Ards and North Down Borough Council

Planning Department
2 Church Street
Newtownards
BT23 4AP

Guidance Notes - Application for Works to Protected Trees (WPT)

Work to trees Subject to a Tree Preservation Order (TPO) or planning condition and also notification of proposed works to trees in a Conservation Area. (CA)

This form provides supplementary guidance and explanatory notes to accompany the Application for Tree Works form

Electronic Communication

If you submit this form electronically (by email or through the Northern Ireland Planning Portal) the Council will take it that you have agreed that they may communicate with you in the same manner. This may include the issuing of their decision. You may cancel this agreement by writing to the Council and ask them to stop communicating with you.

1 & 2. Applicant Name and Address/Agent Name and Address

You may submit the application yourself; you do not have to use an agent, nor do you have to be the owner of the tree(s). Complete both boxes if the application is being submitted by an agent (e.g. a friend, relative or technical adviser who is acting on the applicant's behalf).

Please be aware that the Council will hold your name and contact details in order to progress your report or as part of its public task duties. Information regarding your privacy rights and how to contact the Council's Data Protection Officer is available at: dataprotecton@ardsandnorthdown.gov.uk or tel: 0300 013 3333.

Your tree work contractors name should not be entered here unless they are handling the application on your behalf. All correspondence, including the decision letter, will be sent to your agent if you have one otherwise we will deal with you as the applicant. Any arrangements for a site visit, if required, will also be made through your agent.

3. Tree Location

If the trees grow in more than one property, or if a tree straddles the boundary between two properties, you should enter the details of the second address here. If trees grow on any other properties, enter those addresses in the space at the bottom of this question.

4. Tree Ownership

You don't have to own the tree(s) to apply for consent but it is good practice to let the owner know what you are proposing. You will still need to get the necessary agreements or permissions from the owner before carrying out any work permitted by the Council. The owner of the tree is usually the owner of the land on which it grows. Please provide their address if it is different from the address of the site where the tree(s) stands that you have already entered into question 3.

Please provide an explanation separately of tree ownership where a tree is on a boundary and is the joint responsibility of the applicant and the neighbour, or where consent is sought for trees on both properties.

5. What are you applying for?

Refer to the leaflet Tree Preservation Orders: ***A Guide to Protected Trees***. In Conservation Areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5 meters from the ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees).

6. Tree Preservation Order details

The Council may be able to help you answer this question. You should find the title and TPO reference number at the top of the order and any related correspondence. Please refer to the Councils Interactive map which provides information of all the TPO's within the Borough and this can be found at: Tree Protection in ANDBC – Tree Preservation Orders and Conservation Areas.

7.Identification of Tree(s) and Description of Work Identifying the tree(s)

Please give the species of the tree, if known (e.g. oak); Latin names are not required. Where known, use the numbering of trees from the first Schedule of the TPO.

