

Tree Preservation Orders.

A tree preservation order is an order made by the local authority, in this case the National Park Authority, on a tree or number of trees that makes it an offence to carry out any work, e.g. cut down, top, lop, up root, wilfully damage or wilfully destroy a protected tree, without the Authority's consent. A typical tree with a preservation order would be one which is significant to the local environment whilst providing a benefit to the public through visual amenity.

If a tree is dead, dying or dangerous (DDD rule) then you only need to give the Authority 5 days notice (except in an emergency) that you intend to carry out the works to the tree. However you must provide evidence that this is the case e.g. relevant photographs or a report by a qualified and experienced arboriculturalist. The onus is on you to prove that the tree is dead, dying or dangerous and if you cannot do so, a court may find you guilty of an offence. If you are unsure of the exemptions it is advised you contact the Trees & Woodland team for clarification.

Cutting the roots of a protected tree is also potentially damaging and will require the Authority's consent.

The National Park Authority is able to make tree preservation orders and to give or refuse consent for work to trees covered by a tree preservation order.

1. Making a tree preservation order

Anyone can request that a tree preservation order be made whether they have a legal interest in the land or not. However we can ask about your interest in the trees and the reasons for your request. All such requests will be treated in confidence. The Authority also makes tree preservation orders on its own initiative.

Generally, we will make tree preservation orders if the tree(s) fulfil all the following criteria:

- The tree makes a significant contribution to the local environment now or will in the future;
- The tree appears to be under threat;
- The tree is expected to live longer than 10 years barring unforeseen circumstances;
- The tree will grow where it is without causing an unacceptable nuisance (in the legal sense) now or in the future.

How will a tree preservation order be served?

- A tree preservation order will not usually be discussed prior to it being served as this may lead to the early felling of the tree;
- The tree preservation order will be served on the owner and any other interested parties such as neighbours;
- The tree preservation order is a legal document to protect the tree and includes information about lodging an objection;
- The tree preservation order will be on deposit for public information for 28 days during which time objections can be made. The tree preservation order will be on deposit at the Grassington and Bainbridge offices of the National Park Authority. If

you would like to see the order then call into the office during office hours and ask to look at the order. An order is not advertised however you will be notified if the order is likely to effect you.

After a tree preservation order has been served we may receive objections to it. If that is the case:

- We will acknowledge any objections received;
- We will try to resolve any objections;
- We may ask an independent arboricultural consultant to prepare a report on the health of the tree;
- We will usually take unresolved objections to a panel of Members of the National Park Authority who will consider both sides of the argument and decide whether the tree preservation order should be confirmed or not. This decision by the Panel of Members is final. However an application can be consequently made to carry out work to the tree including felling the tree.

2. Carrying out work on a tree protected by a tree preservation order.

Anyone can apply for permission, called consent, to work on a protected tree whether they have a legal interest in the land or not. We can ask you about your legal interest in the tree(s). Please bear in mind that there may be other legal aspects that you have to consider in addition to obtaining consent from the National Park Authority before undertaking work to trees e.g. you may require the tree owner's consent or may require consent to cross land in order to carry out the work. Whether a tree preservation order is in force or not, if the total amount of timber that you wish to cut down contains more than five cubic metres of wood (as long as no more than two cubic metres of any exempt amount are sold) in any calendar quarter, then you will require a felling licence from the Forestry Commission (contact details on Trees and Woodlands advice page). If a licence is required and the trees are covered by a tree preservation order, the Forestry Commission will deal with your application in consultation with the National Park Authority. The National Park Authority is not responsible for obtaining any other consents that you may need.

We will keep a register of all applications for consent, which is available to the public during officer hours at the National Park Authority office at Grassington.

In order to make an application to the Authority on a tree protected by a tree preservation order you will need to:

- Complete, in a clear way, the relevant form provided by the National Park Authority;
- Support the application by providing an arboricultural consultant's report if we request it.

If you would like assistance before your application we will:

- Provide clear instructions, an application form and an explanatory leaflet from the Department of Communities & Local Government;
- Discuss the application with you at an early stage;

- Provide a list of potential contractors to assist you in finding a contractor to carry out the proposed work;
- If necessary, request a qualified and experienced arboricultural consultant's report;
- Inform you at the earliest opportunity if the dead, dying or dangerous (DDD) 5-day rule might apply.

When we receive your application we will:

- Discuss the application with you;
- If necessary, ask you to provide a qualified and experienced arboricultural consultant's report;
- Inform you at the earliest opportunity if the DDD 5-day rule applies;
- If necessary, put up a site notice;
- Consult with interested parties;
- Respond when we say we will (i.e. within mutually agreed deadlines)
- Process your application within 8 weeks;
- Process your application efficiently and professionally

When the decision has been made we will:

- Send you a decision notice and details about appeals procedures. A decision notice of consent will usually have conditions attached and we will provide reasons for these conditions
- Explain the decision;
- Provide grant aid if available towards work to a tree protected by a tree preservation order that will benefit the tree.

