

# Tree Preservation Orders

## A Simple Guide

### What is a Tree Preservation Order ?

A Tree Preservation Order (TPO) is an order made by the Local Planning Authority to protect specific trees, groups of trees, or woodland in the interests of amenity.

A TPO protects one or more trees, of any species, that make a significant positive impact on their local surroundings. A TPO makes it a criminal offence to carry out any of the following works to a protected tree, without permission:

- Cut down or remove
- Uproot
- Top, lop or prune
- Wilfully damage or destroy

### What are the Tree Owner's Responsibilities ?

As with owners of 'unprotected' trees, TPO'd tree owners are responsible for maintaining their trees and no statutory rules are set on how often they are maintained or to what standard.

It is important, a tree owner ensures their trees are safe especially when adjacent to highways or areas the public use frequently. All tree owners have a duty of care to ensure that their trees are safe and it is important that any trees, regardless of them being TPO'd or not, are inspected regularly with necessary maintenance carried out to make sure they remain safe and healthy.

The Council does not have a shared responsibility for maintaining TPO trees. However, the Local Planning Authority can regulate and encourage good tree management by determining applications when a tree owner submits a Tree Works application.

Arboricultural advice and advice from competent contractors and consultants or the authority will help to inform tree owners of their responsibilities and options.

### Is a Tree Protected?

If you are not sure whether a tree is protected or within a conservation area, contact Stockton Council's planning department at [planningdevelopmentservices@stockton.gov.uk](mailto:planningdevelopmentservices@stockton.gov.uk) and confirmation may be provided.

Owners will be made aware of a Tree Preservation Order at the time it is made. Subsequently, owners should be made aware of a TPO on a tree within the curtilage of the property or being within a conservation area during the conveyance process when purchasing a property.

### What permissions do I need for works to a protected tree.

To receive authorisation for work to a protected tree, an application would need to be submitted to the Council. This helps to ensure that good tree management, enhancing the lifespan and amenity value provided by protected trees.

This would contain details of the works you intend to take, which is then considered by the Local Planning Authority. Those works would then either be given consent with or without conditions or

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an application may be refused. If the works are refused it is likely because they would have an unacceptable effect on either the health of the tree or the amenity of the area.

There are some exemptions to the application procedure, such as if work must be carried out in an emergency because there is an immediate risk of serious harm, or if the tree is dead, or for removing dead branches.

**Exemptions for works to trees should always be requested in writing before arranging emergency tree work. Photographic evidence or a site inspection would normally be required before the LPA agrees to exempt work.**

### Making an Application for Tree Works

Stockton Council accept tree works applications via their website (planning portal).

An application must provide a full, clear and detailed specification for work that is intended to be carried out to the tree. We would also encourage guidance is obtained from a professional tree surgeon or arborist per British Standard 3998 (Tree Works Recommendations).

The process for viewing Tree Work applications is the same as for viewing planning applications, and these are available to be viewed on the SBC website.

### Trees in Conservation Areas

Although Conservation Areas are protected for their historical and architectural value, trees make a special contribution to their overall appearance. The legislation therefore offers a blanket protection to all trees within a conservation areas which have a stem diameter greater than 75 mm (3 inches) when measured at 1.5 metres (5 feet) above ground level.

In those cases, a tree owner within a conservation area would need to submit a Tree Works application before proceeding. The process is however more streamlined and will consider if the specified works can proceed or whether the trees would warrant a TPO.

### Unauthorised Tree Cutting

If you cut down, uproot or wilfully destroy a protected tree, or wilfully damage (including cutting roots) top or lop a tree in a manner likely to destroy it, or its amenity, you could be fined up to £20,000 for each offence.

In determining the amount of the fine, the court will take into account the actual or likely financial benefit arising from the offence.

In addition, you would normally also be required to plant a replacement tree if the tree was removed or destroyed.

### Reporting Unauthorised Work to a Protected Tree

Please contact Stockton Council to report unauthorised work tree works, this can also be completed online at <https://planningforms.stockton.gov.uk/>

The Council will then begin an investigation and determine the appropriate course of action.