

TREE



PRESERVATION ORDERS

You may have just received a large envelope from Test Valley Borough Council. Inside you will find your copy of a Tree Preservation Order (TPO) which affects your property. There may also be other items such as a Revocation Order, an explanatory notice and a letter.

Please do not throw this away. A TPO is a legal document and should be kept with your deeds.

This leaflet has been produced to try and help you to understand Tree Preservation Orders.

1 So what is a Tree Preservation Order?

A TPO is an order made by the Council. This controls work being carried out on a specific tree or trees. Written consent is required for all types of tree work, including felling, pruning and root disturbances.

TPOs are made to protect trees which contribute to the amenity of the area for the enjoyment by all. They are often made to protect trees that are known to be under threat, for instance through pressure for development.

Many trees are felled and badly pruned, often through ignorance. The TPO can control the amount of pruning or prevent the felling or irreparable damage of trees.

2 When did the Order come into force?

The TPO will come into force immediately from the date of its making for a period of six months. During this period the Council must decide whether or not to confirm the Order, after considering any objections which may have been received during the objection period. (See Question 4.) Once the TPO has been confirmed it is valid indefinitely.

3 Why have I got a copy of the Order?

Because you either have trees in your garden which are included in the TPO, or your property is in close proximity to trees in someone else's garden that are protected by a TPO. There is a plan and schedule in the TPO document which will show you which trees in and around your property are now protected.

Government guidance says we should notify adjoining landowners of the existence of a TPO on their neighbours' garden. Therefore it is possible that you may receive more than one TPO. Please consult the plan and schedule in the TPO in order to avoid any confusion. (Please note that previously made orders may still affect your property and you should check with the Council if you are not sure).

4 How do I object to having a TPO on my trees?

If you wish to object to the imposition of the TPO, or the Revocation of the old TPO, or if you think the trees are shown in the wrong place, or even if you wish to register your support for the new TPO, you must write to the following address within 28 days of receipt:

Legal Services
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire SP10 3AJ

Unresolved objections will be put before a committee of elected Council Members who will decide whether the Order should be confirmed with or without amendment. You will have the opportunity to address the committee if you feel it is necessary to explain your objection.

5 Does this mean the Council are now responsible for these trees and will pay for any work on them?

Unfortunately not. These trees remain your responsibility and in your ownership. The TPO is there to ensure that the trees are not removed or made dangerous or unsightly due to incorrect pruning. If you wish to have any work carried out on a protected tree you must first make contact with the Council's Tree Officers.

6 What is a Revocation Order?

A Revocation Order cancels a Tree Preservation Order. It is the Council's policy to update old TPOs which are no longer viable. Many old TPOs were put on land before development took place for instance, and protected trees which were growing at the time the Order was made. Since that time trees may have been lost because of disease, storm damage, etc. Others may have been planted and matured into quite sizeable trees which were not protected by the old Order.

If you have received a Revocation Order with your new Tree Preservation Order it means that the old TPO has now been cancelled and the new one has taken its place. It is the Council's intention, where possible, to make the new TPOs more specific to individual trees and groups of trees so that the property owner knows exactly which trees are protected.

7 Why have you only picked out some of the trees in my garden? Does this mean I can do what I like with the rest?

The trees that have not been included in the new TPO are not considered to be worthy of inclusion. This may be due, for example, to previous storm damage, bad pruning, their situation or to the state of their health. It may be that these trees are already covered by another TPO. If you do have any trees in your garden that are not included in the new TPO, or any previous TPO which has not been revoked, then you may, of course, carry out work on these trees without the Council's permission. If you are in any doubt please check with the Council's Tree Officer who will be able to help you.

8 What if I want to work on my trees?

TPO law requires that Councils must give written consent before any work to the protected trees is undertaken.

Contact the Council's tree officer, and they will advise you on the correct procedure. Alternatively, collect an application form from the Council Offices.

There is no charge for making a tree application.

9 What happens if I don't bother getting permission from the Council?

It is an offence to carry out treework on trees which are protected by a TPO without first obtaining the written permission of the Local Authority.

Prosecutions can and do take place through local magistrates courts. Fines can be heavy.

10 What should I do after a new TPO is made?

If you wish to object or make representations, please write to the address given in question 4 within 28 working days of receipt of the TPO.

If, having gone through the contents of the envelope you do not wish to object, then there is very little for you to do unless you wish, at some time in the future, to apply for treework on your protected trees (see no.8).

You can also apply to have work carried out on a neighbour's tree. However any consent issued by the Council cannot be used to force your neighbour to allow the work to be carried out. The owner of the tree(s) will be notified that an application has been made and will be asked for their comments.

11 If I see someone cutting a tree down, what should I do?

If you are concerned call the Tree Officer on **01264 368000**, who will be able to tell you if a consent has been issued. The Officer will need to know the address where the tree is growing and if possible the type of tree.

All calls will be treated in the strictest confidence. However, should a prosecution take place, you may be required to act as a witness.

This leaflet has been produced by:
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