



**The protection of  
amenity trees in  
towns and the  
countryside**

# TREE PRESERVATION

**This leaflet provides general guidance on questions commonly asked about tree preservation by tree owners, the general public and amenity organisations**



## **What is a Tree Preservation Order? (TPO)**

It is a legal order made by the District Council as Local Planning Authority (LPA), which makes it an offence to prune, fell or wilfully damage a tree covered by the order, without the Authority's consent.

## **What trees are covered by an order?**

An order may cover single trees, groups of trees or woodlands. Orders are made to protect selected trees and woodlands where their removal would have a significant impact on the environment and its enjoyment by the public.

There are certain main criteria used in deciding which trees to protect. The trees must afford a reasonable degree of public benefit, there maybe some apparent threat to the trees. Trees can also be protected if considered to be of high amenity value.

***Contact the Council quickly if you discover that trees of public amenity value are under imminent threat.***

## **Can I object to the serving of a new preservation order?**

Yes, objections can be made within 28 days of the order being served. Copies of TPOs are sent to the owners of the trees and other properties and land affected by the order. The Council will formally consider the objections and decide whether or not to confirm the order.

***If you carry out work to a tree with a Tree Preservation Order without first obtaining consent the penalties can be severe.***



## **How do I check if trees are protected by an order?**

The details of all Tree Preservation Orders (TPOs) are stored at the Planning Department. Should you require tree protection information on an address within the Sevenoaks District, please call us on 01732 227000.



## **Penalties for contravention**

The penalties are a maximum fine of £20,000 on summary conviction for an offence which leads to the destruction of a tree, or up to £2,500 on all other offences towards protected trees.

On final decision, fines take account of any financial benefits that may accrue to the offender. A replacement tree will usually be required and the original Tree Preservation Order will normally cover the replacement tree.



## **Trees in Conservation Areas**

All trees in Conservation Areas are protected except trees less than 7.5cms in diameter (measured 1.5m above the ground). **You must notify the Local Planning Authority in writing before carrying out any work to a tree in a conservation area. Failure to do so can lead to a heavy fine.**

After notification, the Local Planning Authority has six weeks in which to consider the proposal. No work must be carried out during this period.



## **Do I always need consent for work to preserved trees?**

Yes, except for these main categories:

- Trees which are dead, dying or dangerous. But, at least 5 days written notice must be given to the LPA before work takes place, except in an emergency, in order that the condition of the tree can be verified.
- Trees, which are directly in the way of development, that is about to start for which detailed planning permission has been already granted.

## **How do I apply for consent?**

Any pruning work to a TPO tree must first be formally applied for using an application form. The information you provide needs to explain the type of tree work proposed, the reasons for it and the location of the trees, preferably with a simple sketch plan.

Consult a tree surgeon to clarify what work is required, and submit a copy of the tree surgeons report with your application, if appropriate.

The Tree Officer will then make a site visit and then provide a written response to the proposed works.

## **What is a Felling Licence?**

If you are felling more than 5 cubic metres of timber on your land per calendar quarter a Felling Licence is required from the Forestry Commission.  
Tel: 01580 211123





## **Whose responsibility are the protected trees?**

The owner remains responsible for the trees, their condition and any damage they may cause. The Council does not assume liability for the trees when it makes a preservation order.

## **Obtaining specialist advice**

Some tree contractors are not properly qualified. Careless pruning can harm or even kill a tree that may have taken decades or centuries to grow. It is important to seek qualified advice on tree health and condition before carrying out any work. To verify that a tree surgeon is competent you should ask for evidence of formal qualifications and references from sites where the company has done work similar to that which you require. It is crucial that a contractor has proof of current insurance. The Arboricultural Association has a list of approved contractors on their website: [www.trees.org.uk](http://www.trees.org.uk)



## **Planning applications**

Trees covered by an order are a 'material consideration' in determining a planning application. The planning authority will consider the risk to the protected trees and their amenity value before granting permission for an application.

## **Can hedgerows be protected?**

Certain hedgerows on farmland are protected under the Hedgerows Regulations of 1997. These rules make provision for the protection of important hedgerows. It is illegal to remove some countryside hedgerows without permission from the LPA. To merit protection a hedgerow must fulfill





certain criteria. Firstly the hedge must have existed for 30 years or more. The hedge must also contain certain woody species such as Hawthorn, Blackthorn, Hazel, Field Maple and Guelder Rose. The hedge may also contain species of protected birds and animals. If the hedge is connected to a pond, woodland and other hedgerows this increases its importance. The hedge can also be associated with features such as an archaeological site.

## **Trees and the environment**

Trees are an integral part of the character and history of Sevenoaks District. They create a diverse range of habitats for wildlife in the countryside and also within the urban environment. Trees provide shelter, help to reduce air pollution as well as enhance the visual amenity of an area.

There are many pressures on trees today such as drought, flooding, road and building development. It is vital to maintain a balance between the needs of society in terms of housing and the needs of trees and their related environment.

Tree Preservation Orders are an important element in this process, protecting trees for the benefit of people in Sevenoaks District today and also for future generations so that they may have the benefit of a wooded landscape.

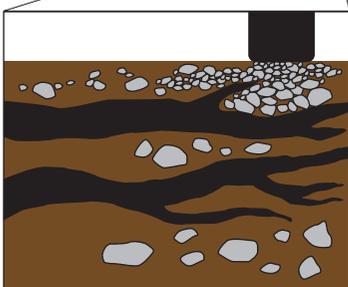
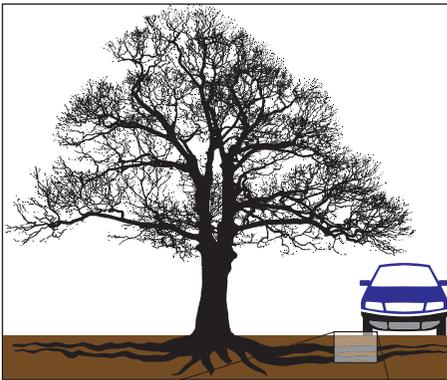


## How do I preserve trees?

If you have trees in your garden or in the neighbourhood that you consider have public amenity benefit or are under threat, there are a number of criteria that can be used to assess their worthiness for protection under a Tree Preservation Order.

These range from size, age, rarity, visual attractiveness, visibility from a public space, importance for wildlife to more subtle reasons such as historical connections and significance for the local community.

If you have trees that you wish to preserve please write to the Tree Officer clearly stating your reasons. The trees can then be assessed for a possible TPO.



## Tree Roots & Compaction

- a) Tree roots are wide spreading, extending radially in any direction for distances in excess of the tree's Crown. Roots grow mainly near the soil surface. Most roots especially the structural support roots are in the upper 60cm of soil. Construction work within the rooting area should be avoided, as this can affect tree stability and health.
- b) Compaction of the soil by pressure from vehicles and pedestrians can kill trees. Compaction causes soil aggregates to be compressed together which plugs the pores between soil particles causing the loss of air spaces. This affects root growth by retarding air and water movement within the soil. Compaction causes root death and as a symptom branches of the tree may die back.

**This publication is available  
in large print. For a copy call  
01732 227414**

This leaflet is also available on the  
Council Website.

If you have any further questions  
or requests for information please  
contact the Council with your query  
on **01732 227000**

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