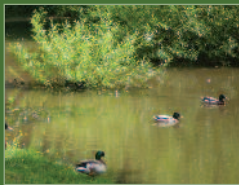


Supplementary Planning Document

# Biodiversity, Trees and Landscape



Part D - Protected Trees, Woodlands, and Hedgerows

December 2010

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# 1. Introduction

## About this document

- 1.1 There is a variety of legislation offering protection to trees and hedgerows, and the way it is applied can vary considerably. Part A of this series contains the legislative and policy context for the Council's approach to protected trees and hedgerows. This document seeks to give an indication of how they are applied in Hertsmere Borough, and practical guidance to assist people that work with or are affected by these issues. Including departments within the Council, tree and landscape professionals, owners, and occupiers. This advice will sometimes overlap into areas covered by other documents in this series, and this therefore should not be considered a standalone document.
- 1.2 The majority of this document is focussed around Tree Preservation Orders, which are the most common form of protection the Council deals with on a day-to-day basis. However, it is important when working on trees and hedgerows to check whether more than one type of protection applies, and the advice throughout this document will assist with this. It is hoped that in turn this will:
- Improve the quality of applications and notifications for works;
  - Help preserve Hertsmere's green infrastructure;
  - Reduce the likelihood of applications for works being refused consent;
  - Lower the number of incidences of unauthorised works.

## Protecting trees, woodlands and hedgerows in Hertsmere

- 1.3 The field of arboriculture is developing quickly, and Hertsmere Council's approach to tree care has been changing, to reflect the latest best practice and research. During this time the Government published a second round of statistical data ("Trees in Towns 2", available online from <http://www.communities.gov.uk>), showing that urban forests in the UK are in decline.
- 1.4 Despite numerous advances in the field of arboricultural research, traditional management practices that are now recognised to be more damaging to trees than helpful are still commonplace, and this is reflected in the applications and notifications that have been received by Hertsmere Borough in recent years.

## High Hedges causing loss of enjoyment of property

- 1.5 This document does not cover issues relating to High Hedges and the Anti-social Behaviour Act 2003, as this issue is not primarily a planning matter. There may be occasions when trees within a hedgerow that may fall within this Act that are also protected, in which case the advice within this document may also apply. Detailed advice on high hedges causing loss of enjoyment to property can be found online at <http://www.communities.gov.uk>



*Protected trees significantly enhance the visual amenity of Radlett town centre.*

## 2. How to find out if trees, woodlands or hedgerows are protected

- 2.1 Before proceeding with works to any trees (or hedgerows on agricultural land), it is necessary to check with the Council to see if any legal protection or any other relevant planning constraints apply. If there is, then before you do anything (with certain exceptions), you will need to follow the formal procedures outlined in this document. You can carry out a search by contacting the Council.

Type of protection	Where to find out / who to ask
Tree Preservation Orders, Conservation Areas, Planning Conditions	Hertsmere Borough Council Planning and Building Control Unit
Tree Felling licence	See section 13 for details
Restrictive covenants	Title deeds / landowner
Hedgerows Regulations	See section 12 for details
Trees growing in or near Scheduled ancient monuments, trees parks or historic gardens, and Sites of Special Scientific Interest (SSSIs)	See section 14 for details

- 2.2 If you do opt to enquire by phone, and the Council advises that there is no legal protection affecting the trees in question, you are strongly advised to ask for confirmation of this in writing. Tree works often attract complaints from the public, so you could find it useful to obtain written confirmation, and your tree works contractor will want to see proof there are no legal constraints before they begin.
- 2.3 The Council advises all tree work contractors to carry out their own checks for every job. Because the Council recommends to have the legal status of trees confirmed in writing, it is also recommended to carry out checks by email ([planning-trees@hertsmere.gov.uk](mailto:planning-trees@hertsmere.gov.uk)) / Fax (02 08207 7444) or by letter, rather than on the phone.

### Public Registers

- 2.4 The Council maintains a number of public registers that are listed below, which can be viewed upon request at the Council main office. The Council is currently working towards making these available online:
- Register of Tree Preservation Orders;
  - Register of Conservation Area Notifications (works to trees in a Conservation Area);
  - Register of applications for works to TPO trees;
  - Register of Hedgerow Removal Notices.



