



TREES PROTECTED BY TREE PRESERVATION ORDERS AND TREES IN CONSERVATION AREAS

TREES PROTECTED BY TREE PRESERVATION ORDERS (TPOs)

Over 650 TPOs within the City of Westminster protect thousands of trees. TPOs are made to protect trees for the public's enjoyment. If you wish to carry out almost any work to a protected tree, you must first gain the City Council's consent. To make a formal application, you must use the standard application form.

On receipt of a valid application for tree works, the City Council will endeavour to make a decision within 8 weeks of the registration date. If you do not complete the standard application form and provide all the necessary supporting information, then your application will not be valid and we will not determine it. Delays may occur when applications are unclear or insufficient information has been submitted to determine the application.

Your application is dealt with in a similar way to a planning application. Prior to a decision being made, a Tree Officer will inspect the trees and may seek further information from you. In some cases, you may be invited to amend and resubmit your proposals. If you have applied to fell a tree the City Council will usually consult neighbours and ask for their views about the proposed works.

A decision letter is issued to the applicant once the City Council has determined the application. The Council may grant or refuse consent. When consent is granted, conditions are often attached, and the work must be carried out in accordance with the conditions of consent. You must not carry out the work before you receive the City Council's decision. If you have not heard from us after eight weeks has elapsed since you submitted your application, you should contact the Tree Section to obtain information about the progress of your application.

You can check if your trees are protected by a TPO by telephoning, emailing or writing to us.

TREES IN CONSERVATION AREAS

Conservation Areas are 'areas of special architectural and historic interest, the character and appearance of which it is desirable to preserve or enhance'. There are 55 designated conservation areas in the City which cover about 80% of the total area of Westminster. Buildings and landscape features, including trees, often contribute to the special character of conservation areas.

Anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the City Council six weeks' prior notice (a section 211 notice). The purpose of this requirement is to give the City Council an opportunity to consider whether a Tree Preservation Order (TPO) should be made for the tree. Within conservation areas, trees with a trunk diameter of 75mm (3 inches) or more, measured at a height of 1.5 metres from ground level are protected. Trees in conservation areas which are also subject to a Tree Preservation Order are administered under the TPO legislation.

If you wish to carry out almost any works to trees that are situated in a conservation area, you must submit prior written notification. You can use the standard form, but this is not mandatory. However, you must provide us with sufficient information to allow us to identify the trees to which your proposal relates, including details of the species and location of tree(s). You must also set out a full and clear specification of the works for which consent is sought.

Your notification is dealt with in a similar way to a planning application. If you do not provide us with all the necessary information, then your notification will not be valid and we will not determine it. Delays may occur when notifications are unclear or insufficient information has been submitted. Prior to a decision being made, a Tree Officer will inspect the trees and may seek further information from you. In some cases, you may be invited to amend and resubmit your proposals. If you have applied to fell a tree the City Council will usually seek the views of neighbours about the proposal.

The City Council will send you a written decision on the proposed tree work. We will either raise no objections, or if the proposed work is considered unsuitable we will make the tree(s) the subject of a Tree Preservation Order. There is a right of objection to the TPO.

If the City Council raises no objections to the proposed tree works, you will be notified in writing. The works must be carried out within two years of the date of the decision letter.

If you have not heard from us after six weeks has elapsed since you submitted your notification you are strongly advised to contact the Tree Section before you carry out any tree work.

To make a formal notification, you can download an application form or write to us.

WHO CAN APPLY?

An application or notification can be made by anyone: for example, a tree surgeon or other agent may apply, or a neighbour may apply to carry out work to trees which are situated in another property. An applicant who is not the owner of the trees is strongly advised to gain the owners agreement before making an application. If you wish to prune back overhanging branches from a

neighbour's tree, you do not necessarily need the owner's permission, but you do need the City Council's consent. However, in order to carry out such works, a tree surgeon will often need to access to the tree owner's property, in which case the owner's permission will be needed. If you would like a neighbour's tree to be reduced in height, you will need to obtain both the neighbour's permission and also the City Council's consent. Ultimately, trees remain the responsibility of the owner.

TREE CONTRACTORS

You are not obliged to use the tree contractors on the Council's list, but any approved tree works should be carried out by an adequately qualified and insured tree surgeon. You are strongly advised to avoid the use of 'cowboy' tree surgeons, such as those who knock on your door and offer to carry out tree surgery for you. If you allow unauthorised tree pruning or felling to take place, both you and your contractor could be prosecuted. If in doubt please contact the City Council's Tree Section.

TIMESCALES

We aim to respond to notifications within 6 weeks (for Conservation Areas) and to applications within 8 weeks (for Tree Preservation Orders). If you have not heard from us within these timescales you should contact the Tree Section.

WHAT TO DO IF YOU DISAGREE WITH THE COUNCIL'S DECISION

If you do not agree with the City Council's decision to make a Tree Preservation Order, you may make a formal objection to the Council, normally within 28 days of the Order being made. The Council will consider your objection, and will decide whether or not to confirm the Order.

If your tree is already protected by a TPO, and you do not agree with the City Council's refusal of consent, or with the conditions that form part of the consent, you may make an appeal to the Secretary of State for Communities and Local Government. Appeals can also be made against non-determination (usually after 8 weeks have elapsed since receipt of the application by the City Council), and if the Council has served a Tree Replacement notice, you can also appeal against this. Appeals must be made within 28 days of date of decision, and should be addressed to [The Planning Inspectorate](#).

The Planning Inspectorate (Environment Team)
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

COMPENSATION

Tree Preservation Orders make limited provision for compensation for loss or damage caused as a result of the refusal of consent under a TPO, or the grant of consent subject to conditions. To determine whether compensation may be payable, it is necessary to refer to the specific Tree Preservation Order.

It is important to note that:

- Compensation does not automatically flow from the Council's decision – loss or damage must have been caused.
- No rights to compensation arise from any loss or damage as a result of giving the Council 6 weeks notice of intent in a conservation area.

PENALTIES AND PROSECUTION

Under the terms of the Town and Country Planning Act 1990, it is a criminal offence to carry out almost any works trees that are protected by a Tree Preservation Order without the prior consent of the City Council. It is also an offence to carry out works to trees in conservation areas without having given the City Council at least 6 weeks notice in writing. Anyone found guilty of cutting down uprooting, topping, lopping, wilfully damaging or wilfully destroying a tree may receive a fine of up to £20,000 per tree in a Magistrates Court, or an unlimited fine in the Crown Court. The same penalties apply to anyone found guilty of causing or permitting unauthorised works.

CONTACT US

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T: (020) 7641 6000 (24 hour)

Email

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streetandparktrees@westminster.gov.uk (Street & parks trees)