

<b>Works to Trees: New Council Form (TW1) and Guidance Notes.</b>	<b>28<sup>th</sup> November 2018</b>
<b>Planning Committee</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	<b>Outcome</b>
Leader & Champion	<ul style="list-style-type: none"> <li>We will establish key relationships with Government agencies and potential strategic partners in NI and external to it which helps us to deliver our vision for this Council area.</li> </ul>
Protect the environment in which we live	<ul style="list-style-type: none"> <li>All environments in the area will benefit from pro-active decision making which protects the natural features, characteristics and integrity of the Borough;</li> </ul>
<b>Lead Officer</b>	Local Development Plan Manager
<b>Cost:</b>	N/A

## **For Noting**

### **1.0 Background**

- 1.1 The Council's Planning Section has responsibility for processing applications for works to trees that are either covered by a Tree Preservation Order (TPO), or located within a Conservation Area.
- 1.2 Presently anyone wishing to apply for consent to carry out works to protected trees must provide the following information, in writing:-
- Clearly specify/identify each tree involved;
  - Identify their locations on a suitably scaled map;
  - Fully state the extent of the work you wish to carry out; and
  - Provide reasons why you wish to carry out the work.
- 1.3 This information is currently provided in an ad hoc manner, with variations in both the amount and quality of submissions. This can lead to difficulties in the consideration and assessment of the requests, and at times can lead to delays in processing times.
- 1.4 The use of a standardised form (see Appendix 1) will help to establish a more consistent process, leading in turn to more effective management of tree works throughout the Borough. It will also provide greater clarity for agents/applicants involved as the form is accompanied by accompanying guidance notes (see Appendix 2).

- 1.5 The use of this form and guidance notes will also be consistent with the approach taken by other planning authorities, as discussion and agreement on content has already taken place through the Local Government Tree Officers Forum, which is open to all 11 Councils in Northern Ireland.

## **2.0 Financial Implications**

- 2.1 None

## **3.0 Other Implications**

- 3.1 None

## **4.0 Recommendation**

- 4.1 **IT IS RECOMMENDED** that Members note the new Form TW1 and associated Guidance Notes attached at Appendix 1 & 2.

### **Appendices:**

**Appendix 1:** Form TW1

**Appendix 2:** Form TW1 Guidance Notes



Application for tree works: works to trees subject to a Tree Preservation Order (TPO) and/or notification of proposed works to trees in a Conservation Area.

**The Planning Act (Northern Ireland) 2011**

**&**

**The Planning (Trees) Regulations (Northern Ireland) 2015**

You must use this form if you are applying for work to trees protected by a Tree Preservation Order (TPO). You may also use it to give notice of works to trees in a Conservation Area. It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application / notice cannot proceed. **Please complete using block capitals and black ink.**

**1. Applicant Name and Address**

Title:  First Name:

Last Name:

Company (optional):

Unit:  House Number:  House Suffix:

House Name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

**2. Agent Name and Address**

Title:  First Name:

Last Name:

Company (optional):

Unit:  House Number:  House Suffix:

House Name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

### 3. Tree Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit:  House Number:  House Suffix:

House Name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode:   
(if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

### 4. Tree Ownership

Is the applicant the owner of the tree(s)? Yes  No

If No, please provide the address of the owner (if known and if different from the trees location)

Title:  First Name:

Last Name:

Company (optional):

Unit:  House Number:  House Suffix:

House Name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode:

Area Code:  Telephone Number:

Country Code:  Mobile Number (optional):

Area Code:  Fax Number (optional):

Email Address (optional):

### 5. What are you applying for?

Are you seeking consent for works to tree(s) subject to a TPO?  Yes  No

Are you seeking consent for works to tree(s) Covered by a planning condition?  Yes  No

Are you wishing to carry out works to tree(s) In a Conservation Area?  Yes  No

### 6. Tree Preservation Order Details

If you know what TPO protects the tree(s), enter its title or number below:

### 7. What are you applying for?

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes). Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant. *E.g. Oak (T3) – fell because of excessive shading and low amenity value. Replant with 1 heavy standard ash in the same place.*

## 7. Identification Of Tree(s) And Description Of Works continued ...

## 8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

### For all trees

A map or sketch plan identifying and clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. This information is also advised when notifying the LPA of works to trees in a Conservation area (see guidance notes).

