

Trees in a Conservation Area

Some parts of Risby are in a Conservation Area which means that if you are planning any works to a tree you need to give West Suffolk council six weeks' notice.

To find out if your property is in the Risby Conservation Area, visit My West Suffolk on the West Suffolk Council website at <https://maps.westsuffolk.gov.uk/> Type in your postcode to locate your property, then choose the option My maps and tick the box planning constraints – Conservation Area.

If you are planning any works to a tree in a conservation area you will need to submit a Trees in a Conservation Area application (TCA). This is an application to the Local Planning Authority (LPA) to undertake works to a tree in a conservation area that is not protected by a Tree Preservation Order (TPO). The Local Planning Authority for Risby is West Suffolk Council.

A TCA applies to trees that are more than 7.5cm in stem diameter (measured at 1.5metres above ground). You can apply online by following the link on West Suffolk Council's website <https://www.westsuffolk.gov.uk/planning/protected-trees.cfm> or in writing. They need to know what species of tree it is, where it is and what type of work is to be done. There is no charge to apply.

Anyone can give notice of intent to carry out work. If the applicant is not the tree owner, and no objections are raised to the works being undertaken, it will be for the applicant to gain any necessary permission from the tree owner prior to carrying out the work. The local planning authority (LPA) cannot refuse consent for TCA notifications but may make a Tree Preservation Order (TPO) to prevent the intended works.

The decision cannot be appealed but any objections to the new TPO can be submitted to the LPA within 28 days of the TPO being served. An application for consent for works under a new TPO can be made at any time.

Parish councils are notified about TCA applications so that they can decide if a tree has any amenity value and needs protecting by a TPO.

A TCA notification is not required for trees that are dead or dangerous. Written notice must be given to the authority five working days prior to cutting down or carrying out work on a dead or dangerous tree subject to a TPO or situated in a conservation area. The written 'five day notice' should be sent to planning.technical@westsuffolk.gov.uk and must include a location plan identifying the tree(s) and details relating to the reasons for the proposed works. Photographs of the tree(s) are also helpful.

West Suffolk Council's arboricultural officer will normally make a site visit to check that the tree is dead or dangerous and confirm if the works may proceed. A 'dangerous' tree must pose an immediate risk of causing injury or harm to meet the criteria for works under a five day notice. There is a legal duty to plant a replacement tree under these circumstances.

If the work is urgently necessary because there is an immediate risk of serious harm, a five day notice is not required prior to the works being undertaken. However, the onus of proof of the required works or felling rests with the tree owner and the absence of prior notification may lead to enforcement action and prosecution.

Tree Preservation Orders (TPOs)

Some trees are protected by a tree preservation order (TPO). TPOs are made by the local planning authority (LPA) to protect specific trees, groups of trees or woodlands, in the interests of public amenity.

A TPO prohibits the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the LPA's written consent.

If you own a tree which is already protected by a TPO, you need permission from the West Suffolk Council. Carrying out work without permission when you need it, is against the law and could lead to prosecution. There is no charge to apply.

Anyone can apply for consent to carry out work to a protected tree. If the applicant is not the tree owner, and the TPO grants consent, it will be for the applicant to gain any necessary permission from the tree owner prior to carrying out the work. LPA applications that are refused or have conditions imposed that you do not agree with can be appealed within 28 days of the decision notice. Appeals are dealt with independently by the Planning Inspectorate.

Frequently Asked Questions

Can a Parish Council object to specific tree works or a tree being felled?

Parish councils can comment on the amenity value of the tree and the nature of the works in response to any TCA applications, but a TCA application cannot be 'called in' or referred to West Suffolk Council's delegation panel.

What if the work carried out on a tree is different to what was stipulated in the TCA application? If the works are not as approved, and the tree is in a Conservation Area or is protected by TPO, then the works may be unauthorised. In such cases it is best to check with West Suffolk Council.

Can a Parish Council request that a replacement tree be planted?

This is not something that can be controlled through a TCA application. The LPA can only decide whether to offer 'no objection' in which case the works can proceed, or otherwise serve a TPO, in which case the tree is protected. If a TPO is protected and an application is then submitted to remove it, then consideration can be given to whether or not a replacement is needed.

What if a tree in a conservation area is felled without a TCA application being submitted?

This may be a breach / criminal offence unless the tree was dead or dangerous.

What if the wrong name of the type of tree is detailed in a TCA application?

This should be picked up by the LPA when it considers the application. It is only necessary to include sufficient particulars to identify the tree or trees. Inaccurate species identification will only be corrected when considered appropriate.

Will West Suffolk Council inspect trees subject to a TCA application before making a decision?

Yes.

Will a planning notice be displayed outside a property which has submitted a TCA application?

No, nor would it for a TPO application.