Poor Tree Surgery

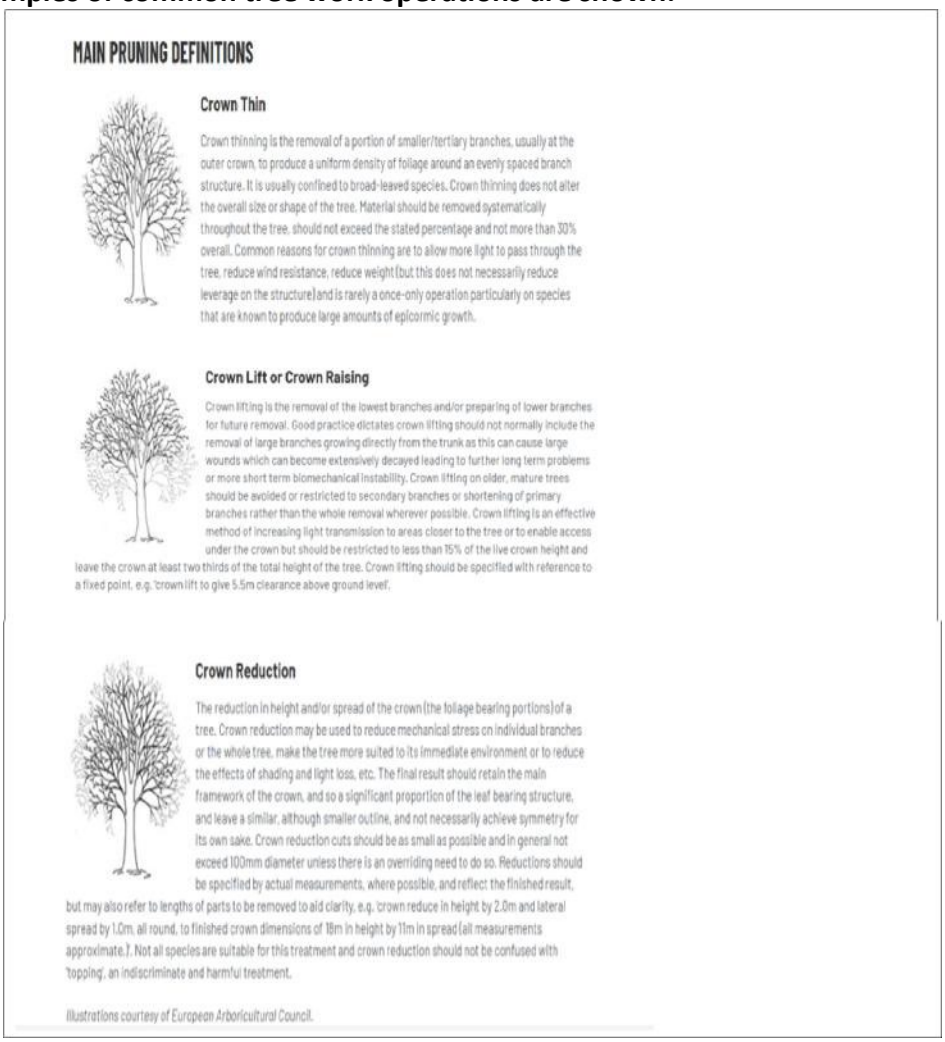
Proposals that would endanger the health or condition of a tree or greatly reduce its amenity value to the local environment are unlikely to be allowed unless there are strong reasons to do so.

Describing the works and reasons

Please make sure that you clearly state to which tree the descriptions of works and reasons apply. Works may include felling, crown reductions in height and/or end weight (all reductions must be specified in metres), removal of deadwood, hanging branches, crown lifting (All lifts just be specified in metres). Reasons must be given for work to trees protected by a TPO. For trees in Conservation Areas, giving reasons for the work would be helpful, but is not mandatory.

It is vital that you clearly specify the works you want to carry out for the tree included in your application. A proposal simply to 'cut back' 'lop' or 'trim' some branches is too vague because it fails to indicate the extent of the works. BS 3998:2010 Tree Work Recommendations, table B1, PS4 may be helpful when considering management objections and commonly applied pruning options.

Examples of common tree work operations are shown:



MAIN PRUNING DEFINITIONS

Crown Thin

Crown thinning is the removal of a portion of smaller/tertiary branches, usually at the outer crown, to produce a uniform density of foliage around an evenly spaced branch structure. It is usually confined to broad-leaved species. Crown thinning does not alter the overall size or shape of the tree. Material should be removed systematically throughout the tree, should not exceed the stated percentage and not more than 30% overall. Common reasons for crown thinning are to allow more light to pass through the tree, reduce wind resistance, reduce weight (but this does not necessarily reduce leverage on the structure) and is rarely a once-only operation particularly on species that are known to produce large amounts of epicormic growth.

