

How will my tree works application be assessed ?



I've submitted my protected tree works application - what happens next?

You will receive an acknowledgement letter, or e-mail, if you prefer, telling you who will be dealing with the application and when you should receive a decision. If the proposed work is exempt and does not require consent, we will inform you as soon as possible. Your application will be considered by a Tree Officer - a qualified and experienced arboriculturalist, authorised to make decisions on behalf of the Council on tree work applications.

Will they contact me to look at the trees in question?

In the case of minor work, and / or applications from contractors or agents known to carry out work to a high standard, a site visit may not always be needed. But the Tree Officers will survey the trees on site if they are unfamiliar with the context, or wish to assess in detail the impact of the proposed work. Due to the large number of applications received, they make multiple site visits in a day, and so are unable to make booked appointments. They will therefore enter your property to view the trees - your application is taken as an invitation to do so and the legislation permits this. Where access to fenced gardens makes this a problem, you should make this clear in the information box on the application form.

How will you consider my application?

When considering your application, the tree officer will generally aim to retain and minimise any works to protected trees. Mature trees rarely "need" to be pruned for their health, but occasionally need pruning because of their impact on surrounding property. The larger the degree of pruning carried out, the more damage this can do to a tree in the long term, depleting its natural resources and creating opportunities for pruning cuts to become diseased. The tree officer will assess the following factors:

1. the **likely impact** of any felling or pruning proposals **on the local amenity**
2. **the impact** of the proposals on **the character and health of the tree**
3. **the nature of the particular problem** generating the need for tree works, such as
 - *proximity to buildings, roofs / gutters*
 - *sunlight penetration and excessive shade cast to buildings and gardens*
 - *proximity to minor structures, such as fences, walls, garages and driveways*

In the light of their assessment, they will make a decision on whether or not the proposals are reasonable and justified. In general terms, the higher the amenity value of the tree or woodland and the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted.

On the other hand, if the amenity value of the tree(s) or woodland is low and the impact of the application in amenity terms is likely to be negligible, consent may be granted (even if we believe there is no particular arboricultural need for the work.)

In dealing with an application in woodlands, we must grant consent so far as it accords with good forestry practice, unless we are satisfied this would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

Where an application relates to trees in a conservation area, we are required to pay special attention to the desirability of preserving or enhancing the appearance of that area.

What will be in the decision?

Whilst we must decide upon the proposals put forward in your application, we may advise you in our decision letter that part of the work is acceptable and give consent to this and refuse other work which is unacceptable. If you find our decision letter is unclear, please let us know, as we strive to be unambiguous about what is being authorised. We could also for example, grant consent for less work than that applied for (for example, by allowing the thinning of the

crown of a tree by 20% rather than the 50% applied for), although you would retain a right of appeal against that part of the application which was refused.

In a Conservation Area, 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.

Will there be conditions in the decision letter?

To maintain the amenity and health of protected tree(s), we commonly apply conditions when granting consent. These will relate to the work that has been authorised and we strive to be fair and reasonable in applying them. There are four commonly used conditions:

1. to regulate the standard of the authorised work
reason: to ensure that tree work or planting is carried out in accordance with good arboricultural practice and with the relevant current British Standard.
2. to secure the planting of replacement trees
reason: to secure continuity of the amenity of protected trees for future generations
3. to impose a time limit on the duration of consent
reason: to relate the allowed works to the current condition of the tree
4. to ensure that the safety of users of the highway is considered and that road closures are properly carried out
reason: for public safety and to comply with the Highways Act

Can I appeal against the decision or its conditions?

If you consider the decision itself or a condition imposed is unreasonable, you will have the right of appeal to the Secretary of State for the Environment. We will inform you of this in our decision letter and will give the contact name and details of the local government office who deals with this. There is no charge made for an appeal.

What is enforcement?

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

References

- Town & Country Planning Act 1990 and subsequent amendments and regulations
- Tree Preservation Orders - A Guide To The Law And Good Practice. HMSO 2000
- A Guide for Trees in Relation to Construction B.S. 5837 British Standards Institute
- Recommendations for Tree Work B.S. 3998 British Standards Institute

Useful websites

www.aie.org.uk - The Arboriculture Information Exchange, a useful independent advice source
www.odpm.gov.uk - search under trees and hedges – The Government's advisory site



Sustainable Development Unit

Development Department
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Development Enquiry Centre, Tel: (0113) 247 8000
E-mail: landscape.planning@leeds.gov.uk
www.leeds.gov.uk