



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

APPLICATION FOR WORKS TO PROTECTED TREES (INCLUDING TREES IN A CONSERVATION AREA)

PLEASE READ THE ATTACHED NOTES FOR GUIDANCE BEFORE COMPLETING THIS FORM

1. Your Details 2. Agent Details (if applicable) Name Address Post Code Tel. No. E-mail address*

* If you provide an e-mail address, we will undertake all further communication by e-mail, unless otherwise advised; If an agent's details are provided, all correspondence will be undertaken through the agent.

Are you the owner of the trees subject to this application? Yes No

3. Details of Owner of Trees (if different to applicant) Name Address Post Code Tel. No. E-mail address

4. Location of Trees Provide a postal address where possible. If the location is unclear, or there is not a full postal address, describe it as clearly as possible (e.g. Land to the rear of 12 to 18 High Street or Woodland adjoining North Street).

5. What are you applying for? (a) Works to trees protected by a Tree Preservation Order (b) Works to trees in a Conservation Area

6. Tree Preservation Order Details If you know which Tree Preservation Order protects the trees, enter its number or title below

7. Your application

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

8. Reason for the Work

9. Supporting Documentation and Declaration

I hereby apply for consent and declare that, to the best of my knowledge, the information contained in this application and in the submitted information is correct.

I attach:

- A plan identifying the location of the trees and any other documentation setting out the works applied for
- Copies of photographs/plans and/or sketches to support my application
- Copies of any letters or other correspondence, including any referred to in this application

Signed..... PRINT NAME..... Date.....

Please send the completed form to:

Development Standards Division
Regulatory Services Department
Scottish Borders Council
Newtown St. Boswells
TD6 0SA

SCOTTISH BORDERS COUNCIL

APPLICATION FOR WORKS TO PROTECTED TREES

GUIDANCE NOTES

These notes are intended to assist in the completion of the application form for tree works and to help you submit your application correctly. They also explain a little about the process, more details of which can be found on the Council's website, www.scotborders.gov.uk.

Please read these notes carefully before completing and submitting the form.

Anyone can apply for consent under a Tree Preservation order (TPO). You do not have to have a legal interest in the land. For example, a person can apply to carry out work on trees which are situated in a neighbour's property. But an applicant who is not the owner of the trees is strongly advised to consult the owner before making an application; the applicant is also advised to notify the owner as soon as the application has been submitted. It is legitimate for the Council to ask applicants about their legal interests in the trees they propose to carry out work on. Our decision on the application can only be based on the merits of the case, in the public interest. If consent is granted, it will be for the applicant to make sure any necessary permission is obtained from the owner of the tree before carrying out the work.

Question 1: Your Details

This section must be completed.

The Council undertakes to communicate by e-mail wherever possible. Therefore, if you provide an e-mail address, we will carry out all further written communication by e-mail unless otherwise advised. This will include our decision on the application.

Even if someone else is submitting the application on your behalf, it is important that we have your contact details, as we may need to contact you to gain access to the site.

Question 2: Agent Details

Complete this section if you are a professional adviser, relative, friend or other representative acting on behalf of the applicant. It is not necessary to employ an agent, but if one is employed all correspondence will be sent to them. If the form is completed by an agent, please ensure that the name of someone who can be contacted by e-mail and a telephone number is given.

Question 3: Details of the Owner of the Trees

If you are not the owner of the trees, please provide as much detail as you can about the owner as you are able. We need this information because we may need to contact these people, and to arrange to visit the site.

If you are in any doubt about who owns the property where the tree(s) is/are situated, you can check with the Registers of Scotland, which can provide copies of title plans. There is a charge for this service. Further information can be found at www.ros.gov.uk.

You are strongly advised to contact the owner of the trees before undertaking works to their trees, particularly where that required entry onto their land.

Question 4: Location of the Trees

If all the trees affected by the application stand at the address given in answer to Q1, you can simply say that here. Otherwise, please provide the full postal address of the site in which the tree(s) are located.

If the site where the trees are growing does not have a postal address, use the box below to describe as clearly as possible where it is e.g. 'Land between 12 and 14 High Street'.

Question 5: What are you applying for?

If you know that the tree(s) is/are protected by a Preservation Order, you should tick "yes" to question 5(a). If it is not protected by an Order, but is located within a Conservation Area and has a trunk diameter of more than 75mm when measured at 1.5m above ground level, then you should tick "yes" to question 5(b).

Question 6: Details of the Tree Preservation Order

If you have answered "yes know the title and number of the Order, enter it here. This information is available from the Council.

Question 7: Your application

It is vitally important that the application sets out clearly what work is proposed. This should be straightforward if the proposal is to fell a tree, as long as the tree is clearly identified. But if the proposal is to prune a tree the application should clarify exactly what work is envisaged. A proposal simply to 'top' the tree or to 'lop' or 'cut back' some branches is too vague because it fails to describe the extent of the work. Applicants are advised not to submit their applications until they are in a position to present clear proposals. You can find helpful information on the Arboricultural Association website at www.trees.org/tree-care-advice.

Only one application is needed to carry out a number of different operations on the same tree (for example, to reduce some branches and lift the crown) or to carry out work on a number of trees (for example, to reduce the crowns of a line of trees). Similarly, a programme of work (such as specific operations which are to be repeated on an annual or regular basis, or a series of operations phased over a period of time) could be submitted as one application.

You should also set out any proposals for replacement planting here. Unless there are good reasons otherwise, a condition of any consent for removing a tree protected by an Order will normally be the requirement for a replacement tree.

You may continue on a separate sheet, if necessary.

It would be helpful if you are able to provide a photo of the tree(s) and a plan showing the location of the tree(s). A 1:1250 Ordnance Survey plan, with the position of the tree clearly marked in red, will be ideal in this regard.

Please include copies of any professional reports that you may have had prepared and of any other documents that you want the Council to take into account.

Question 8: Reasons for your Application

You should use this section to identify the trees that will be affected by the works, as well as a full specification of the works you intend to carry out. You might find it useful to contact an arborist (tree surgeon) for help defining appropriate work. Where trees are protected by a Tree Preservation Order (TPO), please number them as shown in the Schedule of the Order, where this is available. You should use the same numbers on your sketch plan.

Please include the following information within the box: Tree species (and the number used on the sketch plan) and the description of the works. Where they are protected by an Order, you must provide reasons for the work and, where trees are proposed to be felled, your proposals for replacement trees (including quantity, species, position and size).

Question 9: Supporting documents

Please make sure you have ticked all the relevant boxes.

If you have ticked the last box, you may want to supply a list of these documents by title and date (e.g tree report dated 12 January 2014). This will help us to check that we have got everything you believe is necessary for us to assess your application.

What Happens Next?

In the case of applications for works to trees protected by a Preservation Order, the Council will respond to you no later than 8 weeks after the date of the application, setting out its decision (including any conditions) and the reasons for it; in the case of works to trees in Conservation Areas, this response will be issued within six weeks.

The Council can only consider the impact of the work on the amenity value of the tree, and whether the work is justified. As part of its consideration, the Council must consider whether any loss or damage to public amenity is likely to arise if consent is refused or granted subject to conditions. In general terms, it follows that the higher the amenity value of the tree or woodland and the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted.