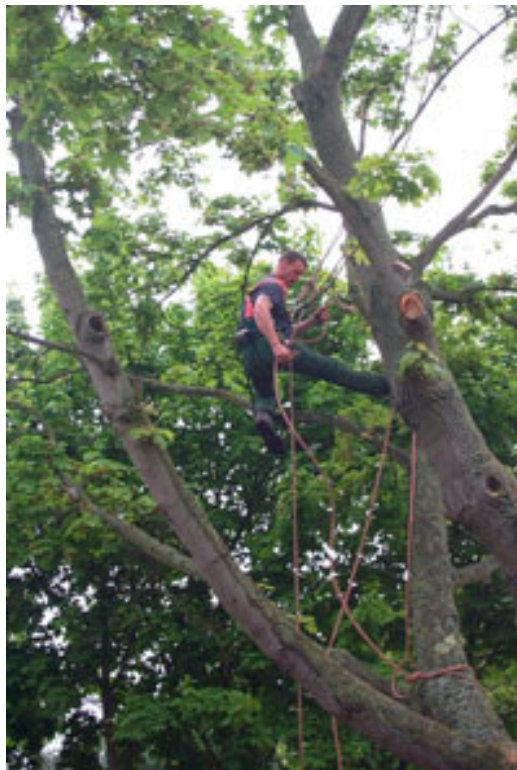


East Devon District Council Countryside Service

Guide to Tree Works Application Procedures



What are Tree Preservation Orders and Conservation Areas?

The Council has powers to make Tree Preservation Orders to protect trees in the interests of public amenity. Such Orders are not intended to prevent reasonable works being carried out on trees, but are designed to give the Council an element of control over works which might detract from the landscape and the public's enjoyment of the local environment. Conservation Areas are designated areas of historical and architectural interest – usually centred around towns and villages – where restrictions on tree works apply.

When is an application needed?

An application is needed to carry out works on trees which are protected by Tree Preservation Orders. The written consent of the Council must be obtained before

any works proceed. There are certain exemptions to this general rule, such as where trees are considered by the Council to be dead, dying or dangerous.

Also, where trees are situated in a Conservation Area and are over 75mm in diameter (or 100mm if the proposed works are to favour other trees), it is necessary to submit a notice of intent to carry out tree works to the Council. The Council will then decide whether to raise no objection to the proposed works or to protect the trees with a Tree Preservation Order.

There will sometimes be conditions attached to planning permissions requiring that trees be retained and safeguarded. The written consent of the Council is usually needed for any works on these trees.

How do I find out whether trees are in a Conservation Area or subject to a Tree Preservation Order?

Contact Countryside Services (details at end of leaflet). You will be asked for some information about the trees in question, including their location and species (if known). Countryside Services will then run a check to see if the trees are situated within a Conservation Area, subject to a Tree Preservation Order or covered by Planning Conditions. You will be informed as soon as the necessary checks have been made and in many cases it is possible to respond the same day. Responses will normally be by telephone, fax or e-mail, but can be by letter if required.

How do I make an application?

Tree-works application forms are available upon request from the Council. There is no charge for submitting a tree-works application and the completed form should be returned to the Council, along with a clear plan indicating the locations of the trees in question. It is necessary to provide an accurate and detailed description of the proposed works and to indicate the extent of any intended pruning. Pruning is often expressed in terms of percentage crown reduction and/or thinning. If other works are proposed, such as crown lifting, pollarding and reduction in length of specific branches, it is important to indicate the extent of these works.

The full reasons for wanting to carry out tree works need to be provided and broad statements such as 'in the interests of good arboricultural practice' are unlikely to be sufficient. If it is alleged that trees are hazardous or causing damage to property, any supporting evidence should be included with the application. If it is felt that trees are exempt from the usual requirements of the legislation on the grounds that they are dead, dying or dangerous, it is necessary to give the Council five days' notice of intent to prune or remove the trees (except in a genuine emergency).

The Council's Tree Officer will then inspect the trees to ascertain whether they are considered to be exempt. If a tree is removed under this exemption, there is a legal duty to plant a replacement tree at or near the same place.

The Council maintains a list of local tree contractors who have been approved by the Arboricultural Association. The list is issued to members of the public on request and is available for inspection on the Council's website.

Contractors on the list will be happy to advise on appropriate tree works and will be in a position to offer a quotation for any works which the Council has authorised. The Contractors will also submit an application to the Council on your behalf for a small fee. You do not have to be the owner of the trees to submit an application, but it is

the responsibility of the applicant (and agent if applicable) to ensure that the agreement of the owner is obtained prior to any works proceeding.

How does the Council deal with applications?

The Council has two months to determine applications to carry out works on trees subject to a Tree Preservation Order. When the trees are situated in a Conservation Area and not subject to a Tree Preservation Order, the Council is obliged to issue a decision within six weeks. Upon receipt of a completed form and plan, the application will be formally registered and an acknowledgement sent out. A three week period of consultation is observed, during which neighbours, Parish Councils, Town Councils and others are notified and given the opportunity to offer their comments. Details of applications are also reproduced in the local papers and Ward Councillors are advised. Any representations received are taken into account when the application is determined.

The Council's Tree Officer will inspect the trees and submit a report for consideration by the Development Control Service and the Chairman of the Development Control Committee.

When the application has been determined, a decision notice is sent to the applicant (or the agent if applicable). Decision notices are usually valid for a period of two years, and if consent is granted conditions are used to ensure that the works are carried out in a satisfactory manner and to require replacement planting if trees are to be removed.

What criteria does the Council use in determining applications?

There is a predisposition against permitting the removal of trees which are subject to a Tree Preservation Order, unless the trees are hazardous or causing significant damage to property. Where pruning works are concerned, the Council takes into account the effect of such works on the health and the appearance of the trees and the reasons for wanting to prune them. Works will be expected to accord with current best practice and to be consistent with the recommendations given in the relevant British Standard (3998). With regard to broadleaf trees, the Council generally looks more favourably on proposals to reduce or thin the crowns by up to 20-25% than proposals to carry out more substantial pruning.

What happens if I carry out works on a protected tree without permission?

If a tree which is the subject of a Tree Preservation Order or situated in a Conservation Area is felled without the permission of the Council, you could be liable for a fine of up to £20,000 on summary conviction, or an unlimited fine on indictment. If a tree is pruned without permission, you could be fined up to £2,500. If in doubt as to whether permission is needed, be sure to contact the Council.

What can I do if I am unhappy with the Council's decision to refuse consent or to grant consent subject to conditions?

There is a right of appeal to the Secretary of State (ODPM) against a decision by the Council to refuse consent or grant consent subject to conditions. Details on how to make such an appeal are included when decision notices are issued. If loss or damage is suffered as a consequence of the Council's decision to refuse consent or grant consent subject to conditions, compensation may be payable.

*To enquire about the protection status of trees and for copies of application forms and the Council's list of local tree contractors, contact Countryside Services
Tel: 01395 516551 ext. 2070.
Fax: 01395 517556.
E-mail: countryside@eastdevon.gov.uk.*

*For other tree related enquires, contact the Council's Tree Officer on:
Tel: 01395 516551 ext. 2069.*

A central government leaflet has been produced, giving detailed information on tree preservation procedures. Copies of this leaflet are available at the Council Offices.

*Further information on the Council's arboricultural service is available on the website:
www.eastdevon.gov.uk/countryside*