

Protected Trees in the London Borough of Harrow

Frequently Asked Questions

The Benefits of Trees

Trees play an important role in the environment. They:

- provide screening and contrast to buildings.
- provide visual emphasis to vehicle and pedestrian routes.
- help to delineate site boundaries.
- help to reduce noise and atmospheric pollution.
- provide a valuable habitat for a wide range of wildlife.
- can increase property values.

For more information on the benefits of trees visit: <http://www.treesaregood.com>

Listed below are the frequently asked questions on protected trees. For more detailed information on the legislation please visit the Office for the Deputy Prime Minister web site: www.odpm.gov.uk/treesandhedges

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Tree Preservation Orders (TPOs)

1. What is a TPO?

Councils (often also known as the Local Planning Authority) can use TPOs to protect trees as individuals, groups, areas or woodlands if these make a significant visual impact on their local surroundings.

A TPO prohibits the pruning and felling of protected trees without written Council approval. In this way, the Council can:

- (a) Agree the pruning treatment and amount thereby maintaining the tree's visual amenity.
- (b) Identify visually important trees within the Borough for retention.

In addition, all trees in Conservation Areas (if they are over 7.5cm diameter, measured at 1.5m high on the stem/trunk) are similarly protected whether or not they are covered by a TPO.

It is important to note that the tree protection applies to the below ground portions (i.e. roots) as well as the above ground portion of the tree (i.e. trunk and branches).

2. What type of tree can be covered by a TPO?

All types/species, including trees in hedgerows, may be protected. The TPO can cover anything from a single tree, to a group or woodland. Hedges, bushes or shrubs are exempt.

3. How can I find out if a tree is covered by a TPO?

Details of TPOs are available from the Harrow Council Planning Arboricultural Officer based in Place Shaping. Direct Telephone: 0208 736 6092.

4. How can I get permission to carry out works on my TPO'd trees?

Placing a TPO on a tree does not mean that it cannot be pruned. However, permission must be given by the Council before such works can be undertaken. The Council's Planning Arboricultural Officer (see phone number above) can make a visit to discuss any issues that you have with your trees and the relevant pruning options. See *Appendix 1 - Tree Pruning*.

From October 1st, all TPO application must be made in writing, using the generic 1APP form (last in list of Downloads) on Harrow Council's website:

<https://1app.planningportal.co.uk/Form/StartPlanningApplication>

The Council has 8 weeks to process your application to do works to protected trees. See *Question 19*.

5. By how much can I prune my tree?

When you receive written permission to prune a protected tree, a percentage* for the pruning treatment will be given. Pruning more than this percentage is a legal offence. This could result in a prosecution against you as the tree owner and the tree surgeon that you commission to carry out these unauthorised works.

A reputable tree surgeon will be able to prune your trees to the required percentage. Please call the Council Arboricultural Officer to obtain a *Tree Surgeons List*. Please note that the list is for your information and guidance only and must not be considered as a recommendation by Harrow Council.

You may also obtain information on additional companies via the Arboricultural Association (Tel: 01794 368717 / www.trees.org.uk) and their List of Approved Arboricultural Contractors.

**This percentage is based on the British Standard for pruning: "BS: 3998 Recommendations for Tree Work (1989)".*

6. Where can I get details of Tree Surgeons to carry out works to my protected trees?

You may try the list provided by the Council: see above or the Arboricultural Association (AA) Approved Contractors. The AA can be contacted on telephone 01794 368717 or www.trees.org.uk Professional Tree Surgeons use recognised pruning techniques (for example, crown reduction and thinning: see Appendix 1) to manage trees. Please be cautious about *any* tree surgeon that talks about **lopping** and **topping** trees. These pruning 'treatments' are not recognised by the tree care profession, they involve excessive 'pruning' and they can **seriously harm** trees.

Figure 1 (top left). The tree has been disfigured after lopping and topping. Although it may be said that the tree appears 'neat & tidy', main branches have been removed creating large cuts that could very easily be infected with fungus/bacteria. Also all the leaves have been removed. Leaves are a tree's 'food factory' so their removal will have serious health consequences for the affected tree.

Figure 2 (bottom left). The lopped and topped tree is now in a state of biological stress and has produced a dense mass of 'emergency shoots' to try and re-grow its canopy. This is often mistaken for increased vigour but in fact the tree is reacting due to acute stress. It may survive for a few more years but due to increasing stress and fungal/bacterial infection, the tree will very likely decline and die.



7. My insurance company has said that the trees near my property should be pruned or felled - what should I do?

If your trees are protected, you must contact the Council's Planning Arboricultural Officer before you consider any tree works. Letters from your insurance company do not remove the need to obtain written permission from Harrow Council to carry out works to or fell protected trees.

8. What can I do if my TPO'd tree is causing a nuisance?

The duty of care, or responsibility, for dealing with nuisance rests with the tree owner of the land on which the tree is growing.

Dropping of leaves or fruit, shading of light, blocking a view and/or bird droppings would not normally be regarded as a *legal nuisance*.

