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Protected trees

Trees make a significant contribution to the enjoyment and amenity of towns, villages and to the countryside landscape. Trees also reduce noise and air pollution, provide a variety of wildlife habitats and help reduce carbon dioxide in the atmosphere. Planning authorities are required to consider the retention of existing trees and the provision of new tree planting when determining planning applications for new development (see Design and Placemaking Guidance [here](#)).

There are three ways a tree or trees can be protected: i) by a Tree Preservation Order (“TPO”), ii) by being within a conservation area, and iii) by conditions attached to planning permissions to protect trees during construction, or to ensure they are retained. TPOs are made to protect a tree, group of trees or woodland under pressure from development where this would be in the public interest because of the contribution of the tree(s) to amenity or for cultural or historic reasons.

The [Town and Country Planning \(Scotland\) Act 1997](#) (Section 159 to 178) provides the legal framework for tree protection and sets out the processes we follow as planning authority

Tree Preservation Order (TPO)

A Tree Preservation Order (“TPO”) prohibits the lopping, topping, cutting down, uprooting, wilful damage (including cutting roots) or wilful destruction to protected tree(s) without prior formal consent.

You can use the [tree enquiry form](#) to check whether a tree is protected or you can look at the [TPO](#) page to check whether your property is within a TPO area.

Trees in Conservation Areas

Special protection in law is given to trees in conservation areas because they add value to the setting, character and amenity of these areas as places of special architectural or historic interest. Written notice of proposed works to trees within conservation areas must be submitted at least 6 weeks before the works are due to be carried out. This notice period allows our Tree Adviser to consider the works, discuss alternatives if appropriate or to make a TPO if the tree or trees are of particular value and should therefore be retained. Failure to notify the planning authority in this way is an offence.

Note: Consent is not needed for tree works, including removal, if a tree is less than 7.5 cm in diameter, measured 1.5 metres above the ground (or 10 cm if thinning to help the growth of other trees), or if pruning a tree being cultivated for production of fruit. Consent is also not needed for removal or works to bushes, shrubs or hedges.

You can use the [tree enquiry form](#) to check whether a tree is protected or you can look at the [conservation area](#) page to check whether your property is within a conservation area.

Trees Protected by Planning Conditions

Planning permissions can include conditions relating to tree protection so please check both current and historical decision notices. If you want to check whether a tree is protected by a planning condition you can use the [tree enquiry form](#).

Dangerous Trees

In the event that removal of a protected tree is urgently necessary for safety reasons e.g. if it is discovered that a tree has a serious disease or structural problem sufficient to make it a significant hazard to people or property, then written notice should be given to the planning authority as soon as practicable after operations become necessary. A decision to remove a tree on this basis should be made by a suitably trained arboriculturist, forester or tree surgeon. The follow-up written notice should include a statement setting out the condition of the tree and why removal was urgently needed, preferably including photographs.

Tree Owners' Responsibilities

Owners are responsible for maintaining protected trees in the same way as unprotected trees. It is important that trees are regularly inspected and necessary maintenance carried out to ensure they remain healthy and safe. Specialist advice from arboricultural consultants or competent contractors (tree surgeons) may be needed in this regard.

Is Your Tree Protected?

Use this [tree enquiry form](#) to find out whether a tree is protected. Please head your letter or email "Tree Enquiry". The form can be emailed or posted to:-

Loch Lomond & The Trossachs National Park Authority

Carrochan

Carrochan Road

Balloch

G83 8EG

Email planning@lochlomond-trossachs.org

Applying for Consent for Tree Works

If you want to carry out works to a tree protected by a TPO you will first need to make an application for consent and, in most instances, this also applies to trees protected by a planning condition. It is a bit different if you want to carry out works to a tree within a conservation area – here you must give a minimum of 6 weeks prior written notice. Both applications and notifications can be made

online by submitting a **Tree Works Application** using the government's central [ePlanning](#) system. The accompanying [guidance](#) sets out the plans and information needed with the application. You will need to register an account, complete the forms and upload supporting information. Alternatively, you can download the form, complete and email it to us as an attachment; or print, complete and post it. If preferred you could call us to request the form and guidance be posted to you. We would normally expect a professional report to accompany any application detailing the proposed work and reason for the work being required.

Tree Felling Licensing

Forestry legislation requires that a license be obtained prior to the felling of 5 or more cubic metres of timber. This requirement can apply to the felling of a single large tree. See the [Forestry Commission Scotland](#) website for more information.

Report Unauthorised Works

If you have any concerns that potentially unauthorised tree works are in progress please call the Woodland Adviser on 01389 722635 or the Enforcement Planner on 01389 722628.

Wildlife Legislation

Bats, birds and red squirrel have legal protection and it is an offence to be in breach of the law – further information and guidance is available from [Scottish Natural Heritage](#).

Further reading – see links below for more information on the subjects covered in this leaflet:

- Town and Country Planning (Scotland) Act 1997:
<http://www.legislation.gov.uk/ukpga/1997/8/contents>
- Arboricultural Association guidance notes and leaflets: <http://www.trees.org.uk>
- British Standard 3998: Recommendations for Tree Work 2010:
<http://www.bsigroup.com/en-GB/standards/>
- Institute of Chartered Foresters - Arboricultural/ Forestry Consultants:
<http://www.charteredforesters.org/>