

Protocol for dealing with applications for consent to work on trees which are the subject of Tree Preservation Orders

In recent years, on several occasions, West Dorset District Council and subsequently Dorset Council, have changed the procedures for notifying Parish and Town Councils about applications for consent to work on trees which are the subject of Tree Preservation Orders. The most recent position was that Parish and Town Councils were not being notified, there being no legal requirement to do so. Following representations from Parish and Town Councils, they have now changed the procedure again. They will now notify such councils of applications if they involve the felling of trees. I have therefore amended your protocol accordingly as set out below.

You will note that I have deleted the requirement for the Clerk to check the planning register on a weekly basis to look for all kinds of tree works applications and to notify the Planning Group of them.

Broadmayne Parish Council – Tree Preservation Order Protocol  
(Version 4: Adopted XX)

1. There is no legal requirement for Parish Councils to be notified of applications for consent for work on trees which are the subject of Tree Preservation Orders (TPOs). However, the relevant authority, Dorset Council (DC), must keep a register of all applications for consent for such works. DC's register of TPO applications is combined with that for planning applications and is maintained on-line.
2. Government advice is that where local people might be affected by an application or where there is likely to be a good deal of public interest, the authority should consider displaying a site notice or notifying the residents, other authorities or groups affected. In addition, where a neighbour submits an application, the authority should make sure the owner or occupier of the land on which the tree stands is informed and given a chance to comment.  
Several years ago, Dorset Council ceased consulting parish councils about applications for consent to work on trees which are the subject of TPOs, instead leaving it to parish councils to monitor the online register themselves. However, following pressure from parish and town councils they have now agreed that as from 1 December 2022 they will be notifying parish and town councils of tree works applications **where felling of trees is being proposed**. This will enable councillors and clerks to respond to enquiries from local people who express concerns about such work.—In July 2021, DC

~~advised as follows “We will allow a three week period during which comments can be made on all applications except regulation 14 ones (which are urgent and need to be processed in a week), so if you check the information twice a month you will pick up applications relevant to your area. Please note, to meet our statutory deadlines, we will not be able to allow extensions of time.”~~

3. There are a considerable number of trees within the parish of Broadmayne which are the subject of TPOs, it is therefore considered to be good practice to ~~continue to monitor, and~~ comment where ~~re possible and~~ appropriate, on applications for the felling of trees, works.
4. Broadmayne Parish Council will conduct itself on TPO matters in a way which is transparent, accountable, objective and fair.
5. Under its Planning Application Protocol, Broadmayne Parish Council appoints a ‘Planning Group’ at the Annual Parish Council meeting in May. This group shall also deal with applications for works on trees which are the subject of TPOs.
4. ~~The Clerk shall check the register on a weekly basis for any applications for works on trees which are the subject of TPOs.~~
56. The Clerk shall, as soon as possible, after notification of an application to fell a tree enter in a register maintained for the purpose the following particulars of the every application:
  - a. the date on which it was notified
  - b. the name of the applicant
  - c. the place to which it relates
67. The Clerk shall e-mail, the planning group (and cc the other Councillors) with a link to the application.
78. All members of the Planning Group shall e-mail their comments to the rest of the Planning Group, the Chairman and Clerk in a timely fashion.
89. If there are no objections or comments on the application from the planning group then no response shall be made.
- 9-10 In the event that any member of the planning group does have an objection or comment to make on the proposal then the Chairman and Clerk shall prepare a response which the Clerk shall submit via the DC website. All such responses will be reported at the next Parish Council meeting. ~~;~~