

PROTECTED TREES - FREQUENTLY ASKED QUESTIONS

What is a tree (When does a large bush become a tree?)

It has been generally agreed that a tree is a woody perennial plant on a single stem which can attain a height of some 6 metres. In Conservation Areas (see below) you do not need to give notice if the tree trunk is less than 7.5cm in diameter at a height of 1.5m above ground.

What is a protected tree

A tree may be protected by being in a Tree Preservation Order (TPO) or a Conservation Area or by Conditions put on a Planning Permission. If you are a GHA tenant your tree may also be protected.

How can I find out if a tree is protected

You can check by phoning, by e.mail (TreeEnquiry@drs.glasgow.gov.uk) or in writing to GCC at the address below or check on the Council's web site for Tree Preservation Orders (TPO), Conservation Areas and Planning Permissions. If you are a GHA tenant you should contact Land and Environmental Services (Parks) on 276 1418. Also, when a TPO is in place it is recorded at the Register of Sasines (Land Register) and becomes a legal burden on the land. All contact details for all of the above can be found at the bottom of the page.

What is a Tree Preservation Order (TPO)

A TPO is a legal form of protection which councils can put on trees which are of value in the area. It is often used to protect trees under threat from development or changes in land ownership.

What is the purpose of a Tree Preservation Order (TPO)

To protect trees, groups of trees or woodlands that add to the character and appearance (amenity) of an area, for the benefit of the local residents and the wider environment. The TPO allows the council to control lopping or destruction of trees without consent and replacement planting where required.

What restrictions are there on doing work to trees in Conservation Areas

If you want to carry out work to a tree in a Conservation Area you must give the council 6 weeks notice of the intended work. It is an offence to carry out work within that period without consent.

What is a Condition on a Planning Permission

Planning permission is granted to owners or developers usually to carry out building work. If there are trees on the site which are valuable enough to require protection a condition will be put on the permission. This prevents any unapproved work to the trees and requires protective fencing to be put up for the duration of the building work.

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 are not protected.

There is an attractive group of trees near my house which are not protected. How can I request that a TPO is made?

A request should be made in writing to GCC at the address below or via e.mail (TreeEnquiry@drs.glasgow.gov.uk) giving an accurate location for the trees. They will be inspected and if a TPO is recommended the legal procedure will be begun.

Does a TPO come into effect immediately

In exceptional situations a TPO can be made to come into force immediately. This is very rare. Normally the process will take several weeks and will include a survey, ownership check, document preparation, advertising in a newspaper and serving on the owner.

How will I know when the Planning Authority has made a new TPO

If you are the owner the legal papers will be sent to you. You will have 28 days to object. If you are not the owner you may read the advertisement in the newspaper or make an enquiry to GCC at the address below or via e.mail (TreeEnquiry@drs.glasgow.gov.uk). An appointment can also be made to view the TPO document.

How can I object to or support a TPO

You can do either by writing to GCC at the address below or by e.mail (TreeEnquiry@drs.glasgow.gov.uk) within the objection period. We will take all comments into account.

Who is responsible for looking after the 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 few years.

How can I check if an owner has permission for work on a protected tree

You can check by phoning, emailing or writing to GCC at the addresss below or by asking the owner to show you the letter of consent.

How do I get permission to work on a protected tree

You must obtain permission in writing 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.

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, dying or dangerous. You should notify us as soon as possible 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 us.

A tree in my garden is showing signs of disease. It is protected. Does this mean I cannot carry out the necessary work?

Firstly have your tree examined by a tree surgeon who can advise on work required. Then apply to the Council for permission to carry out the work. We will inspect the tree as soon as possible and give consent for any work required.

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.

What if I carry out work on a protected tree without permission

You would have broken the law and potentially be liable to a fine of up to £20,000 per tree, depending on the circumstances.

What if my application to carry out work is refused

We will let you know if your application has been refused and if you do not agree you have a right of appeal to the Scottish Executive

A neighbour's trees are overhanging my garden. Can I cut them back?

Provided the tree is not protected you may prune the branches back to the boundary line. You may not cut back beyond that line or enter your neighbour's property to do the work unless they give permission. Legally the cut branches belong to your neighbour, but you should check if they want them back. If the tree is protected you must follow the procedures above.

There is a tree in the pavement outside my house. Who is responsible for its maintenance?

If the pavement is an adopted footway maintained by the Council then the Council is responsible for the tree. If it is a private pavement then the land owner is responsible. Your house deeds should tell you whether you share responsibility for the tree.

A tree on land adjoining my property looks dangerous and I am concerned that it may damage my property. What can I do?

The owner of the land is responsible for any trees on it and for any damage they may cause. The Council has no powers to make an owner carry out works to a tree unless it is likely to affect a public road or footway. If you have spoken to the owner without success you may have to contact a solicitor for advice.

How can I be sure the tree surgeon will do a good job

Always use a reputable contractor who is properly trained, equipped and insured. Ask to see references, his Public Liability Insurance and his test certificates. Never accept offers to do tree work from a passing 'white van man' as this will often end in poor and often illegal work. We recommend that you get three estimates for the work from businesses with proper addresses where you can contact them if problems arise.

How are trees on development sites protected

They can be protected in exactly the same ways as listed above. If the site is not in a Conservation Area and the trees are particularly valuable the Council may decide to put a TPO on them. There will normally be Conditions on the Planning Permission.

Can I carry out work to protected trees which are in the way of a proposed development

Only if they are directly in the way of a development which is about to start and which has full Planning Permission. You may not carry out tree work on the basis of an Outline Planning Permission.

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 protected trees.

Contacts

Glasgow City Council

Development and Regeneration Services

231 George Street

Glasgow

G1 1RX

Tel. 0141 287 8555

Email: TreeEnquiry@drs.glasgow.gov.uk

Land and Environmental Services

231 George Street

Glasgow

G1 1RX

Tel. 0141 287 5035

Email: les@glasgow.gov.uk

Registers of Scotland

Glasgow Customer Service Centre

Hanover House

24 Douglas Street

Glasgow

G2 7NQ

LP 12 Glasgow 9

DX 501752 Glasgow 9

Tel. **0845 607 0164**

Fax. 0141 306 1721

Email. customer.services@ros.gov.uk

web: www.ros.gov.uk/registersdirect/index.html