



TREE POLICY

Contents

1. Introduction	22
2. Aims of the tree policy	33
3. The Council's responsibilities as landowner	33
4. Public requests for works to the Council's trees	55
5. Current administration of trees	66
6. Tree policy statements (tps)	87
<u>protected trees:</u>	<u>124</u>
<u>a guide to tree preservation procedures</u>	<u>124</u>
<u>1. Introduction</u>	<u>124</u>
<u>2. Further information</u>	<u>164</u>
<u>7. Sources of further information</u>	

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1. ~~INTRODUCTION~~ Introduction

Trees are essential to the creation of an environmentally sustainable and economically successful town. They form the largest and the oldest single living element in our natural environment. The contribution of trees has to be considered when forming strategies to achieve many ~~C~~ouncil objectives as follows:

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1.1 Places

- Creating an attractive environment where people will want to live
- Providing wildlife habitats
- Replenishing oxygen and absorbing greenhouse gasses
- Reducing particulate air pollution
- Noise reduction
- Contributing to energy conservation by reducing wind speed
- Providing shade

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1.2 People

- Reducing everyday stress levels
- Contributing to the well being of communities
- Bringing beauty to the town

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1.3 Prosperity

- Positively affects property values
- Creates an attractive physical environment that encourages investment
- Creates a pleasant working environment for staff

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1.4 Environment

- Encourages biodiversity
- Mitigates carbon dioxide emissions
- Anticipates climate change
- Provides a link with the natural environment for local communities
- Landscape quality and natural heritage

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National Policy identifies trees and urban 'green spaces' among the community's most valuable features and Central Government expects that ~~Local Council's planning policies~~ will maximise the opportunities that urban trees can bring to the above key areas ~~through its strategic direction.~~

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~~This direction is now being delivered locally by~~ Lowestoft Town Council ~~by the~~ has ~~formulation of a~~ ated an Open Spaces Strategy ~~which underpins many facets of the wider council vision and policies.~~ This Tree Policy ~~will feed into~~ complements the Open Spaces Strategy as well as any Planning and Neighbourhood Planning strategies and decisions.

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1.5 The historical context of trees owned by Lowestoft Town Council

Upon its ~~conception~~ inception in April 2017, Lowestoft Town Council inherited a considerable number of trees. However, no audit of these trees had been completed prior to transferring them to the Council and there is no record of tree type, location, age, maintenance or condition. This policy will set out the Council's legal obligations as well as the challenges, priorities and plans for maintaining and developing its tree stock.

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1.6 Key Challenges

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- The overall management of an urban tree stock larger than many comparable ~~town~~ or parish ~~Councils~~ ~~councils~~ in England.
- A lack of detailed information about the condition and age of the tree stock.
- Insufficient succession planting in past years resulting in a high percentage of declining trees within the overall tree population.
- Changes in climate require a greater diversity in tree type in order to mitigate loss and maintain current levels.
- The urban environment is now a much harsher place for trees requiring high levels of management intervention in both maintenance of existing stock and the establishment of new trees.
- The need for increased understanding and tolerance about living close to trees. People are passionate about trees but perceptions differ greatly from those who see all urban trees as a nuisance liability to those who would preserve every tree at all cost.

2. Aims of the tree policy

The Council has a dual role to play in tree issues. Firstly, as an owner it is responsible for managing its own tree stock and has a legal obligation to maintain them to ensure the safety of the public. Secondly, the Council has a regulatory role under the Planning Acts for the preservation of trees and woodlands.

Additionally, the Council has a role as a Charter Tree Branch to be the champion and protector of the environment within Lowestoft for the lasting benefit of all. Trees make a significant contribution to the delivery of the Council's wider strategies relating to quality of life, maintaining a vibrant local economy whilst protecting and enhancing environmental quality.

This policy focuses on the management of trees owned by Lowestoft Town Council.

The overall aims of the Tree Policy are to:

- Provide sustainable management of trees to protect both the public and the environment.
- Maintain and encourage biodiversity
- Maintain and improve landscape quality in a sustainable manner
- Encourage the recognition that trees are an asset, in environmental and financial terms, and manage them accordingly.
- Improve the quality of life for residents and visitors now and in the future.