### 3. Tree Preservation Orders (TPOs) – an overview

- 3.1 A TPO is a land charge, made in the form of a legal document administered by the Local Planning Authority (LPA). Because it applies to the land, any duties and conditions that stand under it will stand if property changes ownership. The area of the land charge, and the trees it covers are defined on a plan and schedule that are part of the TPO document.
- 3.2 Land charges are registered with the Council's land charges department when they are made. It is then possible to carry out checks with the Council's land charges department, to reveal any legal constraints such as TPOs or Conservation Areas that may affect any potential owner. For example, this is normally done by solicitors on behalf of house buyers, prior to exchanging contracts, to allow them to be aware of the implications of owning that property.
- 3.3 A TPO protects trees and woodlands by controlling any works carried out on them (or near them in the case of roots). The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage or destruction of a tree without the prior consent of the Local Planning Authority (LPA). To explain more about TPOs, here is a list of frequently asked questions:

#### **Which trees can be protected by a TPO?**

- 3.4 TPOs can be placed on any tree or woodland that is of benefit to public amenity, or where there are enough other reasons to warrant their protection for the present and future. These include where trees are under threat (e.g. from development) or in some circumstances where they have other benefits such as historical or wildlife value. A TPO may also be made to protect trees in hedgerows, which are not subject to hedgerow management. Refer to section 5 for more information concerning protected hedgerows.



*These TPO trees screen a development of flats from a busy public road and enhance the amenity of the area.*

#### **What cannot be protected?**

- 3.5 The Act does not limit the application of TPOs to trees of a minimum size but a TPO may not be used to protect bushes or shrubs. It also does not include trees in hedgerows subject to normal hedgerow management or hedgerows that do not contain clearly identifiable individual trees.

### **Who is responsible for trees subject to a TPO?**

- 3.6 The responsibility for maintaining trees is normally the landowners. This does not change when trees become subject to a TPO. Furthermore, the making of a TPO does not entitle those affected to any financial assistance to manage the trees. More details on responsibility for trees, particularly where they affect third parties can be found on the Hertsmere Council website – <http://www.hertsmere.gov.uk>

### **Does the Council have any scheme for assisting with the management of TPO trees?**

- 3.7 The Council do not employ tree works contractors and therefore are not able to offer any free or discounted tree surgery service. The function of the TPO is simply to control any works to trees. The cost of tree surgery and expert advice will usually need to be carried by the tree owner or person applying for the works.

### **When or how are TPOs Made?**

- 3.8 The Council make TPOs:
- As and when they are required;
  - In response to requests from the public;
  - As part of the Council's ongoing review of existing TPOs;
  - And in other situations such as when trees are threatened by development.

## 4. Asking for a new TPO to be made & Emergency TPOs

- 4.1 The Council welcome requests for new TPOs. To start this process, please write to the tree officer at the Council. It is necessary to describe the location of the trees (ideally by supplying a sketch plan and / or photographs), and explain why you consider the trees worthy of protection. It is usually helpful to show that the trees are under threat, and that their protection is in the public interest. But other factors can be considered such as historic, conservation, and nature values.

Applications for new TPOs to be made can be sent by email to [planning-trees@hertsmere.gov.uk](mailto:planning-trees@hertsmere.gov.uk), or posted to: Planning and Building Control Unit, Hertsmere Borough Council, Civic Offices, Elstree Way, Hertfordshire, WD6 1WA.

- 4.2 It is rarely necessary to protect trees growing on public land, except perhaps where trees significantly overhang private land, so TPOs will usually only be considered for privately owned land.
- 4.3 The Council employs various factors in their assessment of the amenity value of trees within the borough. These include, but are not limited to:
- Size, form and shape, and condition;
  - Species characteristics;
  - Life expectancy;
  - Visibility / viewpoints;
  - Management requirements;
  - Special factors;
  - Relation to setting;
  - Function in landscape;
  - Proximity to structures.
- 4.4 The power to make and confirm TPOs has been delegated to planning officers in the Hertsmere Constitution. However, where objections to new Tree Preservation Orders arise (except where only minor alterations are necessary), the decision to confirm a TPO (make it permanent) either with or without modifications is taken by Councillors sitting on the relevant planning committee, who will hear the objections and relevant comments from the Council officers.



*Protected woodlands that contribute to wider landscape views.*



- 4.5 The trees most likely to be suitable for a TPO are a suitable species for the space in which they are growing. Weight will also be given to native trees, particularly oak, and species that are a dominant feature of the local landscape. Typically, the Council will also avoid making TPOs for small tree species, as they do not make a significant impact on public amenity. Species known to cause problems, particularly in small gardens, such as Hybrid Black Poplar and Leyland Cypress will generally not be considered for a TPO, though on occasion there may be exceptions.
- 4.6 TPOs can be made using "Area designations", which can be used to quickly protect all trees within a given area (shown on the TPO plan). This type of TPO is typically used in emergencies, for example, where trees are being damaged or at risk of being damaged. However, Orders with area designations are intended as a temporary measure only. The Council will therefore seek to replace these Orders at a later date with an Order that only covers the most suitable trees on the site.

