



## **Bristol Tree Forum: Planning Applications: 6 part 1. BCC's Tree Management Policy**

Bristol City Council has a tree management policy (TMP). It does not always adhere to it.

Or maybe we do not know how to “read/follow” it.

You can find it here:

**<https://www.bristol.gov.uk/documents/20182/32823/Tree+management+policy+2016/049b3533-d4df-4161-a2f8-a63da223530e>**

Or put “Tree Management Policy” into the Search Box on BCCs Home Page.

I think it does not need re-writing for you.

But there are a few things to say about it - particularly ways in which it can be misunderstood.

- Remember that not all work that residents want to do to trees needs to be the subject of a Planning Application.

Only for those trees that have a TPO does there need to be an Application. /VP  
and for trees in a Conservation Area there needs to be a S211 Notice - but it turns up in the Planning Portal just the same. /VC

If you want to do work on or fell a.n. other tree then you can do so without making an Application or giving Notice - but if you do not own the tree then you need the consent of the owner before doing the work **unless** you are exercising your Common Law right to remove a nuisance to your property associated with trees - and this is covered in detail on Page 3 of the Council document above.

You cannot exercise your Common Law right to deal with a nuisance of a TPO tree or a CA tree without making an Application to, or giving Notice to, the Local Planning Authority (LPA) which is the Council. I'll give you a moment to get your head round that!

[Remember that a tree that is to be felled to facilitate development (building) no matter where it is growing, in a Conservation Area or not, in a front or back garden, or in a field or on a “brown site” then the felling should trigger mitigation through the Bristol Tree Replacement Standard to replace its amenity and environmental value - maybe in about 30 years' time!

This is expensive for the householder/developer and they will go to endless lengths to wriggle out of the obligation. One method used to be to separate the tree felling work from the development application, but we (the BTF) rumbled that one and after years of effort managed to get Bristol Planners to impose the obligation if it could be shown that the fellings were up to one year ahead of the development application - a victory - albeit small.]



When a resident makes an Application to do work on a tree with a TPO (/VP) they should answer the question on the Form as to why they want to do that work. Often they do not give a reason and the Council does not ask them to.

It is likely that there is not a particularly good reason for the work they want to do. You may choose to comment - but it is up to the Council's Tree Officer (sometimes abbreviated to AO = Arboricultural Officer) to decide.

The part of the management policy that can cause most problems is the "Right to Light".

(Page 8 of the document.)

- There is no general Right to Light in Law.

The Policy states: Policy: We do not prune or remove a council owned tree to improve natural light in or to a property, including solar panels.

For years we (the BTF) advised residents that, if the Council owned the tree blocking your light, don't ask for it to be felled or pruned, because they will not do it.

BUT very recently (20/04249/VC) the Council did give someone permission to trim a tree that was Council owned in a Conservation Area, provided that the Applicant paid for it. They stated in the Officer's Report that "We do not prune or remove....." meant that they would not pay for it. We are still hoping to get an explanation for that.

- Also - remember the definition of a High Hedge. A high hedge is one that is a) high (> 2 metres) and b) formed of (only) two or more canopies that merge. There are laws about High Hedges. Links to find out about them are given in the document described above - BCCs Tree Management Policy.

The BCC Document of its TMP is as much use to Tree Champions for their more general "work" with regard to trees, as for anything to do with Planning. Until very recently we (BTF) used to advise people on their tree problems using the TMP as a guide, but now we are not so sure following the decision on 20/04249/VC.

There is a lot of useful information in the TMP and you can guide people towards the document or use it as the basis for anything you might say.



In the Document there are mentions of the page they have on “How to Report a Problem with a Tree” and I cover that next. That again is as useful to TCs in their more general “work” as to their checking of Planning Applications.