The District Council has duties and responsibilities under the Town and Country Planning Act, Government Regulations and Guidance to protect trees within its administrative area in the interest of amenity. These duties and responsibilities extend to making Tree Preservation Orders (which in general makes it an offence to cut down, uproot or prune a tree on your property you must give the Council six weeks' written notice before carrying out any work. The Council's Arboricultural Officer will assess whether the proposed work can be carried out and will use the following criteria:

- Will the works have a detrimental landscape impact within the conservation area?
- Are the works justified on grounds of condition etc?
- If refusal is considered, is the tree of sufficient quality and public amenity value to be protected by a Tree Preservation Order?

There is a register of works to conservation area and TPO protected trees published on our website within the Council's weekly register of Planning and Tree Works Applications and Decisions.

For further information, please contact the Trees and Woodlands section on 01727 866100 or email trees@stalbans.gov.uk.

Criteria for determining Conservation Area Notifications

A tree becomes protected by a conservation area if it has a trunk diameter exceeding 75mm when measured at chest height (approx. 1.5m above ground level). If you live within a conservation area and wish to cut down, uproot or prune a tree on your property you must give the Council six weeks' written notice before carrying out any work. The Council's Arboricultural Officer will assess whether the proposed work can be carried out and will use the following criteria:

- Will the works have a detrimental landscape impact within the conservation area?
- Are the works justified on grounds of condition etc?
- If refusal is considered, is the tree of sufficient quality and public amenity value to be protected by a Tree Preservation Order?

The maximum fine for the wilful destruction of a TPO or conservation area tree is £20,000 per tree. Wilful damage carries the maximum fine of £2,500 per tree.

Trees in conservation areas

There are 19 conservation areas in St Albans District at present, a list of the current conservation areas and maps of each area can be viewed online on our District Map Service. Because trees are an important part of the landscape within a conservation area they are protected under the Town & Country Planning Act 1990 as described below.

The Council has up to eight weeks to determine applications for works to TPO trees. It has six weeks to determine a Conservation Area Notification. The Council can refuse permission for TPO works but in the case of conservation area trees, it can only refuse if it serves a TPO to protect the affected trees. There is a right of appeal for TPO tree works application refusals.

Appeals must be made to the Planning Inspectorate within 28 days of the Council's refusal decision. Appeal application forms can be found on the Planning Portal website: www.planningportal.co.uk.

Finding out about protected trees

If a TPO has been applied to a tree on a property, the owner will have been informed at the time the order was made. If the purchase of a property is made after the order came into force, the order should be revealed on the property search at the time of purchase.

You can check the status of trees on a mapping system on our District Map Service using the Map Layers and selecting Tree Preservation Orders under Planning Constraints. Please note the accuracy of the mapped tree positions cannot be guaranteed, so if in doubt contact the Arboricultural Officer on 01727 866100 or email trees@stalbans.gov.uk.

There is a register of works to protected trees published on our within the Council’s weekly register of Planning and Tree Works Applications and Decisions.

Asking for a tree to be protected

If an important tree is believed to be under threat – from neglect or because of development nearby, for instance – a request can be made to the Arboricultural Officer for a preservation order to be placed on the tree(s).
Please provide the following information:

- the address where the tree is to be found;
- the exact location of the tree within the property;
- any information about the type/size of the tree;
- the reason(s) why the tree is believed to be at risk.

The Arboricultural Officer will carry out a tree survey and inspection. This will include a life expectancy and amenity evaluation, placing a value on the tree as an environmental asset. There is no charge for this.

**How is a TPO made?**

After the tree has been inspected, the Council will decide if a preservation order should be made. If an order is made, notices are served on the owner of the land and the adjoining landowners if tree canopies overhang across their boundary.

**Objecting to a TPO**

If the order relates to a tree on your property, an objection must be made within 28 days of receipt. If this happens, the proposed order and objection are reported to the relevant area Planning Committee, which you can attend. The Planning Committee will then consider your objections before deciding whether or not to confirm the TPO.

If the Committee decides to approve the order, there is no right to further appeal to the Council. Aggrieved parties can make an application to the High Court if they believe:

- the TPO is not within the powers of the Town and Country Planning Act 1990;
- the requirements of the 1990 Act or Town and Country (Trees) Planning Regulations 1999 have not been complied with in relation to the Order.

For a full explanation of your rights in such cases please contact the Arboricultural Officer on 01727 866100 or email at: trees@stalbans.gov.uk.

St Albans City & District Council 2013 (Rev 2019)