

Tree Preservation Orders (TPO): West Hill & East Devon

West Hill is a rural, woodland village. The special character of the village owes much to the tree lined lanes and extensive planting of trees and shrubs both around it's houses. The West Hill's [Neighbourhood Plan](#) sets out planning policies to protect and maintain the character of the village.

Many of West Hill's trees and woodland are the subject of Tree Preservation Orders.



Tree Preservation Orders (TPO)

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping, lopping, pruning
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

East Devon District Council (EDDC) is the local planning authority for West Hill. It has the statutory right to protect trees on public and private land from damage or destruction. The [EDDC website](#) provides useful information on Trees and owner's responsibilities.

All types of trees may be protected.

What are a tree owner's responsibilities?

Owners of West Hills' protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of EDDC. As with owners of unprotected trees, they are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. EDDC cannot require maintenance work to be done to a tree just because it is protected. However, they can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.

Arboricultural advice from competent contractors and consultants, or the authority, will help to inform tree owners of their responsibilities and options. It is important that trees are inspected regularly and necessary maintenance carried out to make sure they remain safe and healthy.

Are your trees subject to a TPO?

EDDC can confirm if a tree has a Tree Preservation Order (TPO)

- Please complete the [TPO enquiry form](#) on the EDDC website or call the Customer Service team on 01395 571710.

Is Maintenance work required?

If a tree has a TPO you will need to complete and submit a [Works to Trees Application](#) to request written consent from EDDC before work can begin.

TPOs are not intended to prevent reasonable works being carried out on trees but are designed to give protection over works which might detract from the trees vitality and the public's enjoyment of the local environment.

You need to complete an [application form](#) and provide an accurate and detailed description of the proposed works and to indicate the extent of any intended pruning. Pruning is often expressed in terms of percentage crown reduction and/or thinning. If other works are proposed, such as crown lifting, pollarding and reduction in length of specific branches, it is important to indicate the extent of these works. The full reasons for wanting to carry out tree works need to be provided and broad statements such as 'in the interests of good arboricultural practice' are unlikely to be sufficient. If it is alleged that trees are hazardous or causing damage to property, any supporting evidence should be included with the application.

An Arboricultural report from competent contractors and consultants will provide the required supporting information, such as confirmation of the extent of disease and the remedial work required, or recommend works to extend the life of the tree

Is Urgent work required?

If you believe urgent work is required on the grounds that a tree is dead or dangerous, it is necessary to give EDDC five day's notice of intent to prune or remove the trees (except in a genuine emergency). An EDDC Tree Officer will then inspect the trees to ascertain whether they are considered to be exempt from the usual requirements of the legislation. If a tree is removed under this exemption, there is a legal duty to plant a replacement tree at or near the same place.

Applications for Works to Trees

[Application forms](#) and supporting documents can be submitted [online](#) or in writing to Planning Dept, East Devon District Council, Blackdown House, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ.

The application follows a process similar to planning applications (please see next page). EDDC are the decision makers however West Hill Parish Council is notified and invited to submit it's view. WHPC Cllrs will consider the proposed works and, in particular, their impact on the village landscape.

What happens if I carry out works on a protected tree without permission?

If a tree which is the subject of a TPO or situated in a conservation area is felled without permission, you could be liable for a fine of up to £20,000 on summary conviction, or an unlimited fine on indictment. If a tree is pruned without permission, you could be fined up to £2,500.

Works to a neighbour's privately owned tree(s)

EDDC is unable to help in dealing with complaints regarding trees on private property as they are not have responsibility for them. This is a civil matter which would need to be resolved with the owner of the tree. Advice can be sort from a suitably qualified arboriculturalist.

Further information is available at [Trees - East Devon](#)

Tree Preservation Orders (TPO): Overview of the Works to Trees Application Process

East Devon District Council (EDDC) is the local planning authority for West Hill and surrounding area. They are the decision makers. The [EDDC website](#) offers lots of useful information.

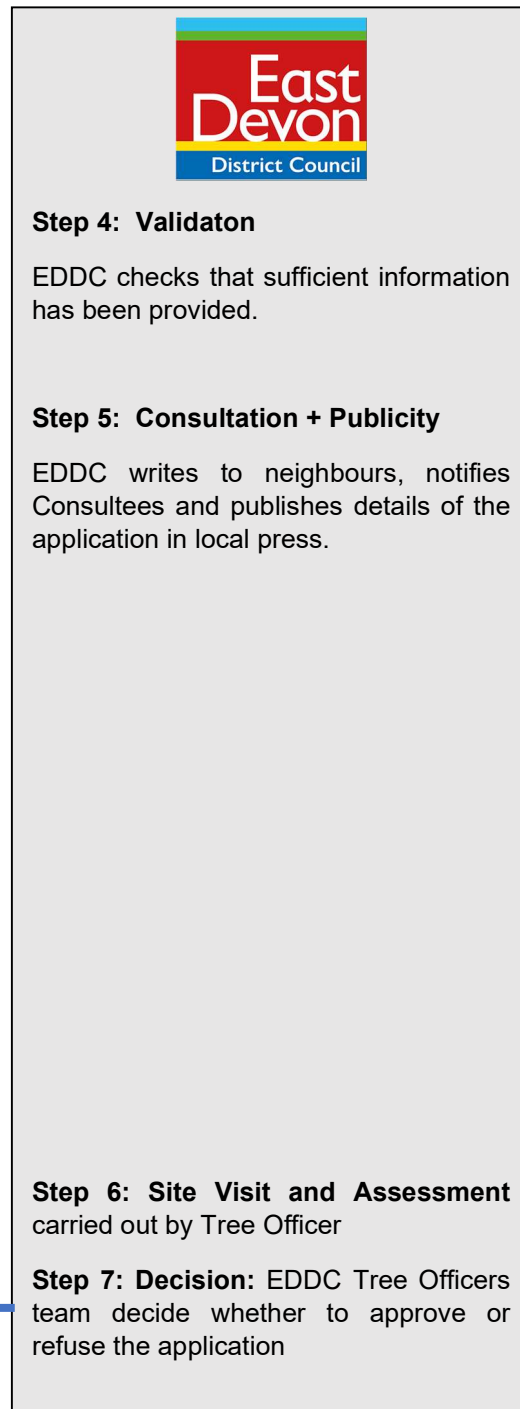
Householder

If maintenance work is required on a tree subject to a TPO

Step 1: Contact EDDC to confirm if the tree has a TPO

Step 2: You may wish to seek advice from a arboricultural specialist, or qualified tree surgeon

Step 3: Complete the application form and prepare supporting information and send to EDDC



Neighbours and Consultees are notified and invited to comment

Neighbours



EDDC District Cllr Jess Bailey + other Consultees

