

Conservation Areas (CAs)

Many trees are legally protected; anyone wishing to undertake work to a tree should make enquiries with the local planning department as to the legal status of a tree, in order to protect themselves and others from possible criminal prosecutions.

As with TPOs, CAs are administered by the LPA. CAs are usually designated around listed buildings or sites of special architectural or historical interest and include all trees (75mm diameter or greater measured at 1.5m above ground level) regardless of species, as they may contribute to the landscape character or setting of the area.

Anyone wishing to undertake work to a tree in a CA must serve notice on the LPA 6 weeks prior to undertaking those works. The notice must be in writing and must clearly identify the tree and the work(s), giving information regarding the reasons for the proposals.

LPAs should acknowledge receipt of the notice, state the 6 week expiry date and place it on a public register.

Penalties

Anyone who cuts down, uproots, tops, lops (which can include unauthorised pruning even if it accords with good arboricultural practice), wilfully damages or wilfully destroys a tree subject to a TPO without permission is guilty of an offence.

Serious financial penalties can be, and have been, incurred for contraventions including fines of up to £20,000 for the cutting down of a tree (wilful destruction), along with a requirement to replacement plant, or up to £2,500 for the lopping (pruning) of a tree (wilful damage).