It would also be helpful if you provided details of any advice given by an LPA officer.

### For Works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, you applications must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

**1. Conditions of the tree(s)** – e.g. it is diseased or you have fears that it might break or fall:

If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Yes  No

**2. Alleged damage to property** - e.g. subsidence or damage to drains or drives.

If YES, you are required to provide for:

Yes  No

*Subsidence*

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

*Other structural damage* (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions

### Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)?

Yes  No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc. in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

### 9. Authority Employee / Member

With respect to the Authority, I am:

- (a) A member of staff      (c) Related to a member of staff  
(b) An elected member      (d) Related to an elected member

Do any of these statements apply to you?

Yes       No

If Yes, please provide details of the name, relationship and role

### 10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

#### Sketch Plan

- A map/ sketch plan showing the location of all trees (see Question 8)

#### For all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

#### For works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
  - in respect of other structural damage - written technical evidence included all other information listed in Question 8?

### 11. Declaration – Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed – Applicant

Or Signed – Agent

Print Name:

Print Name:

Date:

Date:

**(This Date MUST NOT be before the date of submitting the form)**

### 12. Applicant Contact Details

Telephone numbers

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Email address (optional)

Development Plan Team  
Causeway Coast and Glens Borough Council  
Cloonavin  
66 Portstewart Road  
Coleraine  
BT52 1EY

Tel: 028 7034 7100  
Email: [development.plan@causewaycoastandglens.gov.uk](mailto:development.plan@causewaycoastandglens.gov.uk)  
Web: [www.causewaycoastandglens.gov.uk](http://www.causewaycoastandglens.gov.uk)

**Guidance Notes for Form TW1 - Application for tree works: Works to trees Subject to a Tree Preservation Order (TPO) and/or notification of proposed works to trees in a Conservation Area. (CA)**

**This form provides supplementary guidance and explanatory notes to accompany the Application for Tree Works form (TW1)**

**Electronic Communication**

If you submit this form electronically (by email) the Council will take it that you have agreed that they may communicate with you in the same manner. This may include the issuing of their decision. You may cancel this agreement by writing to the Council and ask them to stop communicating with you.

**1 & 2. Applicant Name and Address/Agent Name and Address**

You may submit the application yourself; you do not have to use an agent, nor do you have to be the owner of the tree(s). Complete both boxes if the application is being submitted by an agent (e.g. a friend, relative or technical adviser who is acting on the applicant's behalf).

Please be aware that the Council will hold your name and contact details in order to progress your report or as part of its public task duties. Information regarding your privacy rights and how to contact the Council's Data Protection Officer is available at:

<https://www.causewaycoastandglens.gov.uk/live/planning/gdpr>

Your tree work contractors name should not be entered here unless they are handling the application on your behalf. All correspondence, including the decision letter, will be sent to your agent if you have one otherwise we will deal with you as the applicant. Any arrangements for a site visit, if required, will also be made through your agent.

**3. Tree Location**

If the trees grow in more than one property, or if a tree straddles the boundary between two properties, you should enter the details of the second address here. If trees grow on any other properties, enter those addresses in the space at the bottom of this question.

**4. Tree Ownership**

You don't have to own the tree(s) to apply for consent but it is good practice to let the owner know what you are proposing. You will still need to get the necessary agreements or permissions from the owner before carrying out any work permitted by the Council. The owner of the tree is usually the owner of the land on which it grows. Please provide their address if it

is different from the address of the site where the tree(s) stands that you have already entered into question 3.

Please provide an explanation separately of tree ownership where a tree is on a boundary and is the joint responsibility of the applicant and the neighbour, or where consent is sought for trees on both properties.

