

TREES IN CONSERVATION AREAS & PROTECTED TREES

Information leaflet

TREES IN CONSERVATION AREAS:

The importance of the architectural and historical heritage in the Derbyshire Dales is reflected by the fact that 33 Conservation Areas have been designated in the District since 1968. In recognition of the important contribution that trees make to the particular character of Conservation Areas, there are special controls to protect them.

Trees in Conservation Areas which are already protected by a Tree Preservation Order (TPO) are subject to the normal TPO requirement to obtain formal consent from the District Council (or County Council) prior to carrying out any work to the tree or trees (see section overleaf on TPOs)

Anyone proposing to prune or fell a tree (which is not protected by a TPO) in a Conservation Area is required, by law, to give the District Council **six** weeks **prior** notice of their intentions. The purpose of this requirement is to give the District Council an opportunity to make a TPO to protect the tree or trees where it is considered necessary.

Failure to serve six weeks notice on the District Council of intention to prune or fell a tree (or trees) in a Conservation Area is an offence which, on prosecution, is liable to a fine of up to £20,000 per tree.

Notification Procedure:

Notification must be made in writing (application forms available on the Council's website) and submitted to the District Council at least **six** weeks before the start of work. The notification must include sufficient information to be able to identify the tree(s) concerned (a sketch plan showing the location of the trees in question), a full & clear specification of the works to be carried out and, preferably, the reasons for the proposed works.

The District Council has **six** weeks, from the date of receipt of the notification, to consider making a TPO to protect the tree(s). The proposed pruning or felling may not be implemented before the six weeks has expired, unless the District Council has issued a decision on the proposals prior to that expiry date.

Exemptions -

Prior notification of an intention to prune or fell trees in a Conservation Area is not required for all trees. The following trees are exempt:

- The pruning or felling of a tree with stem diameters not exceeding 75mm, at a height of 1.5 metres above ground level, or 100mm where the cutting down is to improve the growth of other trees.

NB: Trees situated in a Conservation Area, but smaller than the above dimensions, may still be protected by a TPO.

- The pruning or felling of a tree (or trees) which is/are dead or where the works are urgently necessary to remove an immediate risk of serious harm.

However, the Council must be given at least **5** working days written notice before carrying out the work except where the works are urgently necessary to remove an immediate risk of serious harm in which case written notification shall be given to the Council as soon as practicable after the works become necessary.

It is the duty of the landowner to replace a tree that has been removed under the above exemptions with another tree of an appropriate size and species, at the same place, as soon as it is reasonably possible.

- The pruning or felling of fruit trees cultivated on a commercial basis, and the pruning of other fruit trees in accordance with good horticultural practice.

Continued overleaf.....

FELLING LICENCES:

Felling Licences seek to prevent the uncontrolled removal of trees and woodlands predominantly located in the countryside (including within Conservation Areas). Anyone intending to fell in excess of 5 *cubic metres* of timber in any calendar quarter (of which no more than 2 cubic metres of timber can be sold) has to obtain a Felling Licence from the Forestry Commission.

Failure to obtain a Felling Licence from the Forestry Commission is an offence liable to prosecution.

Exemptions from this requirement include:

- Trees within gardens (*as these are covered by normal Conservation Area controls – see above*)
- Trees within churchyards or cemeteries
- Trees within orchards, and
- Trees within public open spaces.

TREE PRESERVATION ORDERS:

The District Council's primary means of protecting trees is through the serving of a **Tree Preservation Order (TPO)**.

Making a Tree Preservation Order –

In considering the making of a TPO the amenity value of the tree (or trees), and the degree of risk of its harm or removal will be the primary criteria for assessment. However, weight will also be given to the tree (or trees) particular importance in terms of –

- its/their size, form, rarity, and screening,
- its/their contribution to the character and appearance of a Conservation Area
- its/their significance to their local surroundings and the wider landscape.

The presence of a TPO does not necessarily prevent works taking place to a tree. What it does do is make it an offence to wilfully damage, destroy, fell, prune or uproot a tree without first obtaining the necessary consent of the Council.

Any work undertaken without consent is an offence liable, on prosecution, to a fine of up to £20,000 per tree.

Making an application for proposed works –

Applications for consent to work on a tree (or trees) protected by a TPO must provide the following information in writing:

- A fully completed & signed application form (available on the Council's website).
- A sketch plan to show the location of the tree(s) in question.
- A full and clear specification for the work(s) to be carried out.
- Stated reasons for the proposed work(s)
- Evidence in support of the stated reasons, where appropriate.

Please Note: Derbyshire County Council and the Peak District National Park Authority are also responsible for some TPOs in the Derbyshire Dales area. The District Council Tree Officer can advise on such matters. Applicants will need to obtain consent from the appropriate Authority in this regard.

Exemptions –

The consent of the District (or County) Council is not required in certain circumstances, including:

- The pruning or felling of a tree (or trees) which is/are dead or where the works are urgently necessary to remove an immediate risk of serious harm.

However, the Council must be given at least **5** working days written notice before carrying out the work except where the works are urgently necessary to remove an immediate risk of serious harm in which case written notification shall be given to the Council as soon as practicable after the works become necessary.

It is the duty of the landowner to replace a tree that has been removed under the above exemptions with another tree of an appropriate size and species, at the same place, as soon as it is reasonably possible.

- The pruning or felling of fruit trees cultivated on a commercial basis, and the pruning of other fruit trees in accordance with good horticultural practice.

Further Advice: and information relating to trees can be obtained from the District Council's Tree Officer (01629 761244).