

Protected Trees - Frequently Asked Questions

What is a tree? (When does a large bush/ shrub become a tree)

A tree is not defined within the Planning Act (Northern Ireland) 2011. It has generally been agreed that a tree is a woody perennial plant on a single stem, which can attain a considerable height.

What is a protected tree?

A tree protected by a Tree Preservation Order (TPO) or by Conservation Area designation or by a planning condition attached to a planning permission.

What type of trees can be protected?

All types whether an individual tree, a tree group or those located within a woodland. Hedges, shrubs and bushes are not protected. Evergreen trees may also be considered for protection.

How can I find out if a tree is protected?

You can check the Council's website at; [Tree Protection in ANDBC – Tree Preservation Orders and Conservation Areas](#)., contact the Council's Tree Officer or the Planning Service on tel: 02891824006 or via email: planning@ardsandnorthdown.gov.uk or call into the Council Office at Church Street, Newtownards, and speak with the duty planner.

What is a Tree Preservation Order? (TPO)

A TPO is a statutory protection afforded to trees under the Planning Act (Northern Ireland) 2011 (the Planning Act) which aims to protect the amenity value of a tree(s).

What is the purpose of a Tree Preservation Order? (TPO)

TPOs are imposed to protect trees, groups of trees or woodlands that add to the character and appearance of an area and the wider environment. A TPO aims to protect the amenity value of a tree(s).

What restrictions are there on doing work to trees in Conservation Areas (CA)?

Trees protected by virtue of a CA designation are protected as if a Tree Preservation Order (TPO) is in place. If works are proposed to trees located within a CA, you must notify the Council of intent to carry out works **six weeks** prior to works commencing.

What is a Condition on a Planning Permission?

Planning conditions are specific requirements attached to a planning permission that control how a development is carried out. They can afford protection to trees by requiring retention or protection during construction works .

Does a TPO come into effect immediately?

A TPO comes into effect when the notice has been served. A provisional TPO lasts for six months and within this time, the Council must decide whether to confirm the TPO with or without modifications or not confirm the TPO.

How will I know when the Planning Authority has made a new TPO?

If you are the owner of the tree(s) affected, the requester, an occupier of the land, a neighbouring landowner or an interested party, you will receive notification that a TPO has been served. Otherwise, you can review the Council's interactive map (see Appendix 4).

How can I object to or support a TPO?

There is a 28-day period from the date of service of a TPO to make representations to the Council in support of or in opposition to its imposition. Such representations can be made in writing to the Council or via email – see details in Appendix 4.

Who is responsible for looking after the trees?

It is the owner of the land that the tree(s) is situated on who is responsible for the management, maintenance and safety of their trees.

How can I check if an owner has permission to carry out works to a protected tree?

You can contact Planning Service directly by telephone or visit the Council's website where consents that have been issued to carry out works to protected trees are available to view – see details in Appendix 4.

How do I get permission to work on a protected tree?

If works are required to protected trees, a tree works application must be made to the Council for assessment. When a tree works application is received, a site inspection is carried out, a full assessment of the proposed works completed and a decision issued.

It is important to clearly specify the exact works being requested to each individual tree and provide information to support your application. The Council would recommend that you consult with a tree surgeon or arboriculturalist who can advise on tree works.

Do I always need Planning Service permission to work on a protected tree?

There are certain circumstances where consent is not required to carry out works to protected trees. It is recommended in the first instance that you contact Planning Service's Tree Officer to discuss the works proposed and to confirm if a tree works application will be required.

A tree in my garden is showing signs of disease. It is protected. Does this mean I cannot carry out the necessary work?

The fact that a tree is protected does not negate the need to manage and maintain it or carry out works that may be required for safety reasons. A tree works application, however, will need to be made to the Planning Service for assessment.

Will I have to plant a replacement tree?