3. The Council's responsibilities as landowner

3.1 The Council's legal responsibility for its tree stock

As ~~an~~ ~~the~~ owner of a large number of trees the Council has to have in place a management regime to primarily discharge its legal responsibilities as follows:

- **Statutory Duties** - The Occupiers Liability Acts (1957 & 1984) requires occupiers of land to have a common, duty of care to all visitors. This Act requires the occupiers to take reasonable care to maintain their land in such a condition that it does not harm any person or damage any property. The duty of care is extended where the landowner invites the public onto land for recreation.
- The Health and Safety at Work, etc. Act (1974) and the Management of Health and Safety at Work Regulations (1999) require the Council to manage trees and undertake work on trees with regard to the health and safety of the public and employees. Failure to do so could lead to criminal action against the Council by the Health and Safety Executive.

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- **Common Law Duties** - If a tree fails and causes injury or damage, its owner could be held negligent if they had omitted to take sufficient care of the tree. As landowner, the Council has a duty of care to ensure that all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

- **Government Guidance** - Government guidance contained in Circular 52/75 requires local Councils that to regularly inspect trees adjacent to highways are regularly inspected. Whilst this Council does not own trees growing within the highway, it does own trees that are adjacent to highways.

The Department of Environment's Communities report 'Trees in Towns II's' recommended recommends that each local authority should inspect the tree stock that it is responsible for in a systematic way and to store this information on a data base so that it is accessible data effectively.

- **The Wildlife and Countryside Act 1981, Habitats Directive 1992 and Biodiversity Act 2005** - These are among the pieces of legislative framework on set out stringent controls in Great Britain designed to ensure the protection and conservation of plants animals and habitats.

3.2 The Council's responsibility to ensure the safety of its tree stock

The aim of this Policy is to establish a reasonable, defensible and proactive tree management system that conserves and enhances the tree population on the land for which the Council is responsible.

Best practice now strongly favours a risk-based system of tree management relying on a programme of regular inspection prioritised by potential hazard. In the event of a tree failure causing loss, such a system is recognised as a reasonable method of management. It should also provide the basis of a robust defence in the event of litigation.

The basis for repeat inspections will be graded; so, a high-risk tree may be inspected annually and a tree

-with negligible risk inspected a maximum of five years after the initial survey and repeated as necessary.

All trees and groups of trees for which the Council is responsible will be categorised in relation to the risk they represent. This is in conformity with industry best practice and is a significant step in ensuring a defensible system of tree management is implemented.

A prioritised programme of tree work will be maintained, based on the inspections and with an emphasis on planned rather than reactive tree maintenance, balancing the risk and nuisance to persons and property against environmental aims.

The Council uses a qualified Arborist for the risk assessments of trees, through its contractor for this purpose, and maintains records of risk assessments, prioritising, inspections, results and recommendations. Any recommendations are considered by the Council for action, which may be through an officer or relevant committee.

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3.3 The Council's responsibilities to maintain and improve biodiversity and landscape quality through tree management:

- Recognising the value of trees as a tangible important asset including through: R- Replanting any tree felled in the course of arboricultural maintenance, including tree planting, within all new environmental projects; and taking steps to increase the density and footprint of productive tree coverage.
- Encouraging the conservation, positive management and the appropriate planting of trees and woodlands.
- Effectively communicating, educating and engaging with the local community over trees, including through: Encouraging related volunteering; and exploring the potential to increase community use of natural infrastructure on open spaces e.g. sensory/wildlife gardens and community orchards.
- Promoting the importance of trees and woodlands in shaping the distinctive local character and appearance of the town's urban, semi- rural and coastal landscapes.
- Recognising the significant aesthetic, landmark, ecological, cultural and historic value that trees provide.
- Acting as a source of information and reference, where appropriate and reasonable, regarding tree issues in the town.

