

the proposed work would have a harmful effect on the tree and/or the conservation area. The same form can be used to notify the Council that is used for making a tree works application.

Please note: A tree may be protected because it is subject to a tree preservation order or because it is growing in a conservation area. The cutting down or causing the wilful damage or destruction of a protected tree is a criminal offence for which the maximum fine in a Magistrates Court is £20,000 for each offence. In a Crown Court the fine is unlimited. For other lesser offences the maximum fine is £2,500. The planting of replacement trees will normally be required in addition to any fine that may be imposed.

### Useful contacts and references:

Contact the Tree Team by e-mail at [trees@westberks.gov.uk](mailto:trees@westberks.gov.uk) or phone on **01635 551111** for Council owned trees and general queries.

Contact the Tree Officers for tree works applications, trees and planning applications and trees in Conservation Areas.

#### The Tree Officer for the Eastern Area is Jon Thomas

Contact Jon at [jon.thomas@westberks.gov.uk](mailto:jon.thomas@westberks.gov.uk) or on Tel: **01635 519611** ext 2611

#### The Tree Officer for the Western Area is Andrew Giles

Contact Andrew at [andrew.giles@westberks.gov.uk](mailto:andrew.giles@westberks.gov.uk) or on Tel: **01635 519349** ext 2349

### West Berkshire Council

#### Environment

Market Street  
Newbury  
Berkshire  
RG14 5LD

[www.westberks.gov.uk](http://www.westberks.gov.uk)

If you require this information in an alternative format or translation, please call 01635 519111

## Environment

# Guide to protected trees



West Berkshire Council routinely serves Tree Preservation Orders (TPOs) in accordance with government guidance and good practice. The Council has a duty to protect trees using specific powers to serve Tree Preservation Orders on appropriate trees. Generally trees to be included in a TPO must have amenity value to the community although an order is not usually served unless it is in the public interest. I.e. there is some threat from development or other pressures. For an Order to be served the tree must not be a hazard and must have a reasonable life expectancy.

### Which trees can be protected?

All types, species and sizes, including trees in hedges, and fruit trees!

### Who is responsible for TPO trees?

As with all trees, responsibility for condition and maintenance rests with the landowner but it is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a protected tree without the prior written consent of the Council. There can be serious penalties on conviction for failure to obtain consent.

### Who can apply for tree works?

Anyone can apply for consent to carry out works to a protected tree and they do not have to have a legal interest in the land. This situation will arise when a landowner wants to obtain permission to cut the branches of a neighbouring tree, which overhangs their property.

### How do I apply to work on a protected tree?

All you need to do is complete a tree works application form and submit this to the Council either by hand, post, fax or e-mail. The model application form can be downloaded from the website at [www.westberks.gov.uk](http://www.westberks.gov.uk) or available from the reception.

### What must my application contain?

An application for consent to carry out works to a TPO protected tree must:

- be made in writing to the Authority
- state the reasons for making the application
- identify the trees to which the application relates, by reference to a plan if necessary
- specify the tree work operations for which consent is sought.

### What happens next?

On receipt of an application the Local Authority has 8 weeks to make a decision. The Tree Officer will visit the site to assess the tree works proposed. In dealing with the application after the site visit the Council may;

1. Refuse consent
2. Grant consent unconditionally
3. Grant consent subject to conditions
4. Grant partial consent and partial refusal.

You will be notified of the Council's decision in writing. You may not carry out the work before you receive this decision.

### Can I appeal the decision?

If the Council refuses consent, grants consent subject to conditions or fails to determine the application within the 8 week time frame the applicant can appeal to the Secretary of State within 28 days of the decision date.

### Who pays for the tree works?

The trees remain the responsibility of the owner as do the costs of carrying out any work on them. If the trees are not growing on your own property then it is between yourself and the tree owner to come to a mutual agreement. The Council cannot become involved in this matter.

### Who will carry out the work?

It is always advisable to have your tree pruned or felled by a qualified/ experienced tree surgeon. A tree surgeon should be adequately insured and be able to produce a current insurance certificate if so required. You are advised to check on this before agreeing to have the work carried out.

### Are there any exemptions to making a tree works application?

There are a number of exemptions from the normal requirement to obtain consent for cutting down or carrying out works to protected trees, for example if a tree is dead, dying or dangerous. However it is advisable to give the Authority 5 days notice before cutting down a tree which is dead, dying or dangerous. The onus is on the landowner to provide proof the tree was dead, dying or dangerous should the Authority question the reason for removal. The Tree Officers are happy to meet landowners on site to discuss problem trees and a photograph showing the condition of the tree(s) may be all that is needed to prove that a tree was dead, dying or dangerous otherwise should it be necessary. If you are unsure whether your tree is protected or for further information on TPOs, contact the Council Tree Officer.

### My tree is in a Conservation Order what do I do?

In a conservation area, a tree is automatically protected if it measures more than 75mm (7.5cm) diameter over the bark at a point 1.5m from the ground. This minimum size threshold increases to 100mm diameter where the removal of a tree is solely to improve the growth of adjacent trees. In most cases, a formal 'Notice of Intent' will be required before any work can be carried out. On receipt of a 'Notice of Intent' the council has 6 weeks to either raise no objection or serve a tree preservation order if it considers that