

# Tree protection



Basingstoke  
and Deane

## Tree protection

Tree preservation orders (TPOs) give legal protection to trees. Under certain circumstances, the council can make a TPO to prevent a tree being pruned or felled. If a tree is protected by a TPO, normally consent would need to be granted by the council before carrying out any work.

In a conservation area, all trees over a certain size are given protection and a tree owner or a tree surgeon working on their behalf must notify the council before carrying out any tree work.

## How can I protect a tree?

In order for a tree to be suitable for a TPO, the tree must meet certain criteria, as follows:

- The tree is, or is likely to become, important in the local landscape, or has evidence of strong cultural, historical, wildlife or rarity value
- The tree is in reasonable health and condition and is not known to be causing damage to buildings
- The tree does not cause excessive problems which unreasonably affect the quality of life for those living close to the tree
- There is a risk of the tree being removed if a TPO is not made.

A request for a new tree preservation order may be made by completing the 'Request for a new Tree Preservation Order' form which can be downloaded from [www.basingstoke.gov.uk/protectedtrees](http://www.basingstoke.gov.uk/protectedtrees). Any request must explain how each of the above criteria is met.

## I need to prune or fell a protected tree.

If you need to prune or remove a protected tree or a tree in a conservation area, then you may do so as long as one of the following applies:

- The tree is dead or is in an immediately dangerous condition
- Where you are removing dead branches from a living tree
- Where you are pruning in order to cultivate fruit
- The work is necessary to implement an approved full planning permission
- In a conservation area, where the trunk diameter does not exceed 75mm, measured at a point 1.5m up from ground level
- The work is being carried at the request of a statutory undertaker, the Environment Agency, a drainage body or a local planning authority.

Unless it is an emergency, you must notify the council in writing before carrying out the work. You will be asked to provide evidence of the tree's condition, so you are advised to use a professional tree surgeon and take photographs where possible. If you are unsure whether a tree is dangerous you should arrange to have it inspected by a professional tree surgeon or tree consultant. Please read through our leaflet entitled "Tree ownership and responsibilities" for more information.

If none of the exemptions apply, or if you are unsure, you will need to complete an application form. You can download the form from [www.basingstoke.gov.uk/protectedtrees](http://www.basingstoke.gov.uk/protectedtrees). There is currently no fee required for a tree works application and we will come to assess the tree before we issue a decision.

For TPO's trees, where consent is granted to remove a tree, we will normally add a condition to require a replacement tree of a similar species in the same location.

If a tree is not subject to a TPO and is not in a conservation area, then you would not be required to apply. However, there is other legislation to protect wildlife and you are advised to read through our leaflet entitled "Trees and Wildlife" before proceeding.

## What is the penalty for cutting down or damaging a tree?

The cutting down or causing the wilful damage or destruction of a protected tree is a criminal offence for which the maximum fine in a Magistrate's Court is £20,000 for each offence. In a Crown Court the fine is unlimited. For other lesser offences the maximum fine is £2,500. The planting of replacement trees will normally be required in addition to any fine that may be imposed.

## Where can I get more help?

The Arboricultural Association have a list of independently approved arboriculturists who can advise you on tree maintenance. They have a website at [www.trees.org.uk](http://www.trees.org.uk) or you can contact them by telephoning 01242 522152.

If you would like to enquire about a council-owned tree or to find out if a tree is protected, you should contact us by emailing [communityservices@basingstoke.gov.uk](mailto:communityservices@basingstoke.gov.uk) or telephone 01256 844844.

**[www.basingstoke.gov.uk](http://www.basingstoke.gov.uk) | 01256 844844**

**[customer.service@basingstoke.gov.uk](mailto:customer.service@basingstoke.gov.uk)**

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