Aylesbury Vale District Council

Tree Preservation Orders – frequently asked questions

This information is intended to supplement the leaflet ‘Protected Trees: a guide to tree preservation procedures’

1. What sort of Tree Preservation Orders (TPOs) exist in our district?
   TPOs can protect individual trees, groups of trees, woodlands or areas of land containing many trees. All four types can be found in Aylesbury Vale. Mostly, they are found in built up areas but some trees in rural settings are also protected.

2. How can I request a new TPO be made?
   Email our planning department at devcon@aylesburyvaledc.gov.uk. We will need to know three things:
   1) Which tree or woodland are you asking us to protect? Give us a clear description: a sketch or marked map is often very useful.
   2) What amenity values does the tree have? This can be any benefits you believe the tree provides to you or to the general public.
   3) What is the threat to the tree? This threat need not be severe. However, if there is no credible threat, preservation is best achieved by careful tree work, not by making new TPOs.

3. Can a TPO be used to protect a habitat or wildlife?
   Not unless the tree also has amenity value for the general public. Wildlife is protected by other legislation.

4. How long does it take to make a new TPO?
   New TPOs can be made in a few hours if there is an urgent need but more commonly it will be a few weeks after a request before an order is served.

5. How are the trees assessed for a new TPO?
   AVDC use a scoring system called ‘Helliwell’ when examining the tree and its surroundings. This provides a numerical value for each tree or wood which we compare with our chosen ‘benchmark’ value of 80 Helliwell points. We also carry out a test to see whether it is fair and reasonable to serve a new order or whether this would cause disproportionate difficulties for the owner/neighbours or the local authority. You can view these methods at our offices by prior arrangement.

6. How long does a TPO last?
   Our oldest TPOs date from the 1940s. The order initially lasts for 6 months and if confirmed it remains in force until it is revoked. We have revoked our oldest TPOs and hope to continue when resources are available.

7. Is there a right of appeal against a TPO?
   Normally no. Appeals can only be done through the High Court if there is evidence of criminal misbehaviour. You can object in writing when a TPO is first made and a panel of councillors will meet on site to consider your objections.

8. Will AVDC inspect my preserved trees for me?
   No. It is the owner’s responsibility to obtain reports from reputable contractors or consultants. Once we receive your application to carry out works to a protected tree, we will normally examine the tree. You can chat with us on site of course and download our reports free of charge from the planning web pages.
9. What sort of works are likely to be given consent?

Normally, all works that benefit the appearance, stability, or health of the tree are given consent. Works to control credible hazards or loss are also treated favourably. Works should be described as in: BRITISH STANDARD 3998. Works which can harm the tree or its appearance or which are disproportionate or unsound may be refused.

10. Can I cut back my neighbour's preserved tree?

Not unless consent has been given or you are suffering a clear and present risk of serious injury, damage or loss. Even then you may only work directly above your own land. It is normally necessary to cooperate with neighbours to ensure trees on boundaries are properly managed. It may be impossible to carry out good work from only one side of the boundary.

11. Must I use the official form?

Yes. If you have any difficulties then contact the tree officers or planning officers who will be pleased to try and clarify any uncertainties you have.

12. How long does my permission last for?

It lasts until the work described in your consent is finished, unless we have set a time limit as a condition of the original consent.

13. Do I have to keep applying for consent to do repetitive work?

Some work such as re-pollarding is repetitive. If you word your application to clarify how often you wish to do such work you need only make a single application. In these circumstances any consent would probably include a time limit of about 2 -10 years.

14. Where can I find a reputable contractor/consultant?

You can find lists of contractors approved by their professional body at www.trees.org.uk. Lists are also available by post, free from AVDC. You do not have to use contractors from this list, the list is only for your guidance. We strongly recommend that you do not employ 'cold callers' offering their services as they can often overcharge, do illegal or poor quality work or breach health and safety rules.

15. How does AVDC determine its own applications?

We apply to our planning department for consent or inform them if our works seem to be exempt. We are obliged to advertise our applications which are then determined after technical advice and any public comment.

16. Unauthorised works to TPO tres

Please note that it is a criminal offence to carry out works to or fell a TPO tree without consent, which would be subject to heavy fines.

Further information

Further information is available from the national planning portal website.