What is a Tree Preservation Order (TPO)?

A TPO makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order without permission from us.

TPOs allow us to protect trees which are of amenity benefit to the local area. This protection is particularly important where trees are under threat. It allows us to ensure that replacement trees are planted if preserved trees are removed, which is essential to replace trees lost through natural decline or development.

A TPO can be placed by us on any tree that has amenity value, and no species of tree is automatically protected. TPOs can be used to protect individual trees, groups of trees and woodland areas.

Our Biodiversity, Trees and Landscape Supplementary Planning Document contains more detailed information on protected trees. See Part D covers Protected Trees, Woodlands and Hedgerows.

How can I find out if a tree has a TPO on it?
Please visit our [TPO map page](#) where you can search by address to identify whether there is a TPO on or adjacent to your property. You can also view a copy of the original TPO documents by clicking on the address(es) which contain a TPO and selecting one of the links in the information box which appears.

**Can I ask the council to put a TPO on a particular tree?**

Yes. You will need to put your request in writing (either by email or post), including photographs of the tree and the reasons you feel it should be protected, and we will consider it.

Each tree (or group of trees) will be assessed on its own merits, but please bear the following factors in mind when writing in with a request:

- **Does the tree have ‘public amenity value’?**
  This means that the tree must be visible to the public from a road, footpath, park or other area of open space and make a positive contribution to the character and appearance of the area. Can you imagine the street you live in without that tree?

- **What would it be like? Would you notice its absence when walking down the public street?**
  If a tree is in someone's back garden, then it is unlikely to be considered for a TPO.

- **Is there a foreseeable threat to the tree(s)?**
  If there is no threat of a tree being felled or damaged, we are not likely to make a TPO to preserve it. This is because, if a tree is already being well-managed it is not sensible to place an additional burden on the tree's owner by making them apply for consent every time they wish to carry out tree work.

  An example of a threat might be that development is proposed on the site that threatened the tree, or that someone has told you they plan to do tree work. A property changing hands might also pose a threat to a tree.

- **A tree that is dead or dangerous cannot be protected by a TPO.**

- **Is the tree a good specimen of its type?**

  We will also look at the tree to see whether it appears to be in good condition and is of good form.
If it is deemed appropriate, the council can serve a TPO which will last for 6 months.

During that time a full assessment of the amenity value of tree will be carried out, and the tree owner can lodge any objections with us. If any objections are received from the tree's owner or from the owners of any other directly affected properties, these will be presented to the Planning Committee who will decide whether the TPO should be made permanent.

During this 6 month period, the trees will be afforded full TPO protection, and applications would need to be made before any work was carried out on them.

Can I view a copy of TPO documentation?

Yes. We are required to keep a public register of all TPOs. There are several ways to view a TPO.

- On the website. We now have an interactive map which you can use to find out whether there is a TPO at a particular address. You can also download the Order and Plan for each TPO.
- At the Civic Offices: we keep a register of all TPOs and the applications made under these, which are available for inspection during normal office hours. Please call ahead and we can agree a time to have the documents waiting for you at reception.
- By post: if a paper copy of a TPO is required please send us a written request stating the address and/or TPO number along with a cheque (made payable to Hertsmere Borough Council) for £10. Requests can be emailed to the Trees section or sent in by post.

Is the local authority responsible for looking after trees covered by TPOs?

No. The responsibility for the trees and any damage they may cause remains with the owner, although owners will usually require permission from us before carrying out any tree work.

Can I carry out work on/fell a TPO tree?
It is often possible to carry out reasonable works to preserved trees, but you **must** get consent from us, except in a few cases. There are no set types of work that are always approved or refused, as each case is assessed on its own merits.

If a TPO tree is felled without consent or is damaged in a manner likely to destroy it **you could be liable to an unlimited fine.** If other work (such as pruning) is carried out to a TPO tree without consent this could lead to a fine of up to £2,500.

In order to carry out work to or fell a preserved tree, an **application** needs to be made to us.

Is permission always needed to work on a TPO tree?

Yes, although there are several exemptions that apply in certain circumstances. Consent from us is not required if:

- a Forestry Commission felling licence has been granted for the work, or trees are being felled in accordance with a Forestry Commission grant scheme. [Check whether a Forestry Commission felling licence is required](https://www.gov.uk/guidance/forestry-commission-trees) for your tree work. A licence is not required for felling trees in a garden, an orchard, a churchyard, or a designated open space (Commons Act 1899).
- the trees (or parts of trees) are dead or dangerous. You should however give at least five days notice in writing to us. This is in part to allow us to consider whether replacement planting is required. Where this is not possible you should notify us in writing (by letter or email) at the earliest opportunity. In all cases, professional advice should be sought, and a careful photographic record should be kept of the condition of the tree(s) prior to any work being carried out. This is because the tree owner is liable for any unauthorised works, so you must be able to demonstrate that the tree was dead or dangerous, if questioned, or **you could be liable to an unlimited fine** if the tree is destroyed or damaged in a manner likely to destroy it.
- the trees are directly in the way of a development that is about to start which has detailed planning permission granting the
You are strongly advised to contact our planning trees team before you undertake, or instruct any other person or company, to undertake any works to a preserved tree.

You should always seek the advice of a reputable arborist before carrying out any work to a preserved tree.

How do I report work to a protected tree that I think may be unauthorised?

Please contact the tree section or the duty planning officer and provide details of the work. We will first check whether consent has been given for the work, and if it has not we will pass all complaints to our planning enforcement team to investigate.

In order to investigate we need to know the following information:

- The address where the tree work is taking place
- The type of tree (if known)
- Whether the work is currently underway or has already been carried out
- Your name, address and a contact telephone number. (We cannot accept anonymous complaints - please see our Enforcement Charter).

Making an application

An application is required before any works are carried out to a TPO tree. You need to provide a detailed description of the work that you intend to carry out. Please do read the help document (available with the application form) before completing this and if in doubt contact a professional tree surgeon who can help provide a suitable description of the work. You can also apply online via the Planning Portal.

There is no fee for making an application, and we have a target of eight weeks within which to make a decision. A summary of all applications is placed on the weekly planning applications list that is
Please note that the time taken to make a decision includes a 21-day consultation period that is part of our Constitution, so a decision cannot be issued until at least 21 days after the application details have been published on the weekly list.

You should always seek the advice of a reputable arborist before carrying out any work to a preserved tree. You can search for a suitably qualified local arborist on the Arboricultural Association website.

Cyclical/repeat works to TPO trees

We receive a significant number of applications for repeat works to TPO trees with associated resource implications for all parties involved in the process. We are keen to simplify this process where cyclical works, in line with good arboricultural practice, can be identified at the outset. This would allow for several further instances of the same tree works to be allowed and without the need to apply for separate consent from us.

This table sets out the type of works and species where we would aim to use this approach. You are encouraged to consider including repeat works in your applications to enable the proposal to be included in our weekly list of planning and tree works applications.

If the proposed works are permitted by us the intention would be to attach the following type of condition to the decision:

*Standard condition: The works hereby permitted shall be repeated on a cycle of not less than three years until 31 December 2020 and carried out in accordance with British Standard 3998.*

Reason: To facilitate repetitious works, control significant hazards or safeguard the appearance and health of the trees.

Is there a right of appeal if my application is refused?

Yes. If you disagree with a decision or a condition...
of consent, or a decision has not been made within eight weeks, you are entitled to appeal to the Planning Inspectorate. This is an independent body who will make a decision on your application on behalf of the Secretary of State. Appeals must be lodged within 28 days of receipt of the decision letter, or within 28 days of the date by which the application was due to be decided.