## 5 Managing trees protected by a TPO - useful advice

- 5.1 Trees are natural, living structures subject to constant change. Due to the variation in trees and the places they grow, assessing them and making appropriate decisions can be particularly subjective.

### **The need for tree management**

- 5.2 There is a general perception that trees 'need pruning', or should be managed. However, research shows trees to be self-optimising in the way they grow, and are therefore good at responding to the forces and environment they are exposed to. This means it is best to think twice and get some expert advice before spending money on tree works that may not be in your interests, or the interests of the tree. A relatively inexpensive consultants report, which can help limit liability for tree related issues, could save hundreds of pounds on tree surgery that is often undertaken as a precaution only.
- 5.3 Pruning trees and carrying out tree surgery is seldom in the interests of the trees themselves, as typically most tree work operations involve the removal of material that allows the trees to capture and store energy, whilst opening up wounds that invites disease and fungal infection. Considering the cost of such work, it is wise to carefully consider the need for tree surgery, and the future implications (e.g. the need for ongoing tree works) beforehand.
- 5.4 Provided there is nothing undermining a trees natural function, structure, and stability, the only times one should consider them to 'need' management is when they start to impact upon people and property (considering present problems, not future risks), or where previous management practices like pollarding have been carried out. Further advice on tree management can be found later on in this section.
- 5.5 Of course, there are things that can undermine a trees natural function, structure, and stability, and tree owners are also conscious of being liable for any damage or injury that could be caused by the failure of trees under their ownership. Therefore the 'do nothing' approach to tree management is one that people are understandably uncomfortable with, and the Council do not condone this either. To address this issue, the Council recommends the periodic inspection of any trees that could injure or damage 3rd party land or property, ideally by someone with the appropriate insurance to provide you with a written report, such as an arboricultural consultant.

### **Assistance with managing trees**

- 5.6 The Council does not currently have any tree surgeons under its employment, and there is no service or financial assistance available from the Council for managing trees. However, if your tree is a threat to users of a public highway, the County Council may be able to help with urgent remedial works.

### **Basic Tree Care and Management**

- 5.7 Assuming the tree is reasonably healthy and not causing a nuisance (in the legal sense) or damage to property, there are many things that can be done to manage trees without resorting to tree surgery. Often these management tasks are relatively inexpensive, or require only some time. Spotting problems early can help ensure the tree reaches its full potential, and save money. Taking time to look at trees is one of the principal ways that tree owners can ????

## 6. Dead / dying / dangerous trees, nuisance trees, Emergencies, and exemptions from application

### **Exemptions to needing permission to carry out works to a TPO tree**

- 6.1 If it is not clear if exemptions apply, you should check with the Council first. It is not necessary to apply to the Council for tree works that are exempt, provided the works do not go beyond the minimum required to resolve the situation. However, it is advisable to submit a 5 days notice, and wait for a response in writing. To assist the Council in providing a quick response, a 5 days notice should give as much detail as possible, and like with a formal application, identify the trees clearly, the extent of works required, and the reasons why.
- 6.2 Sending in a range of photographs is also very helpful and can speed up the process significantly. Include both close-ups (particularly of any defects), as well as showing the trees in their surroundings.
- 6.3 Before undertaking works under an exemption, it is wise to consider that if the Council receives a complaint, then it has a duty to investigate and that the onus is on tree owners to prove the works were exempt. To avoid any problems arising from this situation, waiting for the Council to confirm (in writing) that there are no objections is prudent, except in an emergency.
- 6.4 Full details of what works are exempt from TPO controls can be found in the government publication 'Tree Preservation Orders: A Guide to the Law and Good Practice'. See appendix B for further details.

### **Emergency Tree Works (when there is no time to give 5 days notice)**

- 6.5 In an emergency (e.g. trees falling into the road), where there is no time to give 5 days notice, the Council will not always be able to respond immediately to confirm the works are exempt. Furthermore, the Council does not have any emergency service to deal with any trees except those under its ownership, and therefore the responsibility for dealing with trees in emergency situations remains with the tree's owner or the occupier of the site where they are growing.
- 6.6 Owners, occupiers, and tree surgeons should bear in mind when carrying out works without first speaking to the Council or making an application, that the Council may ask for proof that any tree works done without application were necessary, and did not go beyond what was needed to remedy the situation. This can be done by collecting photographic evidence of the scene, or retaining defective parts of the tree for later inspection.
- 6.7 If this is not possible, and it is necessary to undertake works without first referring to the Council, the Council has the following advice in case a complaint is received and an investigation is required.