Crown Lift or Crown Raising

Crown lifting is the removal of the lowest branches and/or preparing of lower branches for future removal. Good practice dictates crown lifting should not normally include the removal of large branches growing directly from the trunk as this can cause large wounds which can become extensively decayed leading to further long term problems or more short term biomechanical instability. Crown lifting on older, mature trees should be avoided or restricted to secondary branches or shortening of primary branches rather than the whole removal wherever possible. Crown lifting is an effective method of increasing light transmission to areas closer to the tree or to enable access under the crown but should be restricted to less than 15% of the live crown height and leave the crown at least two thirds of the total height of the tree. Crown lifting should be specified with reference to a fixed point, e.g. 'crown lift to give 5.5m clearance above ground level'.

Crown Reduction

The reduction in height and/or spread of the crown (the foliage bearing portions) of a tree. Crown reduction may be used to reduce mechanical stress on individual branches or the whole tree, make the tree more suited to its immediate environment or to reduce the effects of shading and light loss, etc. The final result should retain the main framework of the crown, and so a significant proportion of the leaf bearing structure, and leave a similar, although smaller outline, and not necessarily achieve symmetry for its own sake. Crown reduction cuts should be as small as possible and in general not exceed 100mm diameter unless there is an overriding need to do so. Reductions should be specified by actual measurements, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g. 'crown reduce in height by 2.0m and lateral spread by 1.0m, all round, to finished crown dimensions of 18m in height by 11m in spread (all measurements approximate.)'. Not all species are suitable for this treatment and crown reduction should not be confused with 'topping', an indiscriminate and harmful treatment.

Illustrations courtesy of European Arboricultural Council.

Planting replacement trees

Unless there are good reasons, a condition is usually made for a replacement tree to be planted when granting consent to remove a tree protected by a TPO. Please use this opportunity to show your preference of tree should the Council approve your application and apply such a condition. The Council will encourage, where possible, the planting of native broadleaf trees.

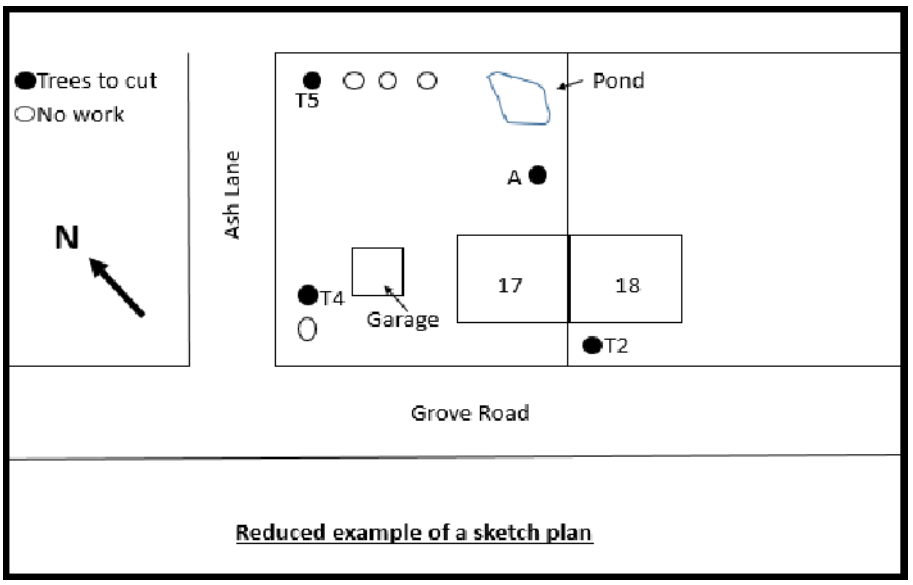
8. Additional Information

When setting out the reasons for proposed works to trees protected by a TPO, please provide sufficient evidence to support your case. It is up to you what you provide but this evidence may be in the form of a 'Tree Health and Condition Survey' or recommendations from a qualified arborist or tree surgeon in accordance with BS5837:2012 paragraph 4.4.2.5

Note that failure to supply precise and detailed information may result in your application being rejected or a delay in dealing with it. Additional information should be posted or hand-delivered at the same time as the form or supplied electronically in support of your application. Applications cannot be processed until all mandatory information is received by the Council.

