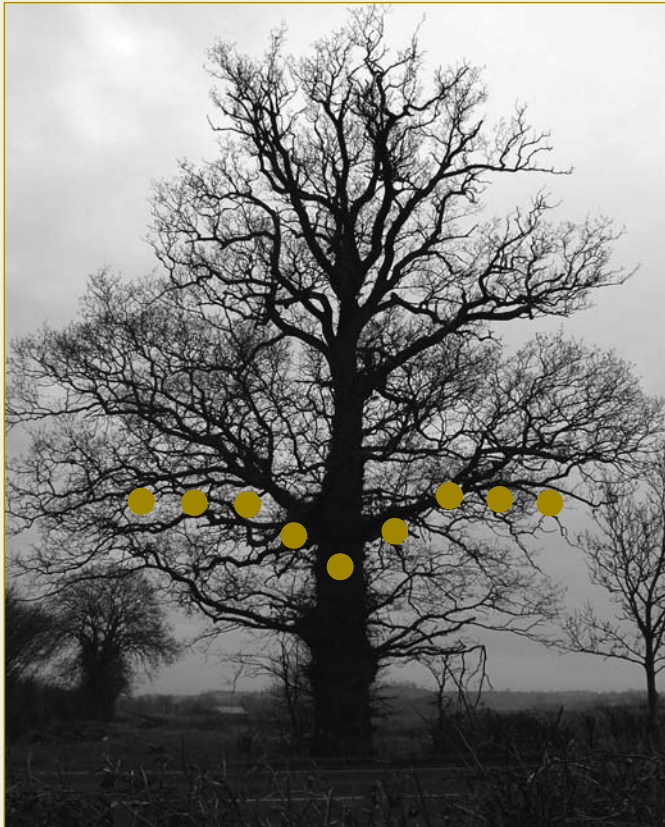
Whether a Tree Preservation Order (TPO) or a Conservation Area designation protects the tree - You will need to complete and return the appropriate application/notification form.

These are available from us, by post or on our web site. In order to complete the form correctly you must:

- Clearly identify the trees to which the application/notification relates, by reference to a plan indicating the trees in relation to properties and or roads;
- Make a statement of the reasons for making the application/notification (for example, for safety, to improve the shape of the tree or to widen a drive); and
- Specify the operations for which consent is

sought (for example, crown thin by 10% or lift the crown by 2m above ground level). Failure to use an expert to identify the works required may lead to poor tree management with possible future safety risks. Therefore we recommend that you consult a qualified arboriculturalist before submitting your application.

(Photographs are a convenient way of identifying the tree and illustrating the proposed works.)



'Proposed Crown Lift up to dotted line'

For works to a tree covered by a TPO, we have eight weeks from receipt of an application in which to make a decision. For works to trees within a Conservation Area, we have six weeks from receipt of a notification to raise any objections and consider whether to place a TPO on the trees referred to in the notification. If you work on a protected tree without permission you could be fined up to £20,000 if convicted in a magistrate's court.

c) **Trees referred to in Planning Conditions** - Planning permission for new developments may come with conditions that certain trees are to be retained. You can contact us to confirm whether any trees are to be retained under these conditions. If so, you will need our written consent to carry out works to the trees. You should send us a letter giving details of the work that you propose, with a plan showing the location of the trees.

d) **Trees that are located within or adjacent to a Scheduled Ancient Monument** - If you want to carry out work that may affect a Scheduled Ancient Monument you must contact English Heritage. A letter of consent may be required from them before any felling is carried out.

e) **Trees (live, dead or uprooted) that are located in a Site of Special Scientific Interest (SSSI)** - You will require permission from English Nature for any works to trees within or adjacent to an SSSI. You should write to English Nature with your proposals for further advice.

f) **Trees (live, dead or uprooted) that contain species protected under the Wildlife and Countryside Act 1981** - Certain species and their habitats are protected under this Act. Where protected species may be affected by works to trees, you should consult English Nature for further advice. For example:

- Nesting birds are protected under the Wildlife and Countryside Act 1981. Therefore it is best to avoid carrying out tree work, including the removal of ivy from trees, between February and August, when nesting birds may be present.
- Bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats & C.) Regulations 1994. Any tree with holes, cracks or crevices are potential bat roosts and in this case it is recommended that you employ a consultant to carry out a bat survey.

If you fail to follow this and other procedures as advised by English Nature and protected species turn out to be present, this is an offence.

g) **The need for a Felling Licence from the Forestry Commission** - When you propose to fell more than 5 cubic metres of timber in a calendar quarter you may require a Felling Licence from the Forestry Commission and should contact them for further advice. Where a Tree Preservation Order or a Conservation Area designation protects trees, you must get the Felling Licence first. If you propose to fell any part of an Ancient Semi-Natural Woodland you will require a Felling Licence from the Forestry Commission. The Forestry Commission should also be consulted on any works that include or

are within 500m of an area of Ancient Semi-Natural Woodland. (You will not need to apply for a Felling Licence where the trees are growing in a garden, churchyard or designated public open space.)

Responsibility For Trees

A tree is the responsibility of the owner of the land on which it stands. If you own a large tree it would be advisable to have it inspected from time to time by a qualified arboriculturalist, particularly if the tree is near to public areas, such as roads and footpaths. The arboriculturalist will be able to check a tree's safety and write reports, as well as advise on the regularity of inspections. The ownership of a tree is established by the location of the trunk in the ground. The Land Registry will be able to help you with this search.

Under Common Law you are entitled to trim any overhanging branches or roots on an unprotected tree back to your own property boundary, although you cannot reduce the tree's height. It is advisable to get the tree owner's permission before carrying out any work, and you will need their permission to get access to their land. Cut branches and roots remain the property of the owner of the tree and should be offered back. For this reason when you plant new trees in your garden you should consider positioning the tree so that its eventual size can be wholly accommodated on your land. If trees are planted right next to an adjacent property boundary you risk lawful pruning by your neighbour affecting the tree's shape, and the tree's stability if roots are pruned back to your boundary.

Work to trees

All tree works will be expected to be carried out by a qualified arboriculturalist and comply with current arboricultural best practice. In order to give the best chance of survival, it is generally best to carry out tree work within the tree's dormant season, from October to February, although you can apply to carry out the work to protected trees at any time. We recommend that you consult a qualified arboriculturalist before submitting your application.

A list of local tree surgeons can be obtained from us, or a list of approved contractors from the Arboricultural Association, Ampfield House, Ampfield, Romsey, Hampshire SO51 9PA



'Tree given space to grow to maturity'

Help and Advice

For more detailed guidance and advice contact:

**The Heritage Section
Planning Services**
Wychavon District Council,
Civic Centre,
Queen Elizabeth Drive,
Pershore,
Worcs. WR10 1PT

Planning Customer Service Officers
Tel: **01386 565565**
e-mail: planning@wychavon.gov.uk
website: www.wychavon.gov.uk



good services, good value