

Trees and Planning

When a planning application is approved conditions may be attached to the approval in order to protect existing trees during the implementation of the development and beyond. Examples of damage that could occur during the implementation of the planning permission are cutting of the roots during excavation, soil compaction by vehicles or materials, raising or lowering of soil levels, fires, contact with plant equipment, spillage of chemicals etc. When granting planning permission the National Park Authority may consider that it is appropriate to impose conditions that would have the effect of protecting the trees e.g. requiring the erection of protective fencing around the trees during the course of the development or restricting works that would adversely affect them.

In order to make an application to the Authority for works to a tree that is protected by a planning condition you will need to:

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

If you would like assistance before your application we will:

- Provide clear instructions and an application form;
- Discuss the application at pre-application stage;
- Provide a list of potential contractors to assist you in finding a contractor able to carry out the proposed work;
- If necessary, request that you provide a qualified and experienced arboricultural consultants report.

When we receive your application we will:

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

When the decision has been made we will:

- Send you a decision notice;
- Explain the decision.

Enforcement

The National Park Authority is committed to achieving National Park Purposes through co-operation rather than through legislation. However in some cases legal enforcement is required, for example when work is carried out on protected trees without the necessary consent or notification.

The maximum fine that can be imposed on an individual, should a prosecution be successful, is £20,000.

What should you do if you suspect that work has been carried out to a tree without the necessary authority?

- Take some notes about the details of the work e.g. which tree is being damaged, who is doing the work, when the work was done etc.
- Contact the National Park Authority as soon as possible and give us the details that you have;
- We will then investigate the work that has taken place and if necessary proceed with a prosecution;
- We will not mention you to any one else that you have reported the incident to the Authority however we are unlikely to proceed with any action without your name and a means of contacting you. In some instances your evidence may be key to our case e.g. a dispute about who did the felling. However, in many circumstances, it is unlikely that we would need you to be a witness although your support in court might add weight to our case for prosecution if you are willing.