

1 Changes To The Tree Preservation Order Legislation

As of 1 October 2008, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 introduced a requirement to use a standard application form. It is important that the correct information is submitted as without it, your application cannot proceed - you should read the accompanying guidance notes before completing the application form. The application form and guidance notes can be downloaded at:

- http://www.planningportal.gov.uk/uploads/appPDF/N5090Form031_england_en.pdf
- http://www.planningportal.gov.uk/uploads/appPDF/Help031_england_en.pdf
- http://www.planningportal.gov.uk/uploads/1app/guidance/guidance_note_wales_en-works_to_trees.pdf

Please note that:

- The form must be completed in its entirety.
- A separate plan is now mandatory and must clearly identify the position of the protected trees to be worked upon in relation to adjacent roads, boundaries and buildings. You may submit a hand drawn sketch plan but it must be accurate enough to clearly identify the tree(s) for which treatment is proposed. Plans that contain errors, such as incorrect location of trees, will be invalidated. If such errors come to light during the site visit your application may well be invalidated until such time the correct information can be supplied.
- The works must be clearly described and the extent of any pruning e.g. crown volume or height reduction, thinning, branch shortening or crown lifting must be clearly and fully specified by reference to a percentage, fraction or distance; or pollarding to a particular height or back to previous points of reduction, or secondary points etc. etc.
- You must include proper reasons for the proposed works and provide sufficient evidence to support your case. If the reason for your application relates to the condition of the tree(s) or alleged property damage, your application must be supported by specified evidence, and details of the information required are set out in the guidance notes.
- If any information is missing or not in the required format your application will be invalidated - applications cannot be processed until all mandatory information is received by the local planning authority.

The legislation also introduces a new fast track procedure for dealing with TPO appeals. Inspectors will only be able to consider the information provided with the original application; there will be no written representations procedure available - you must submit all important information at the outset, as you will not have a further opportunity to put your case forward.

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