



TREE PROTECTION & TREWORKS GUIDANCE

What do trees contribute to our places?

Trees have a vital role to play in the setting, appearance and quality of Renfrewshire's environment.

There is a recognition that trees and woods provide a whole variety of benefits which are particularly important to people living and working in our urban areas.

Some of the most attractive parts of Renfrewshire's town and villages are enhanced by the maturity and beauty of trees. Their benefits are wide-ranging; they also provide shelter, stabilise soil, moderate air pollution, reduce storm-water run-off, provide wildlife habitats and enhance biodiversity close to people's homes, and soften the landscape to make our towns greener and more attractive.

Why plant and manage trees?

Trees do not last forever. Heavy storms inevitably blow down some trees, and conditions such as Dutch Elm Disease and Ash Dieback has also resulted in extensive losses.

To ensure that tree cover in our towns and villages is maintained it is important to encourage natural regeneration, and manage existing woodlands in publicly and privately owned open spaces.

All trees and woodland areas benefit from active management including the removal of dead, dying or damaged branches, and pruning; and limited felling to allow for succession planting. The Council welcomes proactive tree management.

What type of tree should I plant?

When selecting a tree to plant, give thought to the existing surroundings and

planting. You should normally use native species – a good nursery will be able to advise you which would be most suitable. Consider how fast it will grow and how high it could eventually reach.

Consider the likely effects on both your own property and any immediate neighbours in terms of leaf drop or residues close to where cars may be parked. In particular, consider whether the tree(s) could impinge on your own or your neighbours enjoyment of the garden through acting as a barrier to light.

How are trees protected?

In considering proposals for new development Renfrewshire Council is required to make appropriate provision for the planting and preservation of trees. This duty is met in two ways

- The Council can impose conditions on new developments to require the preservation of existing trees or the planting of new trees.
- The Council can make Tree Preservation Orders.

Statutory protection only extends to those trees which are located within a Conservation area or those which are covered by a Tree Preservation Order (TPO). Details of the Conservation Areas and TPO's in Renfrewshire can be found using this [link](#).

What are TPO's?

Tree Preservation Orders can be made on important groups of trees, woodland areas and single trees. The effect of an Order is that any proposed treeworks – cutting down, uprooting, topping, or lopping of any branches – will require the Council's consent. An application must be submitted

on the appropriate form which is available [here](#).

Once you have submitted an application a site visit will be made to assess the proposed works, and a written notification of the result of your application will be sent to you.

Consent for felling is unlikely to be granted unless your application is accompanied by a report from a reputable tree surgeon confirming that

- the tree either constitutes, or is likely to become, a danger, or cause damage to property or persons;
- the removal of the tree is necessary and desirable for the continued growth of adjoining trees in the interests of maintaining tree cover within a site;
- the removal of the tree is justified in removing a severe adverse effect on the amenity of residential property.

If consent is granted for felling, you may be required to provide suitable replacement trees.

Any treeworks should be carried out by a reputable tree surgeon. The scope for damage to person, property and tree can be significant!

What if the trees are in a Conservation Area?

By their very nature, Conservation areas are historic and attractive areas of Renfrewshire's towns and villages. The majority of trees in Conservation Areas tend to be mature and of great value, and so are subject to special procedures.

Development and Housing Services must be given six weeks written notice of any treeworks to be carried out on any tree growing within a Conservation Area. The relevant form can be accessed using this link.

Until the six week period has expired, the trees benefit from the same protection as if they were the subject of a TPO. In limited circumstances and only where the proposed treeworks are considered to be inappropriate, it may be necessary to promote a TPO. Otherwise authorisation will be given to carry out the works.

We will endeavour to process all requests as quickly as possible. Written replies should normally be received well within the six week period. If the written reply is positive, there is no need to wait for the expiry of the six week period before the works are undertaken.

What are the penalties?

If anyone cuts down, uproots, tops, lops or wilfully damages any tree which is covered by a TPO without the consent of the Council, the person may be liable to a fine of £20,000.

Similar penalties apply to unauthorised treeworks within Conservation Areas.

Common Questions?



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

If the trees are covered by a TPO, then an application must be made to the Council and a decision issued to you before any works can be undertaken. You should

notify the owner of the trees prior to carrying out any works.

Appoint a properly qualified tree surgeon or follow good pruning practice to ensure the future health of the trees. If you carry out works on trees not owned by you, then legally you must offer the cut timber to the owner – although (s)he is not obliged to take it.

 ***I am concerned about the health of a tree in my garden. What can I do?***

You should contact a tree surgeon to examine the tree and advise. Renfrewshire Council do not provide a free advice service.

When an application for treeworks is made, the tree will be inspected by Development and Housing Services in respect of the works proposed. Remember if your tree is covered by a TPO, an application must be submitted.

 ***I am a Council tenant and I am concerned about a protected tree in my garden. Who should I contact?***

The matter will be dealt with by your local neighbourhood office who will make the required application if the tree is covered by a TPO. Responsibility for other general garden maintenance, however, remains with the tenant.

 ***A very large tree in my garden is showing signs of disease. It is covered by a TPO. Does this mean that I cannot carry out any necessary works?***

Not necessarily – but you must not carry out any works without treeworks consent being obtained first. The first step is to have your tree inspected by a suitably qualified tree surgeon who will advise you

on the nature of the works required. You should then submit a completed treeworks application or ask the tree surgeon to do it on your behalf.

A TPO will not prevent you from carrying out necessary works to trees – indeed applications to carry out positive management are encouraged. If felling is proposed, suitable replacement planting may be required.

 ***Felling is taking place in a woodland area. Do these works need consent?***

Consent is only necessary if the trees are covered by a TPO or are within a Conservation Area. A felling licence may be required from the Forestry Commission depending on the amount of cut timber.

 ***There is an attractive group of trees which are not covered by a TPO. How can I request that a TPO is made?***

Write to Development and Housing Services who will arrange for the trees to be inspected. If the trees are assessed as being of significant or exceptional value, the appropriate steps to promote a TPO will be taken.

 ***I know of someone who intends to fell trees that are not covered by a TPO, nor are they within a conservation area. Can they be stopped?***

If trees do not have statutory protection in place, the Council has no powers to intervene. The owner may remove the trees without notifying the Council or any other parties.



A tree is growing in the pavement outside my home. Who is responsible for its maintenance?

If the pavement is a public footway (i.e. adopted by Renfrewshire Council) then responsibility for the trees lies with the Roads Division of Community Resources.



A tree growing on land adjoining my property is diseased and I am concerned that it may damage my property. Who is responsible?

Trees are the responsibility of the owner of the land on which they are situated. The landowner is therefore responsible for the health of the trees and any subsequent damage that the tree may cause if not properly cared for.

The Council has no authority to make an owner carry out works to his/her tree, dangerous or not. If your informal approaches to the owner to resolve the problem are not effective, you may have to resort to legal action.



What should I do in an emergency or where a protected tree that is on my property suddenly becomes dangerous?

Nothing in a Tree Preservation Order (nor within a Conservation Area) prohibits the uprooting, felling, lopping or topping of trees if the works are urgently necessary in the interests of safety - so long as notice in writing of the proposed operations is given to the planning authority as soon as practicable after the operations become necessary.

In such circumstances, a 'retrospective' application would be expected after the works have been carried out.

It would also be prudent to be able to evidence the urgent nature of the works by taking photographs and/or providing a statement from a reputable tree surgeon. This would assist the speedy resolution of the subsequent retrospective application.

Further information and advice can be obtained by visiting www.renfrewshire.gov.uk or phoning 0300 300 0144 or emailing dc@renfrewshire.gov.uk