4. Public requests for works to the Council's trees

~~As all of the Council's trees for which we are responsible are on our Council's land, Council land, public requests for work to Council tree should be minimal. However, on rare occasions there may be residents/tenants who live adjacent to Council property or tenants within our property are affected by our trees and who have cause to request work.~~

~~Most Many residents in the town live close to trees, especially in urban areas. Trees can, and often do, create varying degrees of inconvenience to residents. Dilemma and conflict often arise when a tree or groups of trees make an There is a need to balance the interests of any persons considering trees an actual or potential inconvenience and the important contribution to the local environment. yet cause inconvenience to residents and those living nearby.~~

Within the town's tree population there are a number of common sources for complaint, including:-

- Physical size,
- Overhanging branches,
- Shade
- Blocking sunlight and views,
- Leaf and fruit fall,
- Sticky deposits,
- Interference with utilities,
- Affecting TV and satellite signal reception,
- Fear of tree safety,
- Root encroachment, related matters
- Preventing car parking on verges,
- Obstructing a view

The above 'problems' which lead to a high volume of requests for tree work from the general public are not considered a 'nuisance' in legal terms and the Authority Council, as with any private tree owner, is not obliged to act in these circumstances. It is a widely held perception that the Council has

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increased responsibilities in law in this respect. This is not the case. ~~The requirements in law are the same as any private tree owner.~~

~~In the past~~ Under previous ownership, the provision of tree services has been based to a large extent on a reactive response to public complaint. ~~to the disregard of more fundamental responses to safety and amenity.~~ As tree maintenance resources are finite this historic approach has led to ~~many some veteran trees which this Council would consider have with~~ a high safety risk, ~~remaining unattended to being unattended.~~ Similarly, trees of high amenity value have not received essential maintenance. ~~From April 2017, with this Council becoming a land owner, the emphasis is on a more fundamental response to safety and amenity.~~

Adopting a prioritised programme of tree work will mean that risk assessed lowest priority work will not be attended to until such times as the risk rating changes. Lowest priority work will generally refer to requests received from the public.

It must be accepted that in many cases it is not possible to resolve the particular issue to the resident's satisfaction. This situation, and in particular the fact that tree work requests that are low priority risk, assessed trees are unlikely to be attended to, need communicating with clarity to the initiator as soon as is possible. ~~This shall be done by publishing the Tree Policy and explanatory guidance notes on the LTC website. Additionally, Within our response to any each enquiries we will y directly received will stimulate an advisory letter of response to be sent out containing the same information refer to this Tree Policy, which will also be published on our website.~~

5. Current administration of trees

~~The This~~ Council has responsibility ~~only~~ for trees on ~~assets owned by LTC only your own land.~~ ~~The This~~ ~~tree management p~~olicy incorporates integrated ~~informs day-to-day~~ management ~~proposals for alof~~ trees ~~growing on our Council owned land and informs ours well as informing~~ planning ~~decisions~~ and Neighbourhood Planning ~~policy.~~

~~Trees growing in the borough's parks and open spaces, including cemeteries are the significant in terms of providing visual amenity, a sense of health and well being and provision of passive recreation. Areas of informal open space provide significant habitat variants and are extremely rich in biodiversity. East Suffolk Council is the relevant planning authority.~~

5.1 The key objectives

As part of our administration of trees, we will work towards:

- ~~increase~~ Increasing the diversity of tree species within parks through succession planting
- Surveying and recording all mature trees within parks
- ~~Undertake~~ Undertaking a proactive planned schedule of maintenance work for specimen trees for amenity purposes
- Attaining 'Green Flag status recognition for our parks' which is dependent upon maintaining a healthy tree stock.

5.2 Tree management policy

This policy ~~here~~ sets out a number of specific statements and actions, the adoption of which contribute to achieving the Council's overall aims and objectives. Among the matters that it seeks to achieve are:

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~~It e~~Ensuring that finite resources are correctly targeted so that the legal requirements placed upon the Council as a tree owner are met as a first priority.

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~~Creating a~~An understanding that there is no legal requirement upon the Council to automatically respond to requests from the public to carry out tree work on request and ~~in adopting~~ a risk assessed work programme maintenance ~~and~~ will often result in no works being required.

