

Towards a tree protection regime fit for the 21st century that safeguards our most historic and valuable trees.

At present, there is a range of provision for trees in specific situations. However, the weaknesses and shortcomings in this provision mean that many of our most valuable and important trees remain unprotected and vulnerable. Any revised system should be as simple as possible, proportionate in its application of controls and more responsive to public concerns about important trees, with the aim of having effective safeguards for such trees. Controls should operate to provide advice and encouragement for owners to look after them and follow management best practice.

Our vision

That the UK's tree heritage has comparable protection with other heritage assets. We would like to see any tree that provides significant amenity, biodiversity, landscape, rarity, historical or cultural value adequately safeguarded and managed to accepted standards of good practice.

What we want to see

- The TPO system streamlined and made more effective – see following paper.
- A broad based, but selective notification system, complimentary to the TPO system, that applies to trees generally that :
 1. Encompasses those trees which make the greatest contribution to amenity (in its widest sense) including cultural, biodiversity and heritage, but excludes those that are readily replaceable or of less significance.
 2. Provides pre-emptive protection and an opportunity for a Local Authority to consider the merits of the tree and the impacts of the proposed operations and to use TPO powers to intervene, if justified, only where agreement cannot be reached.
 3. Requires a local authority to publicise and have separate consideration of their own tree felling/work proposals to the same criteria as private owners to enable communities and statutory consultees to comment.

Our Proposal

To extend the pre-emptive protection and notification system (Section 211 Notices) operating in Conservation Areas to all areas but targeted to apply to: _

- fruit trees (except in commercial orchards) over 200mm dbh
- other trees in gardens, churchyards and ¹historic parkland over 250mm dbh
- other trees elsewhere over 750mm dbh²

¹ Includes but not exclusive to Historic Parks and Gardens Register.

² This is about the equivalent of one quarter to one third of the current felling licence exemption @ 5 cu m

Exemptions

- trees in woodlands - which would continue to be regulated by the Forestry Act*
- work exempt from TPO consent (as revised according to our proposals), including proscribed pruning works to fruit trees
- work that does not jeopardise the long term health of a protected tree or have a significant detrimental effect on its value(s) – to be defined- possibly in the context of the revised BS 3998.

The system would make explicit provision for agreement of management plans for estates or significant numbers of trees to avoid multiple notifications and minimise burdens on owners, contractors and Local Authorities and to encourage good tree management.

To speed up responses to S211 notices, owners could have the option to obtain their neighbours comments in advance.

*We should like to see amendments to bring felling and carrying out works to important and historic trees over 750 dbh in woodlands in line with this proposal so that it is a unified system.

Your views are invited

1. Do you support the need for a wider pre-emptive control over trees of greatest value?
2. Are the threshold sizes pitched too high or low, bearing in mind the need to balance workload against value and replaceability of trees and to consider burdens on owners? Also smaller trees of particular merit anywhere could still be protected by TPO.
3. Are the places that we have identified i.e. gardens, churchyards and historic parks the right ones in which to reduce the threshold sizes?
4. Do you support the concept of exempting works that are not detrimental to the long term health of the tree i.e an impact based approach similar to government proposals to revise permitted development rights in planning ?
5. Are you able to identify serious unintended consequences? If so how could they be avoided?

We need your help

If you agree that we need to improve protection for trees of greatest value and in the way that we have outlined, we need to make as compelling a case as possible backed by good evidence.

Can you help us gather evidence?

- Examples of losses of important trees due to flaws in the current system.
- How widespread is pre-emptive felling in relation to development, how many and which trees are lost?
- How many trees especially large diameter, aged or veteran trees are lost due to current TPO exemptions?

Can you help us by identifying benefits or savings that would result?