

TREES IN CONSERVATION AREAS



Conservation Areas are areas of special architectural or historical interest designated by the City Council to preserve and enhance their appearance.

The first Conservation Area in Leeds was designated in 1969, and there are now 63 in total. They vary greatly in their nature and their particular special character comes from the historic pattern of roads, footpaths, building styles and garden settings, boundary walls, *and from their trees.*

To conserve the special contribution of trees, Conservation Area legislation introduced in 1965 includes the blanket protection of **all** trees over a certain threshold size. (where the stem is over 75mm in diameter (roughly an adult's wrist size) when measured at 1.5 metres height - roughly adult chest height.)

SOME FREQUENTLY ASKED QUESTIONS

How do I notify the Council of some Conservation Area tree works I want to do?

You must give 6 weeks written notice to the Council's Development Department, prior to carrying out any works to a tree over the threshold size.

A notification form for carrying out works to trees in Conservation Areas can be obtained by telephoning the Development Enquiry Centre on (0113) 247 8000. On the form you will be asked to provide details of ownership, location of the trees on a sketch plan and describe the works you intend to carry out.

If a tree located within a Conservation Area is already subject to a Tree Preservation Order (TPO) then it will be covered by TPO legislation, which takes precedence and you must apply for permission. You can find out if your tree is protected by a Tree Preservation Order (TPO) by telephoning the Development Enquiry Centre or by sending in a tree check via the website.

If the property is rented or leased, you may need to obtain permission from the landlord - check your contract to see who is responsible for the maintenance of the trees.

If the property is part of a relatively new development (up to 5 years old, the tree may also be protected by Planning Conditions.

What happens after I've sent in details of my proposed trees work?

When your notification form is received, we will send you an acknowledgement letter, telling you who is dealing with the application and when the due expiry date is. This information will be added to the Public Register of proposed work to protected trees. In addition, for work having a significant impact, we may notify the public and affected neighbours by letter or site notices in the street. A Tree Officer will then assess the proposals and may make a site visit to view the trees.

A decision letter will usually be issued within 6 weeks from the date of receipt. If the date given in the acknowledgement has passed by and you have not received a response, you may proceed with the proposed works.

If the Tree Officers feel that the tree(s) should be protected from the works you are proposing, they may place a Tree Preservation Order on the tree(s) to bring control of the works under the TPO legislation. You must then reapply to carry out the works under the regulations of the Tree Preservation Order. The tree officer may negotiate with you on revising the scope of your intended work, to avoid the need for serving an Order.

Can I appeal against a Tree Preservation Order being served?

If you consider the decision by a Tree Officer to serve a TPO is not justifiable or the Order is inaccurate, you should submit an objection within 28 days of the due date. Your objection will be reported to one of the Development Plans Panels and considered by the Councillors serving on it. They may overturn the Order, or request that it be modified, or confirm it as served.

Can you give me advice on my trees / can you recommend someone?

You can obtain advice on your trees from either an Arboricultural Contractor or Consultant, who can act as your agent. Regrettably, the Council's tree officers do not have the resources to give advice on tree management and due to competition regulations, we cannot recommend anyone to carry out tree works. But we do provide guidance on selecting a contractor in our leaflet, "*getting tree work done - properly*"

My tree is dead / dying / dangerous, how can I act in an emergency?

You do not need the Council's permission to cut down a tree that is dead, dying or dangerous. But determining whether a tree is dead, dying or dangerous is not always a straightforward matter!

Anyone proposing to cut down a tree under this exemption is strongly advised to give the Council five days' notice before carrying out the work, except in an absolute emergency. To make sure whether the tree falls within the exemption, obtain the advice of an Arboriculturalist.

If work is carried out to a protected tree under this exemption, the burden of proof is on the owner / agent to demonstrate that the tree was dead, dying or dangerous and if it came to a prosecution case, to prove this in court. This can be by taking photographs, retaining sections of felled timber and any other relevant evidence. You may have to plant a replacement tree(s) for those felled under this exemption, to maintain the character of the Conservation Area.

What happens if I carry out work on a protected tree without permission?

If you cut down, uproot or wilfully destroy a tree, or wilfully damage (including cutting roots), top or lop a tree in a manner likely to destroy it, you could be fined up to £20,000 on summary conviction, or on indictment be liable to an unlimited fine. In determining the amount of the fine, the court would take account of the actual, or likely, financial benefit arising from the offence. For other offences you could be fined up to £2,500. You will normally have to plant a replacement tree if the tree was removed or destroyed.

What is enforcement?

Where conditions are not complied with, or tree or planning legislation is infringed in a manner that harms protected trees, the matter may be treated as an enforcement case. These are referred to the Development Department's compliance (or enforcement) officers and ultimately to our Legal Department, who may initiate legal proceedings.



Sustainable Development Unit

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