

# Trees in Conservation Areas

## Options for Growth

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How are trees protected within conservation areas ?

What is the role of Cherwell District Council ?



Conservation Area legislation comes under  
*The Town & Country Planning Act 1990*


A Conservation Area provides protection for  
Trees and landscape features as well as buildings



Under section 211 of the Act, anyone proposing to undertake works to a tree located within a Conservation Area is required to provide the Local Planning Authority (LPA) with 6 weeks 'Notice of Intent'.




Anyone who undertakes unauthorised works to a tree in a conservation area without providing a section 211 'Notice of Intent' is liable, if convicted, to a fine of up to £20,000



The Local Planning Authority (LPA) cannot  
'object'  
to a section 211 'Notice of Intent'

Parish/Town Councils cannot  
'object'  
to section 211 'Notice of Intent'



The purpose of the 'Notice of Intent' and the six week period is to allow the LPA, should they wish, an opportunity to consider whether a Tree Preservation Order (TPO) should be made in respect to the tree.



The only way the LPA can prevent proposed works in a conservation area is to make the tree subject to a Tree Preservation Order.






Only Local Planning Authorities have the powers to make Tree Preservation Orders



Cherwell District Council advises Parish Councils of Notices received because:

- We value the comments and observations that only good, reliable local knowledge can provide
- The information helps to keep parish councils advised of any proposed tree works


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- The LPA may deal with a 'notice of intent' in one of three ways:
  - Make a TPO in the interests of public amenity
  - Not make a TPO and allow the six week period to expire.
  - Not make a TPO and inform the owner/agent that the proposals may go ahead

## Should the tree become subject to a TPO (1)

- The level of protection afforded to the tree increases
- The owner of a tree subject to a TPO must now submit an application for any future proposed works
- The determination period is 8 weeks

## Should the tree become subject to a TPO (2)


- The LPA may advertise the application (discretionary)
- Parish Councils and members of the public may OBJECT to the proposed works.
- The LPA may GRANT or REFUSE consent if considered appropriate



Prior to undertaking any work to trees located within a conservation area, a section 211 'notice of intent' must be submitted.



- There are exemptions.
- The two most common are:
- Trees which have a stem diameter less than 75.0mm at 1.5m (approximately 'shoulder height')
- Trees (or their parts) which may be classed as dead, dying, damaged or dangerous.



If proposing to undertake works to a tree classed as dead, dying, damaged or dangerous, it is advisable and a recommended procedure that the owner/agent provide a '5 Day Notice' to the LPA.

The burden of proof to show that the tree was indeed dead, dying, damaged or dangerous rests with the defendant.



## Replacement Planting



- May be enforced if:
- The tree is removed, destroyed or uprooted without prior notice
- The tree is removed because it was classed as dead, dying, damaged or dangerous

For further enquiries regarding 'Trees in Conservation Areas' please contact the following officers:

Arboricultural Officer (North):

01295 221 804 – Mark Harrison/Caroline  
Morr  
ey

Arboricultural Officer (South)

01295 221 708 – Jon Brewin