WORKING ON TREES SUBJECT TO A TREE PRESERVATION ORDER OR WITHIN A CONSERVATION AREA BUT NOT WITHIN THE APPLICANTS OWNERSHIP.

Tree Preservation Orders

- The applicant should inform the owner of the land on which the trees are growing that an application is to be made to carry out work to the trees.
- The granting of consent means that the works are acceptable in arboricultural and planning terms. It does not give the applicant an automatic legal right to carry out the work.
- In this instance, the question of ownership is a civil matter rather than a planning issue; the applicant must obtain the landowner's permission in addition to any consent under the tree preservation order.
- Any consent granted under the tree preservation order relates to the land on which the trees are growing. In other words, the landowner may also carry out the consented works if they so wish.

Trees in a Conservation Area (But not subject to a tree preservation order)

- The person submitting the 'Notice of Intent' should inform the owner of the land on which the trees are growing that a 'Notice of Intent' is to be submitted.
- In the event of no objections being raised or a tree preservation order not being served, this means that the work is acceptable in arboricultural and planning terms. It does not give the person submitting the 'Notice of Intent' an automatic right to carry out the work. If the trees are not in the ownership of the person giving Notice, then the landowner's permission must also be obtained.
- Any 'Notice of Intent' relates to the land on which the trees are growing. In other words, the landowner may also carry out the work described in the 'Notice of Intent' if they so wish.

If you have any doubts or are unsure of anything, you are advised to seek independent legal advice.