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~~Clarifying that the Council is entitled to consider other factors, such as the environment, community needs and resources when considering requests for tree work from the public. Decisions to increase responsive work might result in budget increases.~~

~~Committing to provide public information on this Tree Policy on which to form productive partnerships and community involvement.~~

~~Recognising that the tree stock has great amenity value and that effort and resources will be deployed to ensure that, above and beyond the discharge of legal requirements, the Council will maintain and develop the tree stock for the benefits of amenity and environmental enhancement.~~

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~~The Council must be clear that it will not be able to respond to all requests for tree work that are received from the public without significantly increasing resources.~~

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~~Public information is implicit to building partnership working and community involvement and time and resources will be made available.~~

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~~It recognises that the tree stock has great amenity value and that effort and resources will be deployed to ensure that, above and beyond the discharge of legal requirements, the Council will maintain and develop the tree stock for the benefits of amenity and environmental enhancement.~~

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5.3 Planting

Should any tree on Council property need to be felled, the ~~C~~council will replace it with ~~another two~~ trees unless there ~~is~~ is compelling reason not to do so. The Council will also seek to actively increase its tree stock and the wider tree stock within the Lowestoft area.

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5.4 Disease contingency

Recent examples of tree disease that have significantly affected and reduced the ~~Districts' area's~~ tree stock have been:

- ~~D~~Dutch Elm Disease,
- ~~F~~Fireblight ~~and~~
- ~~C~~Chestnut Canker.

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It has already been identified that new emergent threats from new pathogens linked to climate change including ~~A~~:

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- ~~A~~Anthracnose of Plane,
- ~~C~~Chalara Ash Dieback,
- ~~S~~Sooty Bark Disease of Sycamore,
- ~~H~~Horse Chestnut leaf miner,
- ~~S~~Sudden Oak Death Syndrome ~~and~~
- ~~X~~Xylella Fastidiosa.

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The Council will put in place strategies to minimise and manage risk wherever reasonably possible.

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6. Tree policy statements (TPSs)

This is a list of the Tree Policy Statements that the Council will apply to its tree management:

6.1 General

- **TPS1** - We will take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and property.
- **TPS2** - We will take all reasonable steps to fulfil duties and obligations to ensure trees do not cause damage to property.
- **TPS3** - We will take all steps to ensure that trees continue to contribute to the development and enhancement of biodiversity, landscape quality and the environmental enhancement.
- **TPS4** - We will only remove trees where there are justifiable arboricultural or legal reasons.
- **TPS5** - In delivery of the arboricultural service, we will provide the highest standards of tree care by adherence to the British standard BS3998 and best practice guidelines.
- **TPS6** - All requests for arboricultural works to trees growing on Council land will be assessed, prioritised and where appropriate, authorised by the Council's appointed Facilities Manager, after liaison with an Arboricultural expert or other suitably qualified and experienced persons. Priorities for inspection shall be on a risk-assessed basis from information provided. Non-urgent tree planting or felling will be referred to the Implementation AID Committee for its approval prior to any work being carried out. Where trees have Tree Preservation Order's they will be referred to the Planning and Environment Committee prior to any action being taken, except where the action is permissible covered by the Protected Tree Guide item 13 ii a which allows for work on trees that present an for urgent and serious safety risks. Advice from the planning authority will be sought where necessary.
- **TPS7** - A public safety risk assessment of each tree inspected shall be undertaken. This assessment will shape:
 - If works are required
 - The specification for works where required
 - The priority of works to be completed
 - Targeting of finite resources allocated for arboricultural maintenance.
 - Communicating where no work is deemed necessary within the terms of this Policy.We will institute and maintain a risk-based system of tree management relying on a programme of inspection prioritised by potential hazard. Records are not kept of trees which are deemed to be low-priority.
- **TPS8** - We will not authorise members of the public to undertake works to Council-owned trees.
- **TPS9** - We will not undertake any tree pruning works or remove trees in direct response to any any natural or seasonal phenomena, for examples such as:
 - falling leaves, blossom,

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- ~~sap exudation, (honeydew)~~
- ~~falling~~ fruits, nuts or seeds_;
- bird
- ~~droppings~~ sap exudation.
- ~~blossom~~
- ~~re~~duction or increased d moisture to gardens_;
- ~~sucker growth~~_;
- germinating
- ~~seeds from~~ Ccouncil~~-owned~~ trees_;
- blocked or obstructed drains, gutters and; flat roofs from tree
- ~~deposits and leaves~~_;
- presence of algae and; moss build~~-up~~_;

