What is a Tree Preservation Order (TPO)?
A Tree Preservation Order is a legally enforceable constraint made by planning authorities to preserve important trees, groups of trees or woodlands that have a public amenity and are mostly made by the Council when trees are under threat. It is an offence to cut down, prune, or otherwise damage a tree, including the roots, which are protected by a TPO without the consent of the Council. Upon receipt of your completed form, including a site plan, the Council has a maximum of 56 days from formal registration in which to determine the application. Delays may occur when applications are unclear, especially if details of requested works are vague, a site plan is muddled or missing or if there is a lack of sufficient information. Prior to a decision being made, the Council's Tree and Landscape Officer will inspect the tree(s) and may seek further information from the applicant. The unauthorised lopping or felling of a tree is a serious criminal offence and can result in a fine of up to £20,000.

What type of trees can be protected?
Any tree, regardless of species or size, could be protected if it contributes enough to the amenity of the area. Bushes and shrubs cannot be protected.

What is the purpose of a Tree Preservation Order?
The Council have a duty to protect trees that are considered to be of high amenity value and thus make a valuable contribution to a local landscape. As the Council has limited resources, this power is normally limited to trees which are in imminent danger of being removed, or to protect trees on potential development sites, or where a change in ownership of land or property may result in the loss of prominent trees.

Who is responsible for looking after protected trees?
It is the owner's responsibility to maintain the trees in a healthy and safe condition. A TPO is not a guarantee that a tree is healthy or safe. You are liable for any damage that a tree you own causes to other people or their property, so it is worth having your trees checked by a qualified arborist every year.

How do I get permission to work on a protected tree?
You must obtain permission in writing on the appropriate form only from the Council for any work to a tree protected by TPO. If your tree is in a Conservation Area you must give six weeks' notice of your intention to carry out works, no matter how small. We will normally inspect the tree within the six weeks, discuss the works with you and send you a letter of consent for the agreed works.

Will I have to plant a replacement tree?
If a tree is removed we would normally require that you plant a replacement. However this is not always the case and there are some places where this would be inappropriate. A replacement tree is covered by the same protection as the original.

Do I always need the Planning Authority's permission to work on a protected tree?
The most likely times when you may not require permission are when the tree is dead, or dangerous. You should notify us as soon as possible in writing giving 5-days' notice of intent to fell dead trees, or remove parts of a tree which are deemed to be imminently dangerous before or in exceptional (emergency) cases after the work is done, with survey photos of the tree as a record. There are other more unusual times when you may not need permission, such as pruning a commercial orchard or controlling a legal nuisance, but these should be checked with the Council.

How does being in a conservation area effect trees?
A Conservation Area is an area of special architectural or historic interest. Making an area a conservation area is intended to protect and preserve the character or appearance of the designated area. Trees often make an important contribution to the appearance of Conservation Areas and so are given special protection. Six weeks written notification of intent is required before pruning or felling of any tree within a Conservation Area with a stem over 75mm in diameter (as measured at 1.5m above ground level). The Council has only two options when in receipt of notice to undertake work to a tree within a conservation area.

1. Allow the 6 week period to expire when the work can be carried out without consent.
2. If the proposed work is considered unsuitable and the tree is of public amenity, the Council can make the tree(s) the subject of a Tree Preservation Order to prevent the work going ahead. Any future proposed work to the tree(s) would then have to be applied for through a formal planning application.

The penalties for not giving notice of felling or pruning trees in Conservation Areas are the same as for carrying out unauthorised works to trees protected by TPO.

How do I report illegal work to protected trees?

Call Ryedale District Council 01653 600666 and a customer service adviser will take the details and pass them to the Tree and Landscape Officer, or Enforcement Officer.

Who is responsible for the maintenance of trees subject to TPO?

The owner of a tree subject to TPO is responsible for its maintenance, as is the case if a tree is not subject to TPO. However before any work is undertaken to a tree subject to a TPO the consent of the local planning authority is required through a formal planning application. There is no fee for this type of application.

How do I find out who owns a tree?

The owner of the land on which a tree is rooted is the owner of that tree. If a tree is on the boundary of two properties the deeds to those properties should be referenced to establish the property boundaries. The tree is within the property which contains the majority of the stump. If the tree is on land of unknown ownership, it may be necessary to consult the Land Registry which is the government department that keeps records of land ownership.