Replacement planting will be specified at the discretion of the Council's Planning Service. If consent is issued, a condition may be attached which requires replacement tree planting to be carried out. If requiring replacement planting, consideration will be

taken of the type of tree and its location. You have a right of appeal to the Planning Appeals Commission (PAC) if you do not agree with any conditions attached to a consent notice. An appeal should be made within four months of the date of the decision. A planning condition may also be attached to a planning permission which requires replacement tree planting to be carried out. See contact details for the PAC in Appendix 4.

What if I carry out work on a protected tree without permission/notification to the Council?

It is a criminal offence to carry out works to a tree protected by a Tree Preservation Order (TPO) and/or Conservation Area (CA) designation and you could be liable to a fine of up to £100,000 per tree.

What if my application to carry out work is refused?

If refused, you have a right to appeal to the Planning Appeals Commission (PAC). An appeal should be made within four months from the date of the decision.

A neighbour's trees are overhanging my garden. Can I cut them back?

Provided the tree is not protected you may prune the branches back to the boundary line, however, you may wish to seek legal advice in relation to this. If the trees are protected, you will need to submit a tree works application to Planning Service for assessment prior to carry out works. Planning Service will make assess the appropriateness and acceptability of the tree works being requested and will issue a decision to you to authorise or refuse the tree works – only in relation to those branches overhanging your property.

There is a tree in the pavement outside my house. Who is responsible for its maintenance?

The owner will be responsible for management, maintenance and safety of this tree. Given that the tree may be considered a street tree, responsibility may rest with the Council's Parks Service or DFI Roads and you may wish to make contact to outline your concerns. See contact details for each in Appendix 4.

A tree on land adjoining my property looks dangerous and I am concerned that it may damage my property. What can I do?

The owner is responsible for the management, maintenance and safety of this tree. You are recommended to speak with the owner in the first instance to outline your concerns. If you do not know who owns the tree, it is recommended that you contact the Land Registry Section of Land and Property Services who can confirm the land ownership details for you – see contact details in Appendix 4. If you have spoken to the owner without success, you may have to contact a solicitor for advice.

How can I be sure that a tree surgeon will do a good job?

Always use a reputable contractor who is properly trained, equipped and insured. Ask to see references, insurance and test certificates.

How are trees on development sites protected?

Trees can be protected by a TPO or CA designation which is a material consideration when assessing a development proposal. When Council grants planning permission

for development on a site where trees are considered important, it may protect the trees' retention through use of planning conditions.

Can I stop planning permission being granted by getting a TPO imposed on trees on the site?

No, a TPO does not prevent planning permission being granted. When assessing a planning application, Planning Service will assess the impact upon existing trees located on the site to be retained, whether protected or not. If planning permission is granted, with the exception of outline planning permission, a TPO will no longer apply to those trees that require removal for the purpose of carrying out the development authorised by that planning permission.

Is Planning Service responsible for High Hedges under the High Hedges legislation?

No. The High Hedges Act (NI) 2011 is the responsibility of the Council's Licensing and Regulatory Service who can be contacted on tel: 0300 013 3333 or via email at: licensing@ardsandnorthdown.gov.uk

Glossary

Ancient or veteran tree: A tree which, because of its great age, size or condition is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites.

Amenity: A broad concept that refers to the pleasant or satisfactory aspects of a place which add positively to its overall character and to the enjoyment of residents or visitors.

Arboricultural Impact Assessment: An assessment carried out in accordance with BS5837 (2012) of the effects of a development on trees within or near the site.

Arboricultural Method Statement: A method statement produced in accordance with BS5837 (2012) which details any special measures required to protect trees such as barriers, ground protection or special digging or construction techniques.

Arboriculture: The management of individual trees or groups of trees primarily for their amenity value.

Arboriculturist: A specialist who deals with all aspects of growing and managing trees other than as a timber crop.

BS 5837:2012 BSI Standards Publication – Trees in relation to design, demolition and construction – Recommendations.

Canopy / crown: The branches and foliage of trees.

Cellular Confinement System: A proprietary solution for providing ground stabilisation and protection which can be used to protect soils and tree roots from damage and compaction.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Conservation Area: Areas of special architectural or historic interest, the character, appearance or setting of which it is desirable to preserve or enhance, as designated by the planning authority under legislation.

