

BOROUGH OF POOLE

TPO AND TREE WORK APPLICATION INFORMATION SHEET No. 1. Oct. 2014

The Town and Country Planning (Tree Preservation)(England) Regulations 2012 are now in force and changes to this legislation affect all who deal with trees covered by tree preservation orders and in conservation areas. All arboricultural professionals should familiarise themselves with the changes to the regulations and ensure that they are acting in accordance with the legislation.

This guidance note is intended to assist all applicants and agents in determining what tree works are likely to be considered to be reasonable by this Authority. Many applications are refused as the proposed works are likely to be harmful to either the health of the tree or amenity. Tree contractors and consultants should be able to use this guidance to help inform their clients about what works are normally considered to be acceptable and what works are unlikely to be approved.

TREE WORKS THAT DO NOT REQUIRE FORMAL CONSENT FROM THIS AUTHORITY

- **Pruning to statutory heights over public highways and pavements.** Pruning to provide up to 5.2 metres clearance above the public highway and up to 2.4 metres above highway footpaths does not require formal consent. However, 5 days' notice in writing must be given to the Authority prior to the date on which works are to commence. Submission of a tree work application for crown lifting of trees over private driveways, roads and paths is required. Consent for this type of work is usually granted to give a maximum clearance of 4 metres between the tree canopy and ground level.
- **Removal of dead wood.** Ideally, this should be restricted to removal of major dead wood (>50mm dia.) that presents a risk of injury or damage to people or property. Live material must not be removed. Dead wood provides many ecological and wildlife benefits and minor dead wood should be retained wherever possible unless it poses an immediate health and safety risk. This Authority has a duty under Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 to conserve biodiversity and contractors are encouraged to assist the Authority in this regard by not undertaking unnecessary work that would have negative effects on biodiversity.
- **Removal of dead or dangerous trees/branches.** These works are exempt from requiring formal consent. The term 'dying' has been removed from the new regulations and only dead or dangerous trees that present robust evidence of an obvious significant visual defect, and are an immediate risk are now included in the exemption. Unless the trees or branches are imminently dangerous and pose an immediate threat to persons or property, 5 working days' written notice is required prior to the work being carried out. Contractors are advised to take photographs of the damaged trees/branches prior to commencement of work as the burden of proof, that the works are exempt, rests with the tree owner/contractor. With modern technology this can be considered in a much shorter time frame.

- It is very helpful for contractors to provide the following information when notifying the Authority of exempt works to be undertaken:
 - **Name of property owner**
 - **Address of property**
 - **Species of tree**
 - **Location of tree within property (a plan would be helpful)**
 - **Details of why the works are necessary**
 - **Details of works to be undertaken**
 - **Photographs**
 - **Date when the works will be carried out**
 - **Details of who will undertake the work**

This information can be emailed to treeworks@poole.gov.uk

TREE WORKS THAT REQUIRE FORMAL CONSENT FROM THIS AUTHORITY UNLESS EXEMPT UNDER THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012. N.B. This list is not exhaustive.

- **Felling**
- **Root pruning**
- **Branch removal**
- **Selective pruning**
- **Formative pruning**
- **Crown thinning**
- **Crown lifting**
- **Removal of crossing/rubbing branches**
- **Removal of epicormic growth**
- **Removal of live cones**
- **Attaching fixings to trees** (screws, bolts, cables etc)

TREE WORKS THAT ARE ROUTINELY APPROVED BY THIS AUTHORITY

- **Raising of tree canopies to provide a maximum of 4 metres separation between the lowest foliage and ground level.** This work should be restricted to pruning of secondary and tertiary branches where possible. In some instances it may be appropriate to remove primary limbs but consideration should be given to the resultant wound size and likely impact on the health of the tree.
- **Pruning of branches to provide a maximum of 2 metres separation between the profile of structures (dwellings, garages etc) and the nearest foliage of trees.** This work should be restricted to pruning of secondary and tertiary branches where possible. In some instances it may be appropriate to remove primary limbs but consideration should be given to the resultant wound size and likely impact on the health of the tree. It should be noted that 2 metres separation is considered to be sufficient to prevent physical damage to structures. In some cases, such as non-habitable structures, the LPA may prescribe a lesser separation.