My neighbour's tree is overhanging my garden, can I prune it?

If the tree is subject to a TPO, in a conservation area or subject of a restrictive planning condition you will need to follow the procedures listed above to obtain the consent of the Council to prune any part of the tree, overhanging or not. Pruning of overhanging branches only, which would render the tree one sided or unbalanced, would not be agreed.

If the tree is not subject to any restrictions imposed by the council you have a Common Law right to prune overhanging branches back to your legal boundary only, but not beyond this point, and you may not enter adjacent land to carry out the work. It is always advisable to be polite and to inform your neighbour of your intention to prune their trees, and to agree the method of disposal of the prunings which remain the property of the tree owner.

Note: The tree owner is not obliged to pay for, or undertake the pruning of limbs overhanging a third party property.

I have a protected tree which I think my tree is dead/dangerous - can I remove it?

If a part of a tree poses an imminent danger i.e. has a split or hanging limb, that part which poses the danger may be pruned without an application to gain consent. However, the onus of proof that a tree was dead or imminently dangerous rests with the tree owner and the advice and guidance and written opinion of a qualified Arboricultural specialist should be sought. It is often difficult to tell if a tree was dead or dangerous from the stump remaining after felling. If you plan to remove a tree which is dead, you are required to give the Council five day's written notice marked for the urgent attention of the Tree and Landscape Officer. This will give the officer an opportunity to make a site visit to check that the tree is dead or imminently dangerous and confirm that it can be removed without consent. If the Tree Officer has not visited the site prior to a trees removal it is a good idea to take photographs of the tree which clearly shows its condition. Please note that there is still an onus to replace trees felled under these circumstances.

How do I get a copy of a TPO?
A copy of a TPO can be obtained from Development Management. The request for a copy of a TPO must be in writing and accompanied by a small fee. The fee will be dependent upon how much of the document you require. Please contact Development Management for guidance.

**Will the council inspect/prune my tree?**
The council does not conduct inspections of trees for private residents or supply a tree pruning service.

**There are trees on a site near my house which might be developed. What will be the Council’s approach in protecting them?**
Trees on development sites are regarded by the Council as a possible constraint on development. As part of the planning process the Council will often request that a tree survey in accordance with British standard 5837:2012 ‘Trees in relation to demolition, design, and construction’ accompanies the planning application enabling the Council to make a balanced decision on which trees might be removed or retained as part of the development proposals. Developers nowadays are very much aware of the importance of retaining existing trees within development proposals where possible, but if the Council considers that trees may be removed prior to the submission of an application a Tree Preservation Order may be served to prevent premature removal.

**Can I stop planning permission being granted by getting a TPO imposed on trees on the site?**
No, a TPO does not prevent Planning Permission being granted. When deciding planning applications the Council will consider the likely effect on trees.

**My neighbour’s tree is shading my garden. What are his/her responsibilities?**
For living entities such as trees there is no prescriptive right to light, so there is no requirement for a tree owner to manage his trees, unless you bring this forward and win a civil action in the Courts. You should consult a solicitor to see if you have grounds to proceed with this. The Council cannot become involved.

**My neighbour’s tree is dropping leaves in my gutters. What are his/her responsibilities?**
None. Leaf fall is regarded as a natural event for which the owner cannot be held responsible.

**My neighbour’s tree is blocking my view. What are his/her responsibilities?**
None. Legally, there is no right to a view.

**My neighbour has planted a large tree close to my boundary. Can he/she do this?**
Yes. Anyone can plant any tree of any size anywhere on his/her land, but may be liable for any damage it might cause in future years.

**The roots of my neighbour’s tree are causing damage to my property. What can I do?**
You are best advised to employ an arboricultural consultant (tree care professional) or a building surveyor. If they confirm your findings you should notify your building insurer who may carry out further investigations and negotiate with your neighbour and their insurer.

**I believe my neighbour’s tree to be dangerous. What can I do?**
The definition of ‘dangerous’ is ambiguous. A tree is not dangerous because it is tall or has a wide, spreading crown. Before taking any action you should contact a specialist tree consultant of contractor. Once you are sure of your facts, you should notify your neighbour of your concerns and ask that he/she address the problem. If he/she does not and some damage accrues from this negligence then you may take action against the tree owner through the courts where it may be possible to obtain an injunction requiring the tree owner to take whatever action is necessary to remedy the problem.

