

## Aylesbury Vale District Council

### Protected trees in conservation areas – frequently asked questions

This information is intended to supplement that found on the [national planning portal website](#).

Before working on trees inside a conservation area, you must give six weeks written notice to the local planning authority. You may not undertake works within the six week period unless you get our written consent to go ahead (some exemptions apply to this). Trees smaller than 75mm stem diameter are not protected (see figure 1).

Remember to check to see if a TREE PRESERVATION ORDER (TPO) also applies. This advice only applies to trees which are not already protected by TPO.

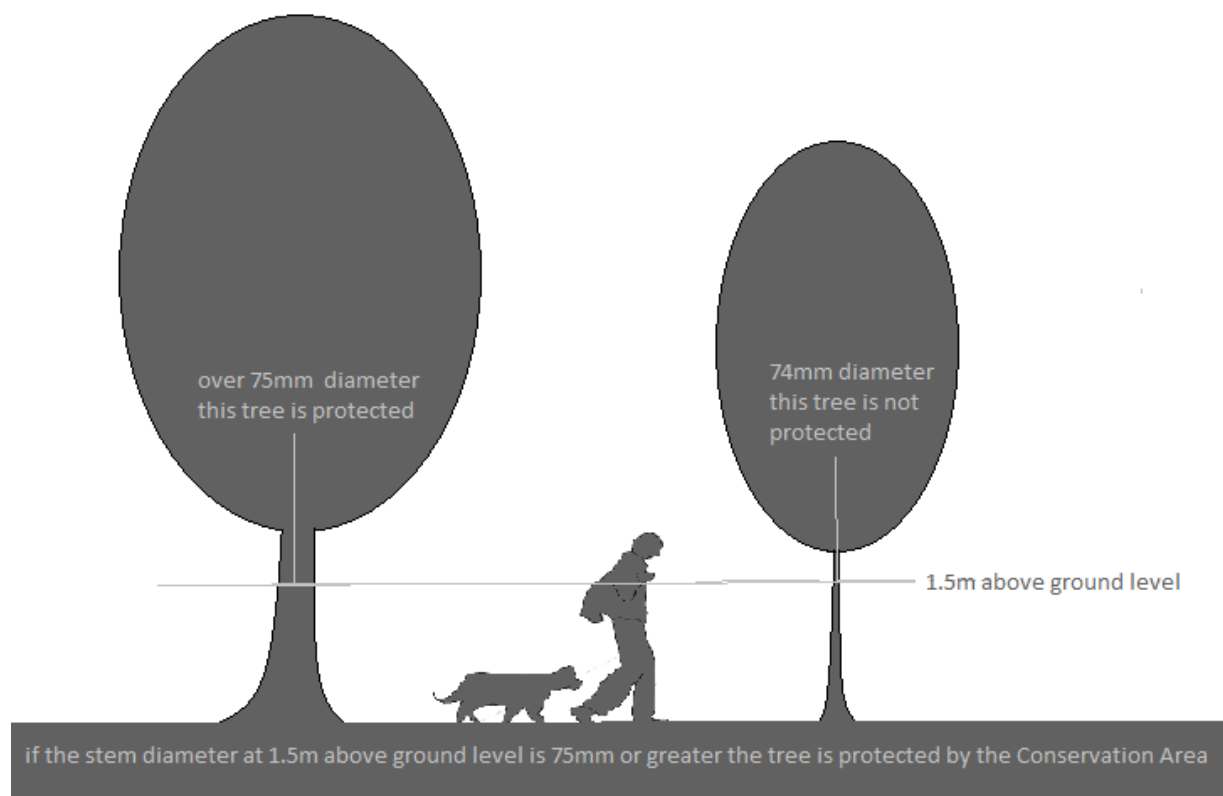


Figure 1

#### 1. How can I discover whether trees are in a Conservation Area?

Most historical town and village centres have conservation areas. Solicitors who carry out a property search should inform the buyer if their property they are purchasing is in a conservation area. You can [find out if a tree is in a conservation area or protected by a TPO online](#). You can also [view conservation area maps online](#). Contact the tree officer or planner who will check for you if there is any doubt.

#### 2. Will I need consent to work on trees in a conservation area?

The regulations require you to give us six weeks written notice of your intentions before carrying out works to trees in a conservation area. The following information is vital or your notice may be invalid:

- 1). Give your contact details and those of your agent if applicable.
- 2). Show clearly which trees will be cut.
- 3). State clearly what type of work will be done to each tree.

