

Development Management Protocol for Discharging Replanting Conditions on TPO Applications

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the Department for Communities and Local Government do not suggest that a formal discharge of conditions application is required for TPO applications. However, to make the process clear to tree owners, the process adopted by the Forest of Dean District Council is set out here. The approval of planting details does not require an extensive amount of work and should be a quick process. TPO applications currently require no payment and therefore none is currently proposed for the discharge of replanting conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 state that the Authority may grant consent under an Order with a condition requiring approvals to be obtained from the person giving the consent.

Currently, when an application proposes to fell tree(s) protected by a Tree Preservation Order without providing details of replacement planting and the Council considers that replacement planting is required, the Council places a condition for the later approval of planting details. The standard condition used by the Council in this instance reads as follows: *'That a replacement tree of species to be approved by the Local Planning Authority be planted in the property in a position to be agreed by the Local Planning Authority before the end of the first planting season following the felling of the tree.'*

A standard process should be followed for the approval of these details. The process is as follows:

- The applicant should submit a replacement planting form (which will be available on the Council's website) and location plan to the Council
- The Council will acknowledge the submission of the planting scheme
- The Council will aim to determine the planting scheme within 14 days of acknowledging the scheme
- Replacement planting forms and plans submitted to the Council and correspondence relating to the condition will be made publically available through the Council's website
- Confirmation of approval will be sent to the applicant/agent
- Confirmation of approval will be made publicly available through the Council's website

A standard form for the discharge of replacement planting conditions and an example form and location plan will be made available on the Council's website.

Please direct all queries to the Sustainability Team.