**The following are typical examples of invalid interpretations of a dangerous tree:**
The tree is too tall, too big, it has a broad crown - A tall tree and/or a broad spreading crown is not a dangerous tree. Trees will naturally grow as their genetic codes of their species dictate, and depending on the presence of external influences such as adjacent structures, natural competition from other trees, soil type and fertility or microclimate.

- The tree sways when it’s windy - A tree swaying in the wind is not a dangerous tree. Trees will naturally bend and sway in the wind, as the pliability in the branches is a natural mechanism which helps prevent fracture.
The tree has a lean - A tree which has grown with a lean is not necessarily a dangerous tree. The tree develops fatter growth rings on one side to compensate and make it stable.

Why do the leaves of deciduous trees change colour in autumn?
Leaves change colour due to biochemical processes within them that are triggered by diminishing amounts of daylight, longer nights, and weather factors.

Leaves contain three types of natural substances called pigments which determine leaf colour both during the growing season and in the autumn. Chlorophyll is the dominant pigment in most leaves and it gives them their green colour in spring and summer. As autumn approaches and the nights get longer, chlorophyll disappears revealing the pigments called carotenoids which give some leaves their yellow, orange, and brown autumn colours.

In some species, such as the red and sugar maples, bright sunny days and lower evening temperatures combine to cause an excess of sugars produced in the leaves which then create a red pigment called anthocyanin, turning these leaves striking shades of red and purple.

What causes leaves to fall in autumn?
Deciduous or broadleaved trees need to prepare for the oncoming cold winter temperatures. Soft leaf tissue and the fluids inside leaves would freeze. In autumn a layer of cells forms at the base of each leaf which blocks the veins that convey the fluids into and out of the leaf. As a result, the leaves slowly die then drop off. This strategy protects the rest of the tree from the effects of the cold.

Conifers or cone bearing trees, such as pine and spruce are able to retain their needle-like leaves in winter due to a protective waxy covering and to substances inside their leaves that resist freezing. Their needles stay on the tree for about two to three years before they drop off.

Is it okay to prune trees in the winter?
Yes, trees can be pruned any season including winter. Some tree species, such as birches or maples exude more sap when pruned in the spring, and such large quantities of sap can be unsightly. Also sap exuded from a tree after pruning can turn black if mildew grows in this sweet water solution. Excess sap can be washed off trees with a hose before the water evaporates and the residual sugar hardens. As a general rule pruning can be done any time of year, but there are definitely best times, especially if pruning is to be extensive. Deciduous trees that flower before the end of May should be pruned as soon as blooming is over. Deciduous trees that flower after May should be pruned between January and March. Prune flowering cherries in late summer, flowering evergreens in May, and conifers in autumn.

How does soil compaction affect trees?
Soil compaction occurs when vehicles, heavy equipment, large metal bins, or construction materials are placed or travel over the rooting zone of a tree. As a result of compaction, air pockets in the ground are eliminated and this reduces the available amount of air and water that trees need to stay healthy. Roots in compacted soil are thus deprived of what they need and are unable to supply these essential ingredients to the rest of the tree, resulting in the tree becoming stressed and declining in health, and may ultimately cause a tree to die.

Is it acceptable to 'top' trees?
'Topping' is an outdated arboricultural practice that is no longer considered to be acceptable by the industry for a number of reasons including:

- Topping removes so much of the trees canopy it upsets the crown to root ratio temporarily reducing its food making ability
- Topping exposes the rest of the tree, and surrounding trees and vegetation, to scorching from direct sunlight, which can damage the natural physiological processes and future survival of the trees
- The large stubs and wounds caused by 'topping' open the tree to insect attack, disease and decay entry, compromising the future survival of the trees
- Any new shoots that grow from the cut stubs will be weakly attached and pose a risk to safety when they become larger and heavier
- 'Topping' a tree will encourage rapid re-growth often with larger leaves and denser crowns!
- Some species of tree cannot cope with 'Topping' and will die as a result
- A 'Topped' tree is ugly and deformed and will never regain its natural shape and character