- **Pruning of secondary and tertiary branches to provide up to 1 metre clearance from telephone cables.**

TREE WORKS THAT ARE ROUTINELY REFUSED BY THIS AUTHORITY

- **Crown reduction.** This work will usually only be permitted where there are clearly identified health and safety implications by not carrying out the work. Proposed crown reductions of healthy trees for reasons of improving sunlight/daylight penetration, creating or improving views or imprecise tree management reasons are unlikely to be approved.
- **Crown thinning.** This work will usually only be permitted where there are clearly identified health and safety implications by not carrying out the work i.e. management of a lapsed pollard or a previously crown reduced tree.
- **Crown cleaning.** Crown cleaning is a term that is not included in BS3998:2010 and therefore, has no accepted definition. The LPA no longer consider crown cleaning to be a relevant arboricultural operation as the term does not relate to specific tree work operations defined within BS3998:2010 and therefore cannot be enforced under the planning condition requiring works to be carried out in accordance with the Standard. Emphasis is now placed on Arboricultural Contractors to be more specific with regards to what material is required to be removed from within the tree's canopy instead of generalising (see **Removal of crossing/rubbing branches** below). This is important from an arbor-ecology perspective and for members of the public to identify with when looking at proposed works that may affect them. Any applications received that propose crown cleaning without a precise specification of what work this involves will be refused.
- **Pollarding or re-pollarding.** This work generally relates to young trees that are proposed to be pollarded or older trees that have been regularly managed as pollards. Applications to pollard maturing or mature trees that have not been previously pollarded, managed as pollards or have been topped once and allowed to re-grow are unlikely to be approved.
- **Removal of crossing/rubbing branches**
Where removal of crossing or rubbing branches is proposed to address safety concerns the LPA require evidenced based reasons and an appropriate specification for the proposed works. Where removal of crossing or rubbing branches has been proposed, it is assumed that the applicant/agent has already identified those branches through a thorough visual tree assessment/climbing inspection and quantified the risk posed. Where applications are received that do not contain sufficient detail to for the inspecting LPA officer to be able to identify particular branches, or where insufficient grounds/evidence has been provided to justify such works, the LPA may refuse such applications.

Removal of crossing/rubbing branches can have a profound effect on the health, visual appearance and dynamics of a tree, and careful consideration must be given to the long-term effects of such works. Removal of all crossing/rubbing branches from a tree is not considered to be necessary and applicants/agents are encouraged to identify only those branches, often only one out of the two branches in contact with each other, to be removed to address the safety issue.

The LPA officer should not be expected to identify or prescribe works to trees where applications are vague or imprecise. Any applications received that propose such works without an adequate specification of what work this involves will be returned or refused.

PLANNING CONDITIONS

Conditions attached to tree work decision notices are an important element of the planning consent. Contractors are reminded these conditions must be complied with so that the planning permission remains valid as failure to adhere to conditions may invalidate the permission. Conditions such as those requiring 5 days' written notice to be given to the Authority of the intended commencement date and site supervision are vitally important and assist the Authority in ensuring they are aware of when works are taking place and that they are being carried out in accordance with the approved tree work specification.

APPROPRIATE STANDARD OF TREE WORK

This Authority will always seek to specify and ensure that tree works are carried out in accordance with best practice and will refer to the guidance set out in BS3998:2010 Tree Work - Recommendations. All contractors should be aware of, and be working to, the standards set out in this publication. Those who are not familiar with this document are advised to obtain a copy from The British Standards Institute or via the following link. <http://shop.bsigroup.com/ProductDetail/?pid=000000000030089960>

WORK TO TREES ON NEIGHBOURING LAND

Any tree works that require access to trees within the boundaries of neighbouring land will require consent from the landowner prior to works commencing. A grant of consent for tree works by this Authority does not give permission to trespass on third party land to undertake the works.

It should be noted that works to abate a defined legal nuisance do not require formal consent from this Authority but works should be limited to the minimum necessary to abate the nuisance. Again, this Authority requires 5 working days' written notice prior to the work being carried out. For the avoidance of doubt, trees located within the curtilage of a landowner's property cannot cause a legal nuisance to that landowner.

ARBORICULTURAL ADVICE

The Arboriculture Team at the Borough of Poole strive to promote a good working relationship with agents, arboricultural consultants and contractors. As such, we are pleased to give general advice although we are unable to provide a consultancy service. If you are unsure how the new regulations affect you or what works you can or cannot undertake please contact us and we will endeavour to answer your queries.

FURTHER INFORMATION AND CONTACT DETAILS

The Borough of Poole website contains useful information regarding tree preservation orders. <http://www.boroughofpoole.com/planning-and-buildings/trees/>

Planning and Regeneration Services:
Email enquiries:

01202 633321
treeworks@poole.gov.uk