## **5. What are you applying for?**

Refer to the leaflet Tree Preservation Orders: ***A Guide to Protected Trees***. In Conservation Areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5 meters from the ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees).

## **6. Tree Preservation Order details**

The Council may be able to help you answer this question. You should find the title and TPO reference number at the top of the order and any related correspondence.

## **7. Identification of Tree(s) and Description of Work**

### **Identifying the tree(s)**

Please give the species of the tree, if known (e.g. oak); Latin names are not required. Where known, use the numbering of trees from the first Schedule of the TPO.

### **Poor Tree Surgery**

Proposals that would endanger the health or condition of a tree or greatly reduce its amenity value to the local environment are unlikely to be allowed unless there are strong reasons to do so.

### **Describing the works and reasons**

Please make sure that you clearly state to which tree the descriptions of works and reasons apply. Reasons must be given for work to trees protected by a TPO. For trees in Conservation Areas, giving reasons for the work would be helpful, but is not mandatory.

It is vital that you clearly specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works.

**Examples of common tree work operations are shown:**

	<p><b>General Information</b> - The common operations described and simply illustrated here show some of your options.</p> <p>An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard 3998 – <i>Recommendations for Tree Work</i>.</p> <ul style="list-style-type: none"><li>• Please note that the entire branch system is known as the 'crown'.</li><li>• LPA approval is not required to remove <b>dead branches</b>.</li></ul>
	<p><b>Crown Thinning</b> - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.</p> <p>The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).</p> <ul style="list-style-type: none"><li>• Useful for letting more light into gardens and windows</li></ul>
	<p><b>Crown Lifting</b> - This means removing lower branches to increase the clearance between the ground and the crown.</p> <p>Identify the branches you wish to remove, or specify a height above ground level to which you wish to "lift" the crown.</p> <ul style="list-style-type: none"><li>• Useful for allowing more light into gardens</li><li>• Prevents low branches obstructing paths, drives etc.</li></ul>
	<p><b>Crown Reduction</b> - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.</p> <p>The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).</p> <ul style="list-style-type: none"><li>• Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering</li></ul>

**Planting replacement trees**

Unless there are good reasons, a condition is usually made for a replacement tree to be planted when granting consent to remove a tree protected by a TPO. Please use this opportunity to show your preference of tree should the Council approve your application and make such a condition.

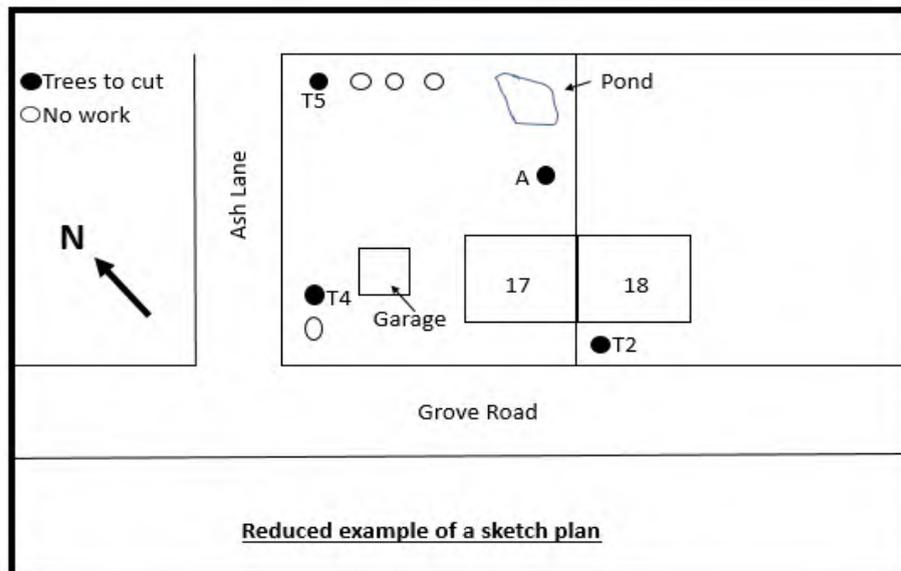
**8. Additional Information**

When setting out the reasons for proposed works to trees protected by a TPO, please provide sufficient evidence to support your case. Note that failure to supply precise and detailed information may result in your application being rejected or a delay in dealing with it. Additional information should be posted or hand-delivered at the same time as the form or supplied

electronically in support of your application. Applications cannot be processed until all mandatory information is received by the Council.