Construction Exclusion Zone (CEZ): Area to be protected during development by the use of barriers and/or ground protection.

Coppice: Trees or shrubs cut near to ground level and left to regenerate from the stool.

Crown spread: The crown spread of a tree is the distance its branches spread away from its trunk. It is usually measured at the four cardinal points to record an accurate representation of the crown which may not be symmetrical.

Crown / canopy: The branches and foliage of trees.

Crown cleaning: The removal of deadwood from the crown of a tree.

Crown lifting: The removal of limbs and small branches to a specified height above ground level.

Crown reduction: A specified reduction in crown size which preserves as far as possible the natural shape of the tree.

Crown thinning: The removal of a proportion of secondary branch growth throughout the crown to produce an even density of foliage and a well-balanced branch structure.

DBH (Diameter at Breast Height): Stem diameter measured at a height of 1.5 metres above ground or the nearest measurable point. Where measurement at a height of 1.5 metres is not possible, another height may be specified.

Deadwood: Branch or stem wood bearing no living tissue.

Defect: Any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsound.

Development: Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Dieback: The death of parts of a woody plant which starts at the tips of shoots or roots.

Disease: Malfunction in or destruction of tissues within a living organism usually caused by pathogenic micro-organisms.

Girdling: A root which circles and constricts the stem or roots causing damage to tissue and preventing the development of a good supporting root system.

Girth: The circumference of a tree typically measured at 1.5 m above ground (diameter at breast height) for established trees but commonly at 1m above ground when specifying nursery stock.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of benefits for local communities – environmental and delivering towards quality of lives. Green Infrastructure also encompasses water-based environments such as rivers and smaller watercourse systems, coastal environments, reservoirs, wetlands, ponds and urban Sustainable

Drainage systems. These are sometimes known as blue infrastructure or blue spaces

Health and Condition Tree Survey Report: A survey carried out to BS5837 (2012) showing the location, size, species, condition, quality/value, life expectancy, canopy spread and root protection area of trees.

Lopping: the removal of branches or reduction in length of large branches from a tree.

Material consideration: a matter which the decision maker must take into account when assessing a planning application.

Minor deadwood: dead wood of a diameter less than 25mm and/or considered unlikely to cause significant damage upon impact.

Mulch: Material laid down over the rooting area of a tree to help conserve moisture and suppress weed competition. May consist of organic matter or sheet materials.

Natural Capital: term defining the wide range of benefits derived from nature, either directly or indirectly bringing value to people and the area. For example - providing us with food, clean air and water, wildlife, energy, wood and recreation.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Origin: The geographic location within the natural range of a species where the parent seed source or their wild ancestors originally grew.

Pathogen: A micro-organism which causes disease in another organism.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Planning Act (Northern Ireland) 2011)

Planning agreement: A legal agreement made under Section 76 of the Planning Act (Northern Ireland) 2011

Plantation: A woodland which has originated from planting, often to produce timber.

Pollard / pollarding: A tree cut once or repeatedly – traditionally at a height above which grazing animals can reach the regenerating shoots. The removal of the tree canopy back to the stem or primary branches.

Provenance: The place in which any tree or shrub, whether indigenous or non-indigenous, is growing.

Pruning: The removal or cutting back of twigs or branches.

Root-collar: The transitional area between the stem and roots.

Root protection area (RPA): An area of ground surrounding a tree that contains sufficient rooting volume to ensure the tree's survival. Calculated with reference to BS5837 (2012).

Root zone: The area of ground/soil containing roots.

Stool: the stump of a coppiced tree, a living stump which supports new shoots

Stress: A condition under which one or more physiological functions are not operating within their optimum range, for example due to lack of water or nutrients or extremes of temperature.

Structural roots: Roots generally having a diameter greater than ten millimetres that contribute significantly to the structural support and stability of the tree.

Topping: The reduction in the height of a tree by the removal of the upper parts of the stem and/or main branches.

