

Tree Preservation Orders (TPOs)

Tree Preservation Orders (TPOs) are commonly used by councils to protect certain trees within their authority on someone else's land (within someone's private garden for example). If a tree is protected by a TPO, then the council must consent to any works carried out on that tree. Any works near the tree that will affect the roots will also require consent as each tree with a TPO will have an associated root protection zone (RPZ) which usually cannot be disturbed.

Landowners have 28 days to appeal should a planning application be refused due to reasons relating to a TPO.

Unlike other planning applications, applications concerning protected trees can be made without a fee. That being said, they do still require the proper documentation to be submitted as well as the appropriate form. As with standard applications, your submission will be advertised by the council. However, neighbours will only be notified on a case-by-case basis.

The arboriculture officer at the council responsible for your application may wish to visit the site in question to gain a better understanding of your application and the tree(s) that will be affected. The standard 8 week deliberation period also applies to applications relating to work on or around protected trees.

If there is a satisfactory, non-technical reason - or an obvious technical reason - for removing a tree with a TPO then a consultant is not necessary, but an application must be made on the specific form.

Wilfully cutting, uprooting, damaging or destroying a protected tree without the council's permission is a criminal offence. Exceptions to this law are:

- Cutting down a tree that's already dead
- Cutting down a tree when the whole tree presents "an immediate risk of serious harm"
- Pruning part of a tree that presents "an immediate risk of serious harm"
- Removing dead branches from a living tree
- Preventing or controlling a "legal nuisance"
- When requested by an organisation listed in the council's regulations
- When it is in the interests of national security
- Where the tree is a fruitful tree being pruned in accordance with good horticultural practice, or where the tree is in a commercial orchard
- Cutting down trees in accordance with a grant or felling license obtained from the Forestry commission