



**South Hams
District Council**

**Trees in a
CONSERVATION AREA**

Notification of proposed works

Landscape and Leisure Service

Parish

Decision date

Plan included

for office use only

Please refer to attached notes for details on how to complete this form.

1 Applicant's Details

Name:

Address:

.....

.....

.....

.....

Daytime telephone Number:

Applicant's Agent (if you have one)

Name:

Address:

.....

.....

.....

.....

Daytime telephone Number:

2 The Notification

Please tick appropriate box

I hereby notify South Hams District Council
of the operations specified in this notice

or

I am seeking exemption for the works specified

Name of Conservation Area:

3 The Trees and the Applicant's Interest in Them

Give the address of the land on which the tree or trees stand (*if different from applicant's address given in 1 above*).

.....

.....

.....

Is the applicant the owner of the land? YES NO

If not, specify:

i. the applicant's interest in the land (e.g. occupier, tenant, neighbour etc.)

.....

.....

ii. name and address of owner

.....

.....

4 Notification Details

Please describe the notification by completing the table below. Please specify the tree(s) to which the application relates. Describe the work you wish to carry out and give your reasons for making the notification.

Tree(species)	Number on Plan	Proposed Operations	Reasons

5 Plan

In the space below please provide a sketch or street plan showing the location of the tree(s) in relation to surrounding property. If necessary please use an additional sheet.

6 Replanting

Please give details of the replacement planting you propose to carry out (mark proposed location on the plan).

.....
.....

7 Submitting the Notification

Signed: Date:

Please return to the:-

Tree Officer

*Landscape and Leisure Service,
South Hams District Council,
Follaton House, Plymouth Road,
Totnes TQ9 5NE*

Please cut off application form and keep the notes across for your reference.

Have you:- **Included any supporting documents?**
 Kept a copy of this completed form for your future reference?

Trees in a **CONSERVATION AREA**

Notes to help you complete your notification of proposed works to trees in a Conservation Area

General guidance on the protection afforded to trees growing in Conservation Areas is given over the page. If you are unclear on whether you need to serve notice, or would like to talk to someone before serving notice, please contact

The Tree Officer

by phoning

01803 861382

You don't have to use this standard form but it's been prepared to ensure that all relevant information is submitted to aid a speedy response.

You need to submit only **one** copy of your notification form but are strongly recommended to retain a copy yourself for future reference as any approval will refer to details you give on the form and plan. The form should be accompanied by a plan which is of sufficient scale and accuracy to clearly show the location of the tree(s).

You may wish to seek specialist advice in relation to your notification and you may submit a tree surgeon's report as a supporting document.

A Guidance Note on the management of protected trees is available from the Council.

The following refer to the numbered questions on the notification form.

1 An **agent** is anyone, such as a tree surgeon, working on your behalf. All correspondence will be sent to your agent if you have one.

2 Use this section to clarify whether you are serving a notification or seeking an exemption.

A notification goes through the normal process of assessment by the Council.

An exemption can be granted for works detailed as exempt in the Town and Country Planning Act, as summarised over the page. You may wish to seek specialist advice on this matter.

The Conservation Area will be identified using the name of the town or village in which the tree is growing.

3 Although you can apply to work on a tree not in your ownership it is appropriate for the Council to know details of **ownership**.

4 The notification

Trees: These should be detailed by **species**

Number: These should allow **ready identification** on the plan

Proposed operations: If you want to carry out work other than felling (for example crown thinning, crown reduction or crown lifting) you need to **describe these accurately** in order that they can be properly assessed. Unclear notifications will not be accepted.

Reasons: Please specify the **reasons** for wishing to undertake the works.

5 Show clearly the **location of the tree(s)** in this space or on an accompanying plan.

6 Where certain felling takes place there is a requirement to **replant**. Please specify the species of your intended replacement planting and its location. It should be in the same place unless the Council agree otherwise.

7 When you have completed the form, please **sign and date** it and return it to the address given.

Summary of the Legislation relating to Trees in a Conservation Area

*These notes are for guidance only and give a brief summary of the legislation.
The notes have no legal force.*

Scope of the Legislation

The legislation sets out a process whereby trees in Conservation Areas can only be worked on or felled once the local planning authority (the Council) has been able to consider the works.

The Need to Notify

Under Section 211 of the Town and Country Planning Act 1990, anyone proposing to cut down, top, lop, uproot, or carry out works liable to damage or destroy a tree in a Conservation Area is required to give six weeks notice of their intention to the Council before starting work. The purpose of this provision is to give the Council an opportunity to consider the proposed works and if necessary serve a Tree Preservation Order to control the works.

This requirement does not apply in the following circumstances which are known as 'exempt works':-

- (i) trees which are dead, dying or have become dangerous;
- (ii) trees which do not exceed 75mm in diameter measured at 1.5m above ground level;
- (iii) where the works are necessary for the prevention or abatement of a nuisance (nuisance is to be taken in its legal sense and does not mean mere inconvenience).

Except in an emergency, the Council should be given not less than 5 days notice that operations detailed as exempt in i, ii and iii are to be carried out to allow the situation to be verified on site.

Decisions

When the Council receives Notice of Intention to carry out works, it has three options open to it.

- (i) Make a Tree Preservation Order to prevent works;
- (ii) Decide not to make a Tree Preservation Order and inform the applicant that work can go ahead;
- (iii) Do nothing within the six week period, at which point the proposed work may go ahead.

Replanting

If a tree in a Conservation Area is removed, uprooted or destroyed in contravention of section 211, the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he reasonably can. The same duty also applies if a tree is removed, uprooted or destroyed or dies at a time when work on the tree is authorised because it is dead, dying or dangerous, or because it is causing a nuisance.

Contravention

Any person failing to notify the Council in writing as set out above is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.