### Map or Sketch Plan identifying the trees

You must provide a map or sketch plan clearly identifying the relevant tree(s) on site. It should show site boundaries and adjoining properties (including house numbers or names) and road names. It is not necessary to draw a scaled plan, but it may be useful to show approximate distances between tree(s) in question and other relevant features, including buildings. If possible, include an arrow showing north and add the numbering used in question 7 (if applicable).



It may be helpful to show other trees in the garden to help the Council identify the trees on the form. If there are many trees, it is important to make clear which tree(s) you want to work on.

If it is not possible to identify the trees accurately on the plan (e.g. because they are part of a woodland or group of trees), please specify their approximate location on the plan and explain how the tree(s) has been marked on site (e.g. coloured tape, tree tags). The bark of trees must not be damaged e.g. by scarring or cutting into the bark.

Photographs can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt, e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.

Unless the Council agree in writing that the tree(s) is of very low amenity value you must provide the information (detailed above) when your application relates to the condition of the tree or damage that it is causing.

### Condition of tree(s)

If the work to be carried out is as a result of the presence and impact of pests, diseases or fungi this should be described in written evidence or diagnostic information from an arboriculturist or other appropriate expert. Arboricultural evidence must be provided to support applications that suggest

the tree has defects that may be of concern to keep current or future safe retention of the tree(s) or parts of the tree(s).

### **Subsidence**

Reports will usually be provided by a structural engineer and/or a chartered surveyor and be supported by technical analysis from other experts e.g. for root and soil analysis. These reports must include the following information:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted.
- Details of any previous underpinning or building work, the geological strata for the site identified from the geological map.
- Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building.
- Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack- monitoring data. Data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s).
- A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics.
- The sub-soil characteristics including soil types (particularly that on which the foundations rest), liquid limit, plastic and plasticity index.
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.
- Proposals and estimated costs of options to repair the damage.

In addition, you must include a report from the Arboriculturalist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree related damage.

### **Other Structural Damage**

Technical evidence in respect of other structural damage (e.g. garden walls, drains, paving, and drive surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert.

### **9. Authority Employee/Member**

You must declare whether the applicant or agent is a member of the Council staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

For the purposes of this question, 'related to' means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision maker in the Council.

## **10. Application for Tree Works - Checklist**

You may find it helpful to use this checklist to make sure that you have given the Council all the required information.

### **11. Declaration**

Please sign, print your name and date your application.

### **12. Applicant contact details**

Please provide contact information for the applicant.

### **13. Agent contact details**

Please provide contact information for the agent.

## ***What happens next?***

### **Tree Preservation order applications**

The Council will usually carry out a site visit to help them assess the proposed works. They may discuss alternative works with you. You will have a right of appeal to the planning appeals commission where the Council has not issued a decision within either eight weeks or four months of your submission or valid application, depending on the age of the TPO.

You should confirm with your Council which period applies; alternatively you can agree an extended period with them. Details of these processes can be found in the leaflet Protected Trees: A Guide to Tree Preservation Procedures mentioned in 'Further Information' earlier on this guidance.

### **Conservation Area Notices**

The Council has six weeks within which they can object to proposals. This gives the Council the opportunity to protect trees of amenity value, which may be harmed by the proposed works. A site visit is usually carried out.

The Council can only object formally by making a TPO on the tree(s) concerned. In many cases, where the Council feel that works are inappropriate, they may discuss alternative work with you.

If you do not receive a decision within six weeks of your notice you may carry out the only the works for which you gave notice.

If a TPO is made this will prevent you doing work without making an application for consent. You will have the right to object to the TPO and the Council will provide details on how to do this.

