

Tree Preservation Orders (TPOs)

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.

TPOs are administered by Local Planning Authorities (normally planning departments of local councils). The Local Planning Authorities should be able to advise, over the phone within 48 hours, if there is a TPO in place at any location within its administrative area. A TPO is placed on a tree where it is considered expedient to do so and where it offers, primarily, visual amenity to the area.

Anyone wishing to undertake work to a TPOd tree must first make an application to the LPA for the works. The application must clearly identifying the tree, the work(s) and reason(s) for the proposed work.

Where it is alleged a tree is dangerous or where a defect is present that allegedly may affect the safety of the tree evidence must be provided by a competent arboriculturist.

LPAs acknowledge receipt of an application by return and must place a copy on a public register for anyone to see, the LPA should then determine the application within 8 weeks, However if the LPA does not respond the works cannot proceed.

Planning Conditions

Planning conditions are often used by LPAs as a means of securing the retention of trees, hedgerows and other landscape features on sites where building developments will result from planning permission being granted. There is a general acceptance that, unless clearly stated otherwise, a planning condition in relation to trees, hedgerows and landscape features is valid for a maximum period of 10 years and probably only enforceable in most instances for 5 years.

It follows that if it is proposed to retain trees long term at a site then TPOs should be used for this purpose rather than planning conditions.

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).