9. I'm worried about roots from a protected tree getting under the house and damaging foundations, what should I do?

If you think that tree roots are affecting your property you should first obtain a structural survey (via your buildings insurance company). As a starting point for any claim, live tree roots from the implicated tree must be found below affected house foundations. A tree cannot be implicated simply because it is growing close to a building.

Any survey reports should then be sent to the Council's Planning Arboricultural Officer for consideration.

10. If the branches from a protected tree are hanging over my property can I cut them back?

No. A TPO placed on a tree requires that written consent to prune over hanging branches must be obtained from the Council. Likewise, if you live in a Conservation Area, you should contact the Council to advise of your intent to carry out these works. Additionally, in both cases, it is *recommended* that the tree owner's consent is obtained before pruning their trees. Any branches or other arisings should be offered back to the tree owner, but they do not have to accept them.

11. A protected tree is blocking a view or light into my property. What can I do?

Whilst residents have a right to reasonably enjoy their garden, there is no absolute legal right to a view or light blocked by trees. You may wish to seek private legal advice.

12. If I see work being carried out on a protected tree, how can I find out if the owner has permission?

Check with the Council's Planning Arboricultural Officer. The Council has a register of applications and consents for tree pruning or felling works. Any cases of unauthorised tree pruning or felling works will be investigated.

13. There is a tree that I think should be protected. What can I do?

Contact the Council's Planning Arboricultural Officer giving details of the tree, it's location and the reasons why you think it should be protected.

14. How will I know when the Council has made a TPO?

The Council will write to the tree owner and their immediate neighbours enclosing a copy of the TPO.

15. How can I object to or express support for a new TPO?

You should write to us - within 28 days - giving details of your objections or support. Any objections will be taken into account when deciding to confirm the TPO.

16. Does Harrow Council become responsible for looking after trees once they are TPO'd?

No. The owner remains responsible for the tree. Please also see question 8.

17. What happens if I carry out, or allow someone to carry out, work on a protected tree without written Council permission?

If a protected tree is pruned, felled or deliberately damaged, the owner and the tree surgeon commissioned to do the work could be fined, in court, up to £20,000.

18. What if my application to carry out work on a protected tree is refused or I object to the conditions imposed by the Council?

You can appeal to the Planning inspectorate within 28 days of receiving the decision or after the 8 weeks period has lapsed. Appeals can be made in writing or submitted online via the Planning Portal www.planning.portal.gov.uk

Trees in Conservation Areas

19. What is a Conservation Area (CA)?

A CA is an area of special architectural or historical interest where it is desirable to preserve or enhance the special character of that area. This includes the contribution made by trees. Any tree over 7.5cm diameter, measured at 1.5m high on the stem/trunk, is automatically protected under the CA designation.

20. How can I carry out tree works in a Conservation Area?

Anyone proposing to cut down or prune a tree in a CA is required to give the Council prior written notice detailing the proposed tree works. See 1APP form (last in list of Downloads) on Harrow Councils' website:

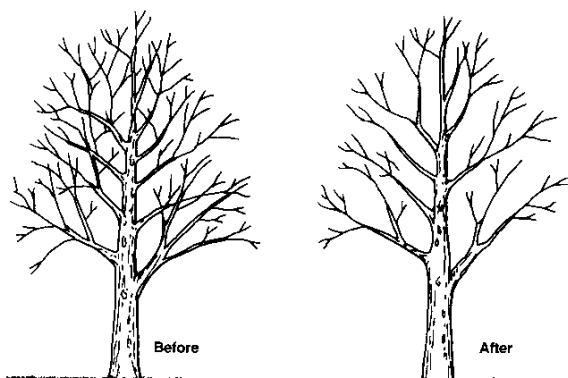
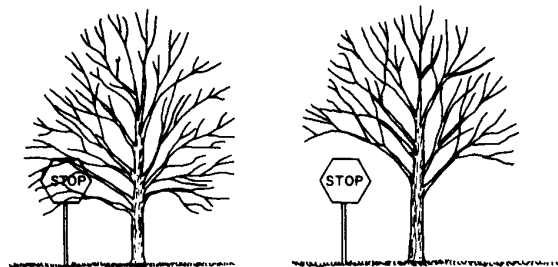
<https://1app.planningportal.co.uk/Form/StartPlanningApplication>

If you have not heard from the Council after six weeks, the specified work you proposed can be carried out. Please note: only the tree work specified in your letter to the Council may be carried out. Excessive pruning or undisclosed felling may result in a substantial fine.

Appendix 1 - Tree Pruning

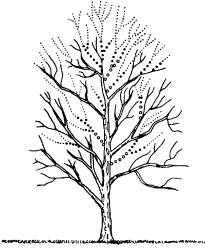
When deciding how your tree should be pruned, it is useful to know the following terms and what they achieve:

Crown Lifting: Removal of low branches back to the main trunk or parts of branches to allow access, views or daylight beneath the tree's crown. Please note that the removal of many low branches from around the trunk may lead to a column of decay forming within the tree.