Tree Survey: A survey (also referred to as a Health and Condition Tree Survey) carried out to BS5837 (2012) showing the location, size, species, condition, quality/value, life expectancy, canopy spread and root protection area of trees.

Tree Constraints Plan (TCP): A plan drawn in accordance with BS5837 (2012) showing the location, size, species, condition, current and future canopy spread, root protection area and (optionally) shade pattern of trees suitable for retention.

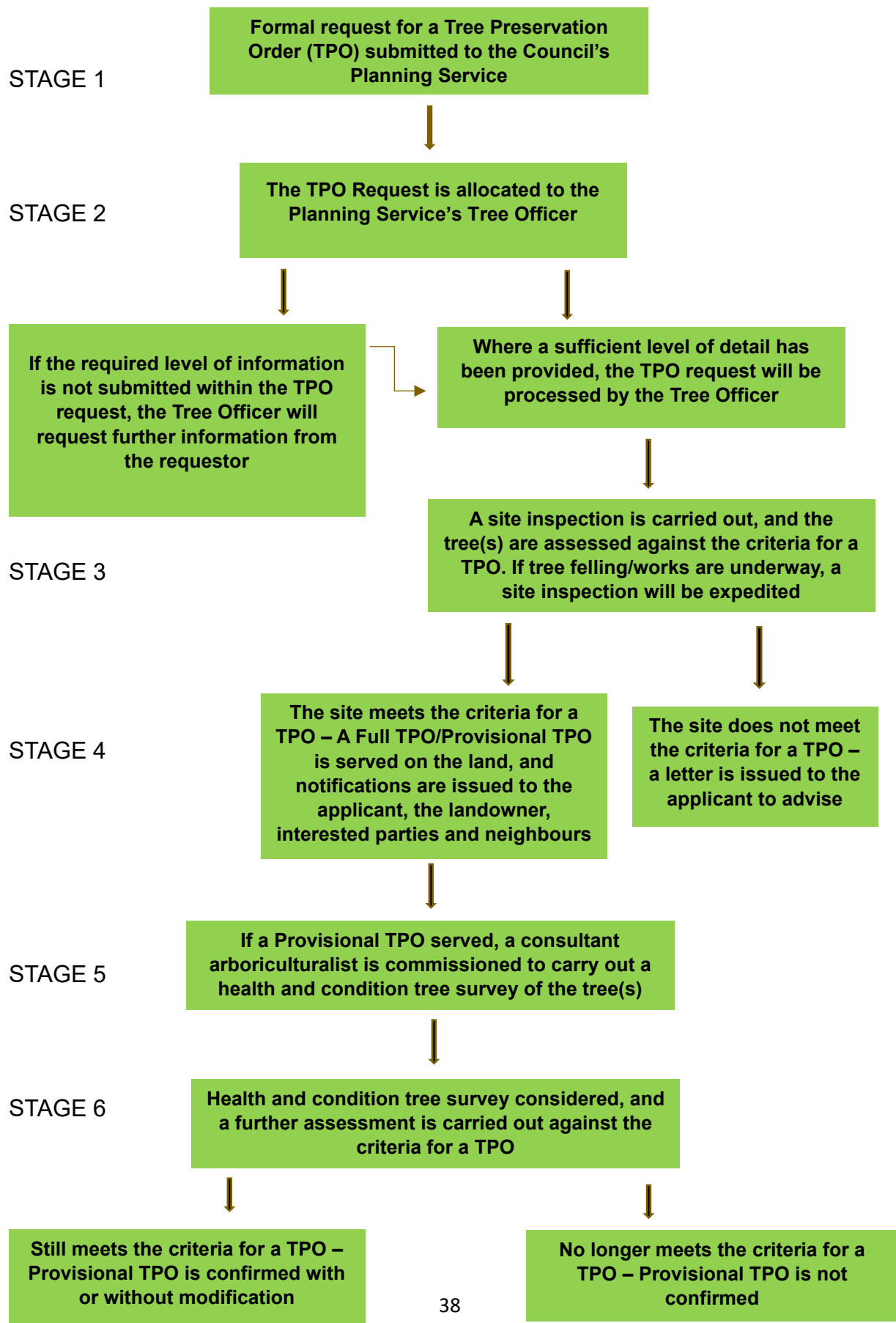
Tree Protection Plan (TPP): A plan drawn in accordance with BS5837 (2012) showing the location, canopy spread and root protection areas of trees to be retained together with the measures proposed to protect them including barriers, ground protection and special construction methods where appropriate.

