

cancel it. You do not have a right of appeal against this decision.

What do you need to do if you want to prune or remove a preserved tree?

The responsibility for preserved trees remains with the tree owner. If you own a TPO tree and you wish to prune or remove it you need to ask for planning permission from the LPA. There is a standard form, and you can get preliminary advice from the officers within the Tree and Landscape team.

How will your application to do work to the tree be dealt with?

- An initial assessment of your application will be made for completeness of information.
- A member of the Council's Tree and Landscape team will visit the site; Discuss your application with you or your representative.
- Apply the Local Plan policies for tree pruning or removal to your application
- If necessary, try to reach a compromise between what work can and needs to be done.

Most pruning applications are approved, although often with some changes to help protect the trees.

However applications for felling a healthy tree will be refused, unless you can demonstrate that there is a very good reason. An increasingly common reason given is where a tree is said to be damaging someone's property, through root activity causing subsidence.

In such cases tree owners need to submit evidence in support of their application such as an engineer's report.

All tree removal applications are looked at very carefully - to make sure tree owners are fairly treated, while also trying to keep the benefit of trees for the community as a whole.

When does tree work not need permission?

There are times when the control of the TPO does not apply, these are found partly in the legislation and in the TPO document. For example you do not need permission to remove a tree or part of a tree that is dead, dying or dangerous, or when pruning or tree removal is to prevent a nuisance. However, it is important to always check with the LPA beforehand to make sure that the exemption you have in mind applies to your situation. It will be your responsibility to prove that any works you carried out were exempt from LPA control since if they were not exempt you could be faced with serious penalties.

How do I find out whether or not a tree is protected by a TPO?

Just telephone the Tree and Landscape team who can check their records.

If you are buying a house, your solicitor should advise you as to whether there are any preserved trees on the site. This is because a TPO is a land charge so appears on searches made by, or on behalf of prospective purchasers.

**For further information or enquiries on TPO's please contact Epping Forest District Council Tree and Landscape Section:
01992 564120
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Tree Preservation Orders

in

Epping Forest District



Epping Forest District Council

Tree Preservation Orders in Epping Forest District

○ What is a Tree Preservation Order (TPO)?

A TPO gives Epping Forest District Council, as Local Planning Authority (LPA), the power to legally protect the District's most important trees. TPO's are issued under the Town and Country Planning Act 1990, and the Town and Country Planning (trees) Regulations 1999.

○ What does a TPO tell us?

- It specifies which trees in a particular location are protected.
- Whether they are individuals, groups, woodlands or whole areas.
- Where the trees are and what they are - this is shown in a plan and by a list.

NB. Although any tree (but not hedges or shrubs) may be preserved there are no particular species that are automatically subject to a TPO.

○ What is a TPO for?

TPO's allow the LPA to protect trees from being lost or damaged due to development, whether they are on or near to the site. They ensure that proposals that would cause harm to trees are refused. They also ensure that when development does take place, protection can be legally enforced.

TPOs also give long-term protection for important trees for the benefit of the public, all over the district. It allows the council to advise on how they may be best looked after, and to prevent harmful

pruning, some TPOs protect hundreds of trees. The number of protected trees throughout the district is probably somewhere in the region of 35,000.

○ How is it decided whether to make a TPO?

The Council's Tree and Landscape team, who are part of Planning Services, are responsible for issuing TPO's. They consider which trees should be protected by a TPO based on recommendations and information from the Council's own Development Control team, Tree Wardens, Parish Councils, amenity organisations and the general public.

Government advice is that the tree should have public amenity value. This usually means that the tree can already be seen, or will be seen in future by the public. However certain trees, such as ancient trees (a tree that is of interest biologically, culturally or aesthetically, because of its age, size or condition) can be deemed to have a public amenity value, even if they cannot be seen by the public.

The Council only issues a TPO when it is thought the tree may become under threat in the future.

○ What does a TPO mean to you?

If you are an owner of preserved trees, or the owners of adjacent land that the trees overhang, you are not prevented from doing work to the trees. What the TPO means is that you will need permission from the LPA beforehand.

If you do work to a preserved tree without permission there are penalties, the most serious of which are for removing trees. These penalties are now up to £20,000, or twice the value of the tree, whichever is greatest.

○ How is a TPO made?

- A member of the Council's Tree and Landscape team will visit the site;
- Inspect and assess the value of the tree(s).
- Make and serve the TPO on the owners of the tree(s) and adjacent landowners. The TPO may be posted to the owner or delivered by hand.

○ What can you do if you object to the issue of a TPO?

Once the TPO has been served on you, all the trees listed in it are legally protected from that moment. You must send in your objections in writing to the Council within 28 days of receiving the notice. You need to explain clearly why you think the tree should not be subject to a TPO. For example, you may not agree that the trees are worthy of protection, or that there are overriding reasons that they should not be protected such as if they are causing subsidence.

○ How will your objection be dealt with?

You will have the opportunity to discuss your concerns with Council officers and to try and find a possible compromise. Elected Members of the Council's Planning Sub Committee will then formally consider any objections and decide whether to confirm the TPO, or to make some changes before confirming it, or to effectively