Be aware that giving notice is not the same as applying for our consent. By giving notice you are telling us, in advance of your intentions, you are NOT asking for our permission.

### 3. I can't possibly wait six weeks! What should I do?

If the work is genuinely and extremely urgent because the tree is imminently dangerous you should notify us by email, providing details of the tree and its condition. We will try to verify the tree's condition within five days. We can then advise you of any replanting duty and advise you whether or not you can go ahead. If you cannot wait for five days then make absolutely sure that you keep complete and excellent evidence of the tree's condition so that you can prove your action was lawful and reasonable. Do not destroy samples which you may want to rely on as defence evidence.

**Note: a tree is not imminently dangerous just because it is large and sways in gales but, a heaving root plate or new fractures opening in or between the main stems of very large trees should be treated as a emergency unless the tree is far away from vulnerable structures, homes or public rights of way etc.**

### 4. Why do I have to give notice?

So that we can make a public record of the impending works (your neighbours or parish may want to make comment or object) and to give us time to consider whether a TPO should be made to protect the tree from the intended work. TPOs are normally only made if the works are unnecessary and likely to significantly diminish the appearance of that part of the conservation area.

### 5. Must I give notice of works to hedges or leylandii trees?

If the trees form a hedge which is part of a private garden, the hedge is not protected and no notice need be given. If in doubt check with the tree officer. No species of tree is exempt so notice must be given for works to individual trees of whatever species.

### 6. Can anyone give the notice?

Yes. You need not be the land/tree owner. You may employ a contractor to act as your agent. In this case all correspondence will be with your agent.

### 7. Can a conservation area protect a habitat or wildlife?

No, wildlife is protected by other legislation.

### 8. How are the trees assessed?

The most prominent trees within conservation areas are noted in the map and text of the conservation area document, but this does not mean that other trees are not important. All trees with stems of 75mm diameter or more are protected whether or not they are recorded in the document. Our tree officers frequently use a test of amenity values called: 'THE HELLIWELL SYSTEM' and must also consider the consequences of trying to preserve trees, including the future risk of injury or damage to property.

### 9. How long does a conservation area last?

Our oldest conservation areas date from the 1970s. There is a programme of revision which will gradually replace each one. Once you've given notice of tree work you have up to two years in which to complete it.

### 10. Is there a right of appeal?

No, six weeks after giving notice the owners are at liberty to carry out their work unless a TPO has been made. If you want the work stopped you can request that we serve a TPO.

### 11. Will AVDC inspect my protected trees for me and take responsibility for their management?

No. It is the owner's responsibility to obtain reports/work from reputable contractors or consultants. Once we receive your application we normally examine the tree and consider whether or not to serve a new TPO. You can chat with us on site of course and read our reports on the planning web pages free of charge.

### 12. Can I cut back my neighbour's protected tree?

Yes, so long as you have given the required notice and if your notice did not trigger a TPO. You may only work directly above your own land. You should 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.

### 13. How do I submit my notice?

You should use the standard form because it sets out the information we need in an orderly way. We recommend that you seek advice from a qualified contractor prior to submitting the notification, so they can advise on what works are likely to be acceptable.

### 14. How long do I have to complete my work?

You may not begin within the six weeks notice period but after that, if no TPO has been served, you are at liberty to undertake the works over the next two years (dated from when we received your notice). Be aware that councils can serve new TPOs at any time, even after the six weeks has expired (but this is very rare).

### 15. Do I have to keep giving notices for repetitive work?

No. Some work such as re-pollarding is repetitive. If you word your first notice to clarify how often, and for exactly how long, you wish to repeat such work you need only make a single notice. In these cases the period for completion can be longer than two years.

### 16. Where can I find a reputable contractor or consultant?

You can find lists of contractors approved by their professional body at [www.trees.org.uk](http://www.trees.org.uk). Lists are also available by post or email, free from AVDC. You do not have to use contractors from this list, the list is only for your guidance. Be aware that bogus tree work contractors exist. **We strongly recommend that you never employ 'cold callers'.**

### 17. When must I replant with a new tree?

The land owner must replace any tree felled or killed illegally. Also, any tree felled which had become exempt from the normal regulations because it died or became imminently dangerous has to be replanted and successfully established. We may waive your duty if replanting is impractical or unnecessary.

### 18. How does AVDC determine its own notices?

Local planning authorities are not required to follow the notification procedure before carrying out works to trees they own which are inside conservation areas. However we may still follow this procedure if the works may be controversial, or if we are not the owners – for example: we manage trees in some closed church yards which we do not own