Crown Thinning: Selective removal of branches or parts of branches, evenly throughout the crown, by up to 30%. This allows more light to filter through the tree and may reduce its wind resistance. This treatment does not markedly alter the tree's shape, crown size or appearance.

Crown Cleaning. Involves the removal of dead, diseased, broken and/or rubbing branches within the crown. This pruning treatment is similar to Crown Thinning.



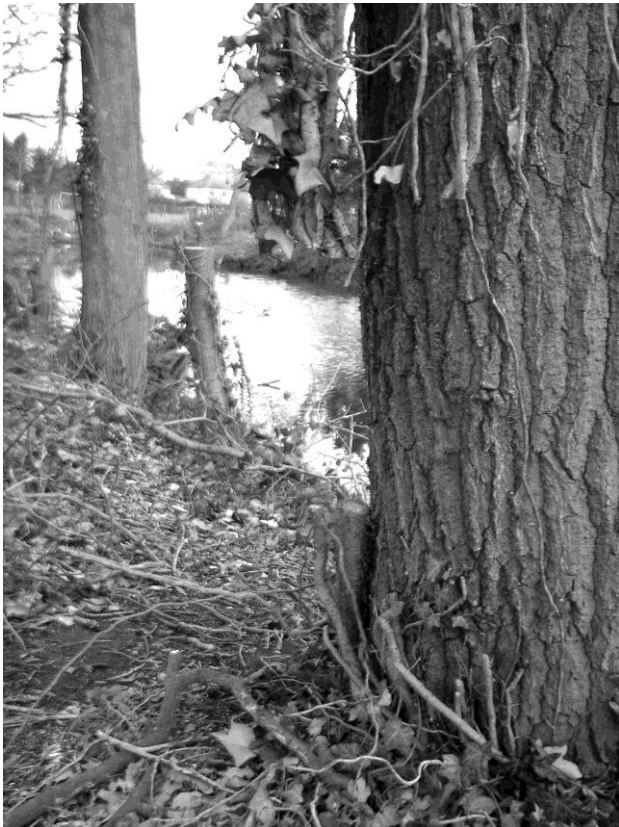
Crown Reduction: Shortening of branches to a suitable growth point (i.e. branchlet) to reduce both the height and spread of the tree's crown by up to 30%. This treatment allows more light to pass over and around the tree. The Forestry Authority Research Division advise that Crown Reduction may cause branches to die back in many trees, notably beech, birch, cherry, conifers and horse chestnut.

Deadwooding: Removal of dead branches. When removing these branches, cuts should not be made into living wood or bark, as this may injure the tree.

Drawings reproduced with permission from the International Society of Arboriculture www.isa-arbor.com

Appendix 2 - Removal of ivy

Ivy can add important wildlife value to trees in woods and rural gardens. However, in urban gardens, ivy within tree canopies can increase the shading effect of trees. Moreover, it can hide any structural defects that trees may develop making visual tree inspections more difficult. To remove it, the ivy can be cut above and below to leave a gap between the stems (see photos) or carefully removed by hand using secateurs taking care not to damage the tree bark.



Appendix 3 - Trees and Biodiversity

Bats

Today there are fewer bats in the UK than even just a few years ago. Now all British bats and their roost sites - frequently trees - are protected by law. It is illegal to harm or disturb bats, Or deliberately alter their roost sites - call the Bat Conservation Trust Helpline (0845 1300 228) or visit www.bats.org.uk Additionally, with certain exceptions, all wild birds and their nests are protected.

Decaying Wood

Standing deadwood (including tree trunks: monoliths) and fallen/stacked timber contribute to one of our most important habitats for biodiversity. This valuable resource supports a wide range of flora and fauna such as small mammals, fungi, lichens, hoverflies, beetles, birds and bats. Decaying wood in the UK is home to almost 1,800 invertebrate species*.

Large logs (10-50cm diameter) of hardwood (e.g. beech, sycamore or ash), with bark still attached, sunken about 60cm into the ground, in partially shaded areas can provide a valuable habitat for Stag Beetles: a threatened species in Britain & mainland Europe.

Visit The UK Habitat Action Plan for Lowland wood pasture and parkland on:

www.ukbap.org.uk/UKPlans.aspx?ID=5

* "Decaying Wood - managing a valuable wildlife habitat" (2005). Leaflet produced in partnership with the London Borough of Richmond, The Royal Parks, Richmond Biodiversity Group, Life and Sun.

Appendix 4 - Activities that may Damage or Destroy Trees

Where these occur near or under trees they include:

- Lighting fires.
- Digging trenches.
- Mechanical soil rotavation.
- Installing paved areas.
- Storing fuel oils and noxious chemicals.
- Raising or lowering soil levels.
- Storing soil or compost against the tree trunk.

Many of the above affect tree roots. Please remember that a tree's root system is typically concentrated within the uppermost 600mm of the soil and that it is vulnerable to damage.