- **TPS10** - We will not carry out tree pruning or removal directly attributable to:
 - TV or satellite signal reception;
 - Obstruction of direct sunlight or man-made lighting during any part of the day
 - ~~B~~locking or obstruction of a view from a residence
 - ~~O~~bststruction of car parking on verges
- **TPS11** - We will try to develop and promote a better understanding and awareness of the value of trees to the community and communicate our strategy for the management of the urban tree stock on the LTC-our web-site and through service request responses.
- **TPS12** - We will ~~undertake~~ consider selective tree pruning for trees identified as obscuring the function of CCTV cameras at the request of the Policing Authority.
- **TPS13**- We shall pay attention to locally~~-distinct~~ landscape character and ~~shall afford particular attention to the~~ need for the safe retention and care of veteran trees and trees with a particular landscape heritage value.
- **TPS14** - We will explore and develop opportunities to directly ~~utilise~~ or market the arisings (woodchips, logs and timber) generated by arboricultural operations for greater environmental sustainability and to provide service improvement.
- **TPS15** – Within five years we will carry out an audit and establish a database of all trees owned by LTC-us coupled to an IT based management information system. Once the audit is completed we will publish on our website a catalogue of the Council's Tree and will work towards labelling significant trees with information about the species and age etc.
- **TPS16** – We will ~~look to~~ encourage community involvement in carrying out and maintaining the audit through both our “Friends” groups, local schools and other interested community organisations.
- **TPS17** – ~~Once the audit is completed we will publish on the LTC website a catalogue of the Council's Tree as well as labelling trees with information about the species and age etc.~~

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- **TPS186** - We will maintain the tree population by replacing each tree felled with a replacement tree unless there are compelling reasons why this should not be the case.
- **TPS197** - We will develop the town's tree population. The population will be expanded with new tree planting where possible and practical.
- **TPS2018** - New trees will be planted of both indigenous and exotic origin to establish a wide diversity of species to best anticipate the continued affects of climate change. Indigenous trees species used will complement existing species to maintain the locally-distinct landscape character and be sourced to have local provenance where possible.
- **TPS21-TPS19** - Newly planted trees will be provided with protective guards, and if required grills, where needed, and will receive systematic post-planting maintenance until they are established. Newly planted trees shall be watered, as required, for up to two years following establishment.
- **TPS22-TPS20** - Private sponsorship of commemorative tree planting shall be encouraged in areas deemed suitable under the terms of landscape design best practice.
- **TPS23-TPS21** - We will actively monitor the tree stock for infection and spread of tree diseases and take action as specified to control the spread of diseases that may affect the well-being of the tree stock. We will maintain professional links to monitor and identify a programme of preventative and remedial works, advice and notification.
- **TPS24-TPS22** - We will actively consider trees for their local, environment and aesthetic importance both on Council property and in the wider community and, where needed for protection, seek to place Tree Preservation Orders on them following the normal procedures.
- **TPS25-TPS23** - We will ensure that the management of trees and their vital importance to the environment are considered and embedded within all future strategies, policies, planning and Council plans where applicable.
- **TPS264** - We will consider encourage biodiversity and the importance of an increase in the quantity and quality trees to the environmental impact when considering both planning applications and Neighbourhood Planning and encourage the planting of trees whenever feasible.

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PROCESSES

A GUIDE TO TREE PRESERVATION PROCEDURES

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1. INTRODUCTION

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This leaflet is written for tree owners, their neighbours and local community groups, and answers some of the most common questions about tree preservation procedures in England. It is for information only and you should consult a solicitor if you are unsure of your legal rights or obligations.

Please note that new tree preservation legislation came into force on 6 April 2012 which affects all existing and new tree preservation orders.

1.1 Questions and answers

What is a tree preservation order? It is a written order made by a local planning authority (e.g. a borough, district or unitary council or a national park authority) which, in general, makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order without the authority's permission.

What is the purpose of a tree preservation order? To protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat.

What type and species of trees can a tree preservation order protect? All types, but not hedges, bushes or shrubs. An order can protect anything from a single tree to all trees within a defined area or woodland. Any species can be protected, but no species is automatically protected by a tree preservation order.