Map or Sketch Plan identifying the trees

You must provide a map or sketch plan clearly identifying the relevant tree(s) on site. It should show site boundaries and adjoining properties (including house numbers or names) and road names. It is not necessary to draw a scaled plan, but it may be useful to show approximate distances between tree(s) in question and other relevant features, including buildings. If possible, include an arrow showing north and add the numbering used in question 7 (if applicable).



It may be helpful to show other trees in the garden to help the Council identify the trees on the form. If there are many trees, it is important to make clear which tree(s) you want to work on.

If it is not possible to identify the trees accurately on the plan (e.g. because they are part of a woodland or group of trees), please specify their approximate location on the plan and explain how the tree(s) has been marked on site (e.g. coloured tape, tree tags). The bark of trees must not be damaged e.g. by scarring or cutting into the bark.

Photographs can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt, e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.

Unless the Council agree in writing that the tree(s) is of very low amenity value you must provide the information (detailed above) when your application relates to the condition of the tree or damage that it is causing.

Condition of tree(s)

If the work to be carried out is as a result of the presence and impact of pests, diseases or fungi this should be described in written evidence or diagnostic information from an arboriculturist or other appropriate expert. Arboricultural evidence must be provided to support applications that suggest the tree has defects that may be of concern to keep current or future safe retention of the tree(s) or parts of the tree(s).

Subsidence

Reports will usually be provided by a structural engineer and/or a chartered surveyor and be supported by technical analysis from other experts e.g. for root and soil analysis. These reports must include the following information:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted.
- Details of any previous underpinning or building work, the geological strata for the site identified from the geological map.
- Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building.
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack- monitoring data. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s).
- A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics.
- The sub-soil characteristics including soil types (particularly that on which the foundations rest), liquid limit, plastic and plasticity index.
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.
- Proposals and estimated costs of options to repair the damage.

In addition, you must include a report from the Arboriculturalist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree related damage.

Other Structural Damage

Technical evidence in respect of other structural damage (e.g. garden walls, drains, paving, and drive surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert.

9. Authority Employee/Member

You must declare whether the applicant or agent is a member of the Council staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

For the purposes of this question, 'related to' means related, by birth or otherwise, closely enough that a fair-minded and informer observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision maker in the Council.

10. Application for Tree Works - Checklist

You may find it helpful to use this checklist to make sure that you have given the Council all the required information.

11. Declaration

Please sign, print your name and date your application.

12. Applicant contact details

Please provide contact information for the applicant.

13. Agent contact details

Please provide contact information for the agent if one involved.

What happens next?

Tree Preservation order applications

The Council will usually carry out a site visit to help them assess the proposed works. They may discuss alternative works with you. You will have a right of appeal to the planning appeals commission where the Council has not issued a decision within either eight weeks or four months of your submission or valid application, depending on the age of the TPO.

You should confirm with your Council which period applies; alternatively you can agree an extended period with them. Details of these processes can be found in the leaflet Protected Trees: A Guide to Tree Preservation Procedures mentioned in 'Further Information' earlier on this guidance.

Conservation Area Notices

The Council has six weeks within which they can object to proposals. This gives the Council the opportunity to protect trees of amenity value, which may be harmed by the proposed works. A site visit is usually carried out.

The Council can only object formally by making a TPO on the tree(s) concerned. In many cases, where the Council feel that works are inappropriate, they may discuss alternative work with you.

If you do not receive a decision within six weeks of your notice you may carry out the only the works for which you gave notice.

If a TPO is made this will prevent you doing work without making an application for consent. You will have the right to object to the TPO and the Council will provide details on how to do this.