Tree Preservation Order: An order made under Section 122 and 123 of the Planning (Northern Ireland) Act 2011 (or Article 65 or 65A of The Planning (Northern Ireland) Order 1991) to protect individual trees or trees within an area, group or woodland from deliberate damage and destruction where those trees are important for the amenity of the area.

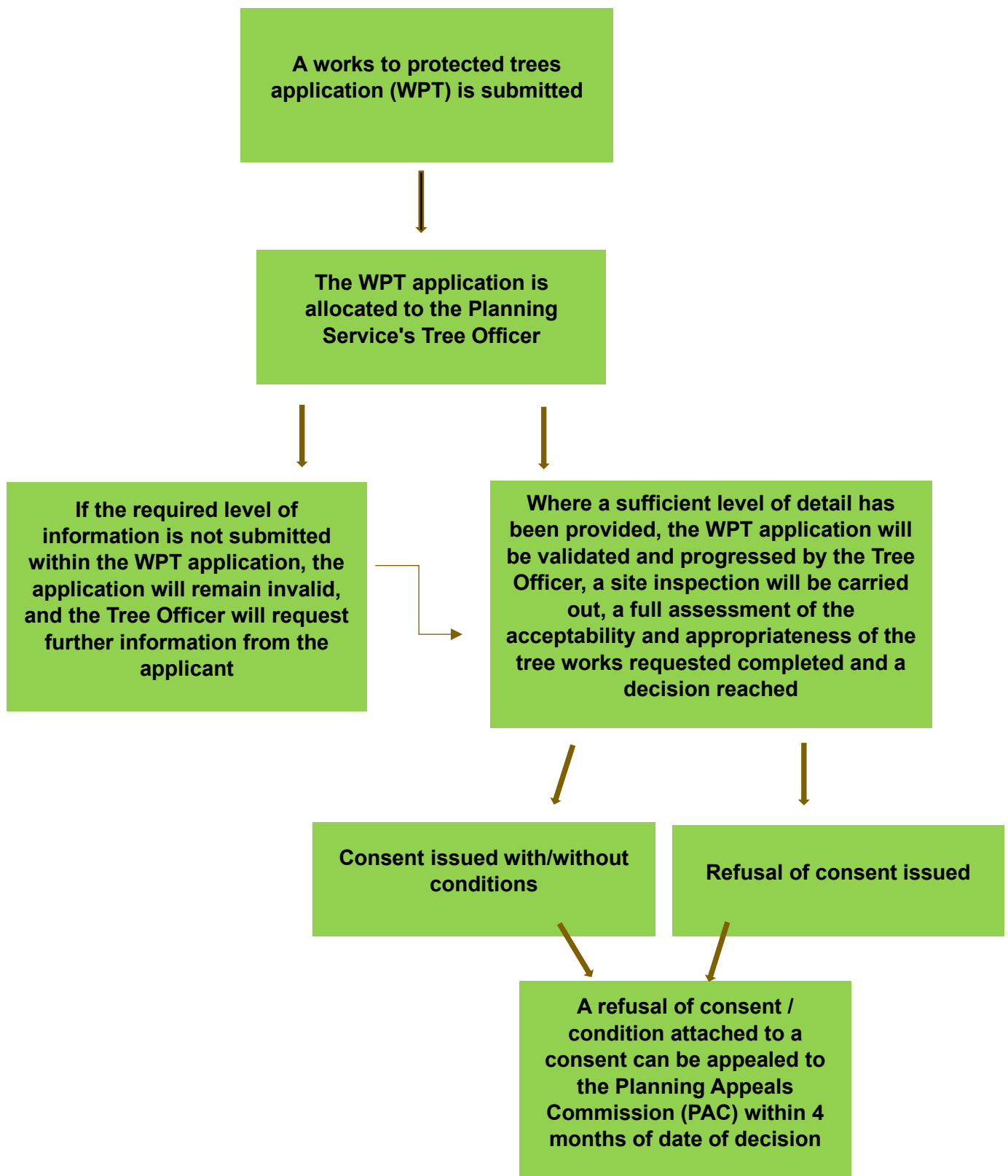
Veteran Tree: a mature tree that displays characteristics of ancient trees, providing significant ecological, cultural, and historical value, even if it is not extremely old.