How can I find out if a tree is protected by a tree preservation order? Contact the local planning authority. Details of tree preservation orders will be available for inspection at its offices.

An official search of the local land charges register can also be made before you buy a property. This should reveal the existence of an order and whether a property is in a conservation area (see question 18). Make sure your legal adviser tells you if any trees are protected.

If I see work being carried out on a protected tree, how can I find out if the owner has permission? Check with the local planning authority, which will have a register of applications and decisions that you can look at.

There are trees which I think should be protected by a tree preservation order. What can I do? Contact the local planning authority, giving details of the trees and the reasons why you think the trees should be protected.

When does a tree preservation order come into effect? Provisional protection comes into effect as soon as the local planning authority makes the order. The authority will then need to confirm the order to provide long-term protection.

How will I know when a local planning authority makes a tree preservation order? The authority will write to those who may have a right to work on the tree, generally the tree owner and sometimes others, such as tenants and neighbours. Copies of new orders are also available for inspection at the planning authority's offices.

How can I object to or express support for a new tree preservation order? Write to the local planning authority within the period it allows for comment (usually 28 days), identifying the tree or trees in question and giving your reasons.

The authority will take your comments into account when deciding whether or not to confirm the order. The authority can also modify an order when it confirms it, for example to exclude some of the trees.

Does the local planning authority become responsible for looking after protected trees? No. Owners remain responsible for trees covered by tree preservation orders, their condition and any damage they may cause. But the authority's permission is usually required before any work is carried out to the trees (see questions 11-14).

The authority may be able to offer help and advice on how the trees should be managed.

What if I want to work on a tree covered by a tree preservation order? Apart from special exceptions (see questions 13-15) you (or your agent) must seek permission from the local planning authority by submitting a standard application form to it. The form is available from the Planning Portal

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(www.planningportal.gov.uk) or the authority. It is important to clearly specify the work you want done and provide information to support your case (such as professional advice on the health of the tree and, in cases of alleged subsidence, professional evidence on the soil, the structure affected and the tree).

Before making an application you may find it helpful to consult a tree surgeon or arboricultural consultant to help you clarify what you need to do. Information on selecting a tree expert can be found at www.tree-care.info/findanarb.

You may also find it helpful to refer to the local planning authority's website for information on tree protection in the local area.

Do I need a Forestry Commission felling licence to fell protected trees? You do not need a licence to fell trees in gardens. However, for trees outside of gardens, you may need to apply to the Forestry Commission for a felling licence, whether or not they are covered by a tree preservation order.

You can find out more about felling licences from the Forestry Commission (see Further information at the end of this leaflet).

Do I always need the local planning authority's permission to work on a tree covered by a tree preservation order?

Yes, except for:

i) cutting down trees in accordance with one of the Forestry Commission's grant schemes, or where the Commission has granted a felling licence (see question 12);

ii) cutting down or pruning a tree:

a) which presents an urgent and serious safety risk – however you must give written notice (by letter or email) of the proposed work to the local planning authority as soon as practicable after the work becomes necessary;

b) which is dead – however you must give at least five working days written notice (by letter or email) of the proposed work to the local planning authority;

c) which is directly in the way of development that is about to start for which detailed planning permission has been granted (see questions 20 and 21);

d) in a commercial orchard, or pruning fruit trees in accordance with good horticultural practice;

e) to prevent or control a legal nuisance (you may find it helpful to check first with a solicitor);

f) in line with an obligation under an Act of Parliament

g) by or at the request of certain organisations listed in the regulations (see Further information at the end of this leaflet)

iii) removing dead branches from a living tree

If you are in any doubt about what needs permission, check with the local planning authority.

What happens if I carry out work on a protected tree without permission? If you deliberately destroy a protected tree, or damage it in a manner likely to destroy it, you could be liable to an unlimited fine. You could also be fined if you cause or permit such work. Other offences can lead to fines of up to £2,500.

When will I have to plant a replacement tree? You will have to replant:

1) if you cut down or destroy a protected tree in breach of a tree preservation order, or because the tree is dead or dangerous;

2) if the local planning authority gives you permission to cut down a protected tree but makes replanting a condition of its consent;

3) in most cases where the Forestry Commission grants a felling licence.

