

## CHANGES TO THE TREE PRESERVATION ORDER LEGISLATION

As of 1 October 2008, there will be a number of amendments to the Tree Preservation Order Regulations implemented by Act of Parliament. The effect of this will be that all applications for works to protected trees will have to be made on a standard government form – TREE1APP. Details on how to make applications are available online via the Trees page of our website, or at our offices.

Please note that:

- The form must be completed in its entirety.
- A separate plan is now mandatory and must clearly identify the position of the protected trees to be worked upon in relation to adjacent roads, boundaries and buildings as well as providing a clear indication of the locality and the direction of north. You may still submit hand drawn plans but you are strongly urged to use Ordnance Survey (O/S) based plans. Plans that contain errors, such as incorrect location of trees, will be invalidated. If such errors come to light during the site visit your application may well be invalidated until such time the correct information can be supplied.

O/S based maps can be purchased from the Council, either at the offices or online via the **Submit a Planning Application** page of our website. If you make an electronic application you will be given the opportunity to purchase an Ordnance Survey plan during this process.

- The works must be clearly specified and any crown volume or height reduction, thinning, branch shortening or crown lifting must be described by quantity such as length or percentage, or pollarding to a particular height or back to previous points of reduction, or secondary points etc.
- You must include proper reasons for the works. Statements such as “In the interests of good arboricultural practice and amenity” or “For reasons of safety” will no longer be acceptable on their own. Reasons could include that the works are for improving light to the garden or property, to maintain the tree's size or even to reduce leaf debris. If it is for safety then explain what the problems are, i.e., to remove a fractured branch from over the garden or road.
- Where requests are made to remove trees because it is claimed that they are diseased or unsafe in any way, the application must also be accompanied by appropriate supporting arboricultural information such as a report that identifies the problems. For simpler more obvious problems you may include this information in the reasons as noted in the preceding paragraph. In cases of damage such as subsidence appropriate engineering, arboricultural and site assessment reports must be attached to the application at the time it is made.

If any information is missing or is not in the required format your applications will be invalidated. And we quote the Department for Communities and Local Government (DCLG):

*" ANY APPLICATION NOT MADE ON THE STANDARD FORM, OR THAT IS INCOMPLETE, OR FAILS TO INCLUDE THE REQUIRED INFORMATION - WILL BE INVALID."*

Where possible, Braintree District Council will be as flexible as possible. Felling for reasons of a tree's poor condition or in relation to damage such as subsidence

will now require a greater level of information. The only time works are in the interests of good arboricultural practice is when removing defective parts to avoid the tree causing itself greater damage and even then this is more often done for safety.

One of the primary reasons behind these changes is that the government is also introducing a new fast track procedure for dealing with TPO appeals (including appeals against tree replacement notices). The appeal decision will be made on the basis of the application originally made to the local planning authority, together with any third party comments received at that time and following a visit to the site by an appointed Inspector. Where appropriate, the appeal would be handled by an Inspector with suitable arboricultural expertise. Therefore no additional written information will be considered by the inspector so you must submit all important information at the outset, as you will not have a further opportunity to put your case forward.

For additional information you can download a copy of the statutory instrument setting out the changes.

If you have any queries, please do not hesitate to contact Landscape Services on 01376 557743, alternatively further information can be found on our website [www.braintree.gov.uk](http://www.braintree.gov.uk).