GUIDANCE NOTE FOR INCLUDING TREES IN 
TREE PRESERVATION ORDERS

The law on Tree Preservation Orders (TPOs) is in Part VIII of the Town and Country Planning Act 1990 (the Act) and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the Regulations) which came into force on 6 April 2012. Under the Act and the Regulations, Wokingham Borough Council (WBC) has powers to include trees in TPOs. Subject to certain exemptions Orders prevent work from being carried out to the tree(s) without the prior written consent of the Council. The Council will normally only allow works to be carried out to protected trees that are in the interest of safety or appropriate to their long-term management. The Council will not allow works to trees that are likely to harm their health or appearance.

From September 2019, as resources allow, WBC will prioritise the making of new TPOs to be focused along the following lines:

1. **New Strategic Development Locations** (SDLs) as they come forward in the WBC development plan.
2. Appeal sites.
3. Trees of particular value.
4. ‘Aged and veteran trees’ and/or ancient woodland as defined by Annex 2 of the NPPF due to their value for particular wildlife, heritage or for landscape reasons.
5. **Planning applications.**
6. **Woodlands and hedgerow trees** (especially BAP habitats in line with the Council’s NERC Act paragraph 40 duty) and Stepping stone woodlands etc.
7. **Green Route and Green Lane trees** in line with WBC policy.

The making of these Orders will take priority over other requests for TPO’s where there are no known or specific threats to trees. Requests for TPOs in this instance will be reviewed and kept on file for further consideration in case a threat occurs.

You may find the following information of help in understanding the criteria the Council considers before deciding whether you wish to request that a tree(s) be included in a TPO:

- The tree(s) must have ‘amenity’. Amenity is not defined in law but Government guidance states that Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Amenity assessment could include aspects such as:
  - Visibility - the trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
  - Individual, collective and wider impact – eg. size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.
  - Other factors - such as importance to nature conservation, heritage or response to climate change.

- It must be ‘expedient’ to include the trees in a TPO. Expediency is also not defined, but it usually means that there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. The risk does not have to be immediate, in some cases it may be expedient to proactively create TPOs.

- An Order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species, but not usually commercial fruit trees.

- The Borough Council currently makes in the region of three TPOs per month. They often include a number of trees in each Order.

- Any requests to include trees in a Tree Preservation Order will be considered on their merit and prioritised accordingly.


If you require any further information please contact the Council’s Trees and Landscape Team on customerservice@wokingham.gov.uk