Local planning authorities have legal powers to ensure that you plant a replacement tree when required.

What if my application to carry out work under a tree preservation order is refused, or I object to the conditions imposed by the local planning authority? You can appeal to the Secretary of State for

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Communities and Local Government in writing within 28 days of receiving the local planning authority's decision. The authority will give you the address. The Secretary of State may allow or dismiss the appeal, or vary the original decision.

Further information about tree preservation and tree replacement appeals is on the Planning Portal (www.planningportal.gov.uk).

Can I get compensation if my application to carry out work under a tree preservation order is refused or conditions are imposed? In certain circumstances which are set out in the legislation (see Further information) you can seek compensation from the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions. However, the legislation sets limitations and strict criteria that must be met. See question 11 regarding the need for adequate information to support your case. Claims should be sent to the local planning authority within 12 months of its decision, or within 12 months of the Secretary of State's decision if you appealed.

How are trees protected in a conservation area? Normal tree preservation order procedures apply if a tree in a conservation area is already protected by a tree preservation order. But if a tree in a conservation area is not covered by an order, you have to give written notice (by letter or email) of proposed work to the local planning authority, describing what you want to do, at least six weeks before the work starts. This gives the authority an opportunity to consider protecting the tree with a tree preservation order.

You do not need to give notice of work on a tree in a conservation area less than 7.5 centimetres in diameter, measured 1.5 metres above the ground (or 10 centimetres if thinning to help the growth of other trees).

The answer to question 14 also applies to trees in conservation areas, so if you are not sure about what you should do, check with the local planning authority.

How are trees on development sites affected? They can be protected by a tree preservation order or by a condition attached to a planning permission, or both. A planning condition may also require trees to be planted, which may then be protected by a tree preservation order.

Can I stop planning permission being granted or prevent approved development being carried out by getting a tree preservation order imposed on trees on the site? No. A tree preservation order does not prevent planning permission being granted. But a local planning authority will consider the risk to protected trees when deciding planning applications.

Once detailed planning permission is granted, felling that is directly required to enable the development to go ahead may be carried out.

Can I carry out work on protected trees which are in the way of proposed development? You can only cut down or cut back protected trees if they are directly in the way of development which is about to start and for which detailed planning permission has been granted.

If you have outline planning permission or if the development does not require planning permission (a small home extension, for example) you must still apply to the local planning authority for permission under the tree preservation order in the normal way.

If you are in any doubt about what is required, check with the local planning authority (see question 14). What happens to Tree Preservation Orders made before 6 April 2012 under old procedures? On 6 April 2012 the Town and Country Planning (Tree Preservation)(England) Regulations 2012 introduced a single set of procedures for all trees covered by tree preservation orders. Consequently:

- i) orders made before 6 April 2012 continue to protect the trees they cover and answers to earlier questions apply;
- ii) the legal provisions listed in orders made before 6 April 2012 have been automatically cancelled and replaced by the provisions in the new regulations. Only the information necessary to give these orders legal effect and identify the trees they protect is retained;

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~~iii) there is no need for existing orders to be remade, amended or reissued.~~

2. FURTHER INFORMATION

7. Sources of further information

Information about tree preservation orders, felling licences and other related regulatory matters can be obtained from the .gov.uk website, www.planningportal.gov.uk and by contacting the planning authority (East Suffolk Council). The Forestry Commission and the Woodland Trust are among the other sources of useful information. ~~ou can find out more about felling licences in the Forestry Commission's booklet *Tree Felling – getting permission* (www.forestry.gov.uk or telephone 0161 495 4845).~~

~~Legislation relating to trees, including ou can find out more about tree preservation orders in the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which are available through www.legislation.gov.uk or TSO (telephone 0870 600 5522) and some public libraries.~~

~~This policy is adopted by Lowestoft Town Council and further information can be obtained through contacting the Council through the current contact details published on our website. You can also find more information about the tree preservation order and planning systems on the Planning Portal (www.planningportal.gov.uk).~~

~~You may also find it helpful to refer to the local planning authority's website for information on tree protection in the local area.~~

~~There is guidance on selecting a tree expert at www.tree-care.info/findanarb.~~

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