Windthrow: The blowing over of a tree at its roots.

Appendix 1 –Tree Preservation Order (TPO) Process



Appendix 2 – Making a works to protected trees (WPT) application



Appendix 3 – Types of common tree works



Crown Thin

Crown thinning is the removal of a portion of smaller/tertiary branches, usually at the outer crown, to reduce density.

Crown thinning does not alter the overall size or shape of the tree. Common reasons for crown thinning are to allow more light to pass through the tree and reduce wind resistance. Applicants should specify the amount of thinning as a percentage of the leaf area, with usually no more than 30% consented to.



Crown Lift

Crown lifting is the removal of the lowest branches with good practice dictating that this should not include large branches growing directly from the trunk.

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.

The ratio of the living crown to total tree height should ideally be at least two-thirds (e.g., a 18m tree should have living branches on at least the upper 12m). The distance from the existing ground level to the desired height of the start of the crown (in metres) should be specified.



Crown Reduction

The reduction in height and/or spread of the crown with the final result retaining the main network of the crown. The outline of the tree should remain as before although smaller.

Reductions should be specified by actual measurements, where possible, and 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 (approx.).

Appendix 4: Important Contacts

To make a request for a TPO or to apply for works to trees protected by a TPO, or to notify the Council of intended works to trees within a Conservation Area, contact:

The Tree Officer
Planning Service
2 Church Street
Newtownards
Tel: 028 9182 4006
E-mail: planning@ardsandnorthdown.gov.uk

Or go to the NI Planning Portal at www.planningregister.planningsystemni.gov.uk, then click on Log In (top right hand corner), Register for an account. Once account is registered, log in, then click on Applications, Start a New Application, follow the steps below:

- Enter personal details
- Click start new application
- Enter postcode or select address of the request site
- Draw the site boundary
- Choose the relevant application type – Tree works application or TPO
- Click create application

To view TPOs and Conservation Areas

Go to the Council's website - www.ardsandnorthdown.gov.uk and select Resident, select Planning, select Trees, then select TPO and Conservation Area Interactive Map, then scroll to bottom of page and click on Tree Protection and Conservation Area designation webviewer

A request can be made via e-mail to planning@ardsandnorthdown.gov.uk or electronically by registering for an account on the NI Planning Portal at www.planningregister.planningsystemni.gov.uk.

Queries re Street Trees or trees on Council-Owned Lands

Parks and Cemeteries Service
Ards and North Down Borough Council
Tel: 0300 013 3333
Email: ANDparks@ardsandnorthdown.gov.uk

Or DFI Roads
Email: info@infrastructure-ni.gov.uk.

Appeals

To appeal against a refusal of consent to carry out works to protected trees, or to appeal against a condition attached to a consent, contact:

Planning & Water Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
<https://www.pacni.gov.uk>

Wildlife Order concerns

Northern Ireland Environment Agency (NIEA)
Tel: 028 9056 9558
Email: elmswildlife@daera-ni.gov.uk

Ascertaining Land Ownership

Land and Property Services
Land Registry Section
Tel: 0300 200 7801
E-mail: LandRegistration@finance-ni.gov.uk.

High Hedges

Licensing and Regulatory Service
Ards and North Down Borough Council
Tel: 0300 013 3333
Email: licensing@ardsandnorthdown.gov.uk