

Tree Preservation Orders & Trees in Conservation Areas

Trees are valued features of our towns and countryside and make an important contribution to the character of the local environment. Under the Town and Country Planning Act 1990¹, local planning authorities have a power to protect trees and woodlands in the interests of amenity by making tree preservation orders (TPO), and a duty to make adequate provision for the preservation and planting of trees when granting planning permission for development. (See Harrogate District Local Plan policies C5 - Woodland & Forestry and HD13 Trees & Woodland)



Veteran trees at Birstwith reveal the extent of the mediaeval deer park.

Amenity reasons for protecting trees include:

- **historic interest:** old trees can be living archaeology or part of local history as a boundary marker, a relict of a mediaeval deer park, part of a designed landscape or the setting for a historic event.
- **visual appearance:** as a landmark, to screen an eyesore, or simply look beautiful.
- **local distinctiveness:** creating or strengthening sense of place.
- **cultural heritage:** a tree can be a leading character in local stories & traditions (cherry feast at Whixley).
- **landscape character:** a characteristic element of the local landscape.

- **rarity:** representing the limit of a species range, or protecting genetic material of a variety that is in danger of extinction.
- **wildlife interest:** established trees are valuable as wildlife habitat, with some species dependant on a single type of tree such as the Purple Hairstreak Butterfly which lives on old oak trees.

The Town and Country Planning (Trees) Regulations 1999 sets out the procedures for Tree Preservation Orders, which can be made for an *individual tree*, a *group of trees* or a *woodland*. Fruit trees and orchards can be protected by a TPO where they have amenity value, but the consent of the local planning authority is not required for the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit. This exemption could apply to most

varieties of apple, pear plums and cherries which are normally pruned to encourage fruit production, but not to ornamental varieties of these species or such trees as Mulberry or Walnut.

The landowner and the occupier are notified of Tree Preservation Orders, and since August 1999 anyone with an interest in the land affected by the order is also notified (which includes all adjacent landowners and occupiers). Anyone else wishing to check whether a TPO has been made can check the local land charges register or contact Planning Enquiries (01423 556666).

You may not:

cut down, top, lop, uproot, wilfully damage or wilfully destroy; cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree protected by a TPO unless:

- consent (which may be conditional) for works to the protected tree has been granted by the local planning authority; *or*
- the work is part of development approved by full planning permission (not outline planning permission); *or*

- the work is carried out by or at the request of the following: a statutory undertaker² (and the tree is on operational land); the Environment Agency as part of permitted development; the drainage body; a license holder under the Electricity Act 1989 (Schedule 4 paragraph 9); *or*
- where such work is to a tree cultivated for the business production of fruit and is in the interests of that business or trade, or in accordance with good horticultural practice; *or*
- the tree is dead, dying or dangerous (5 days advisory notice to Harrogate Borough Council of works proposed under this exemption would be appreciated).

In conservation areas, anyone proposing to cut down, lop or top a tree which is not subject to a TPO is required to give 6 weeks notice to the local planning authority who will then consider making a TPO, taking into account the visual, historic and amenity contribution of the trees to the character and appearance of the area.³ This restriction in conservation areas does not apply to trees less than 7.5 centimetres in diameter (measured 1.5 metres above the ground) or 10 centimetres if this is to help the growth of other trees.



mixed exotic & native trees create a wooded suburb in the Duchy, Harrogate.

¹ as amended by the Town and Country Planning (Trees) Regulations 1999 (SI 1999 no. 1892)

² statutory undertaker means: persons authorised or licensed to carry out any transport undertaking, hydraulic power supply undertaking; airport operation; licensed electricity supplier; public gas transporter; telecommunications code provider; water or sewerage undertaker; Civil Aviation Authority; Post Office.

³ paragraphs 4.38 - 4.40, PPG15 Planning and the Historic Environment (1994) DoE, DNH