

Protected Trees

Tree Preservation Orders
Trees in Conservation Areas



August 2015

Gloucester
City Council
Transforming Your City

This leaflet is written for the benefit of tree owners, amenity groups and all those who come into contact with protected trees. It does not cover everything and is for guidance only (it is not a statement of law). If you require further information, please contact Gloucester City Council on 396897.

What is a Tree Preservation Order?

The City Council can make Tree Preservation Orders (TPO) using the law set out in the Town & Country Planning Act, 1990. The Town and Country (Tree Preservation)(England) Regulations 2012 came into force on 6 April 2012 to consolidate the legal provisions of TPOs in England into one set of new regulations.

Once protected, it is an offence, subject to certain exceptions, to cut down, top, lop, uproot, wilfully damage/destroy a tree without first seeking and receiving written consent from the City Council. It is also an offence to cause or permit these works without first seeking and receiving written consent from the City Council.

Why have Tree Preservation Orders?

TPOs are made to preserve trees and woodlands in the interests of public amenity. Amenity is not defined in law but the Government state that "TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public".

How do I find out if a tree is protected?

Contact Gloucester City Council on 396897. If it is not your tree, be sure that you know its address and exact location. If you are buying a house, the 'search' by your solicitor should reveal any protected trees. It may not however inform you of any protected trees in neighbouring properties. If you are unsure, contact your solicitor.

If I see work being carried out on a protected tree, what should I do?

Contact Gloucester City Council as soon as possible on 01452 396897. (Call outside office hours on 396220.)

What happens when the Council protects a tree?

Trees are protected using a Tree Preservation Order (TPO). Once a TPO is made by the Council, the trees are protected. There are then 28 days in which to object to the TPO. All relevant parties will be informed that the TPO has been made. Anyone wishing to object to or support a TPO should write to Legal Services, Gloucester City Council, The Docks, Gloucester, GL1 2EQ.

Once a TPO has been made, the Council has up to 6 months in which to confirm the TPO.

Who looks after the tree once it is protected?

The owner remains responsible for the tree and any subsequent management. However, if the owner wants to do works to the tree, they must first get permission from the Council.

How do I apply to do works to a tree?

Since 2008 all application for works to trees protected by a TPO must:

1. Be made to the City Council using the standard application form.
2. Include the information required on the form.
3. Be accompanied by a plan which identifies the tree(s) on which work is proposed.
4. Clearly specify the work for which consent is sought.
5. State the reasons for making the application.
6. Provide appropriate evidence describing the damage or defect where work is proposed to address and structural damage to property or in relation to tree health or safety.

You do not need to apply to the City Council in the following circumstances:

1. Work to dead trees.
2. Removal of dead branches from living trees.
3. Work to dangerous trees to the extent that it is urgently necessary to remove an immediate risk.

If in doubt please call the Tree Officer on 01452 396897.

It is free to make an application. The standard application form for TPOs can be found on the City Council's web page www.gloucester.gov.uk Type "trees" into the search box.

Applications can also be made on line at: www.planningportal.gov.uk

If you would like a paper copy of the form posted to you please telephone 01452 396396.

If the City Council refuses my application to do work to a protected tree, can I appeal?

Yes. You can appeal to the Planning Inspectorate against the decision of the City Council to refuse consent or for the imposition of conditions relating to consent.

What if I do work to a protected tree without obtaining written consent from the City Council?

If you cut down, uproot or wilfully destroy a tree, wilfully damage, top or lop a tree in a manner likely to destroy it (or if you cause or permit these actions), you could be fined up to £20,000. Serious cases may be liable on conviction to an unlimited fine. You will normally be required to plant a replacement tree if one is removed or destroyed.

What if I want to do work to a tree within a Conservation Area?

All trees within Conservation Areas with a trunk diameter of more than 7.5cm measured 1.5m from the ground are protected. The City has a number of Conservation Areas covering the majority of the city centre and London Road. There are Conservation Areas in Hucclecote and Hempsted and more may be designated in the future.

If you want to do work to trees of this size or larger in these areas you must write to Gloucester City Council detailing the work on the standard application form. The City Council then has 6 weeks from receiving your notification to decide whether or not to make a TPO or allow the work to proceed.

Council contacts

The City Council is responsible for most trees in parks and on open spaces.

Most trees bordering the highway are the responsibility of Gloucestershire County Council.

All City Council Tree enquiries: (01452) 396396

Email: heretohelp@gloucester.gov.uk

Tree Preservation Orders only: (01452) 396897

All County Council Trees: 08000 514514

Other useful contacts

The Arboricultural Association: www.trees.org.uk

www.gloucester.gov.uk

If you, or someone you know cannot understand English and needs help with this information, or if you would like a large print, Braille, or audio version please call 01452 396396.

Regeneration Directorate

Environmental Planning Service

T: 01452 396897

Switchboard: 01452 522232