### **Nuisance trees**

- 6.8 In relation to a TPO, a nuisance, in accordance with common law principles means an "actionable nuisance". An actionable nuisance is "where damage has been caused or, if no action is taken to prevent it, will imminently be caused". If a situation does not fall within this description, then the Council consider the problem to be a mere inconvenience.
- 6.9 The Town and Country Planning Act (1990) allows for tree works to be performed under an exemption (without making an application), where necessary to abate a nuisance. However, in practice it is not always clear that a nuisance exists, what is a reasonable solution to it, and what is necessary.
- 6.10 In determining what is necessary to abate a nuisance, the Council shall expect solutions that do not involve tree works to be considered first (except where structures are being directly affected).

- 6.11 Anyone wishing to carry out works to protected trees for the purposes of abating a nuisance, without making a formal application, is advised to act in accordance with the advice and procedures for notifying the Council described in the 'exemptions' section above.
- 6.12 The Council has identified some common, minor nuisances, and it is considered prudent to allow these to be abated without an application. Please note that the exemption for abating a nuisance may go beyond what is described below, and further works may be permissible under this exemption.

<b>Common problem / nuisance</b>	<b>Solution</b>
Tree canopies brushing against buildings / guttering etc.	Prune the tree canopy back by 0.5m from the structure (where branches are whipping the canopy, 0.5m may not be sufficient, but it is best to clarify the extent of works with the Council).
Trees obstructing a public path	Prune back to the highway boundary, to a maximum height of 2.5m above ground level.
Trees obstructing a public road	Prune back to the highway boundary, to a maximum height of 5.5m above ground level.
Trees obstructing a bridleway	Prune back to the highway boundary, and to a maximum height of 4m above ground level.
Basal shoots and suckers on Lime trees (this does not apply to shoots that are largely confined to the tree stem)	Remove all basal growth / suckers

- 6.13 In the case of nuisances caused by roots emanating from third party trees trespassing onto property, and damaging structures directly due to their proximity and growth, tree roots can be pruned back much like branches in accordance with common law principles (refer to the Hertsmere website for further details [www.hertsmere.gov.uk](http://www.hertsmere.gov.uk)). If a tree belonging to someone else is killed due to roots on 3rd party land being pruned, the person that pruned the roots or instructed the works could be liable for the destruction of the tree.
- 6.14 The Council generally advises against root pruning without consulting a tree expert. While this may be a viable way to abate a nuisance of direct damage (and not so much in the case of indirect damage e.g. subsidence), root pruning can also destabilise trees or cause them to die.

## 7. Appointing a Tree Work Contractor or Consultant

- 7.1 The Council no longer maintains a list of approved tree work contractors and consultants. Instead, the Council now provide free brochures containing details of tree care professionals vetted and approved by the Arboricultural Association (AA). To request a copy call the Council on 020 8207 2277. These professionals can also be found on the Arboricultural Association website – [www.trees.org.uk](http://www.trees.org.uk), where you can carry out a postcode search for your nearest ones. Whether hiring a contractor or a consultant, the Council recommends that you obtain quotes from at least two or three firms.
- 7.2 If you are using a tree work contractor that is not in the AA brochure, the Council advises asking to see evidence of their qualifications and valid public liability insurance, before engaging their services.
- 7.3 With Tree Consultants that are not registered with the AA, you are advised to ask for evidence of their valid professional indemnity insurance, and a summary of their qualifications and experience. It is advisable to look for experience relevant to the situation you require advice for.
- 7.4 The basic differences between contractors and consultants are highlighted here, and in all aspects of tree management, the Council recommends hiring someone according to these descriptions, as appropriate to the situation:
- The Role of the consultant: Tree surveys, inspection, supervision, and tree work specification;
  - The Role of the contractor: Carrying out tree work to specification, dismantling, felling, pruning, planting, bracing, guying, and supporting trees.

Source: Arboricultural Association Directory 2009



*The protected Cedars at The Avenue, Radlett are a key part of the local landscape character and of high valuable to public amenity.*



## 8. Applying to work on trees subject to a TPO

- 8.1 Writing a suitable works specification is key to a smooth application process and important to help ensure the works you propose get permission. The following advice should be a key consideration for applicants and agents.

### No 30% Rule

- 8.2 It is a popular idea that trees will tolerate 30% removal of their live crown, and for this reason it will generally be acceptable to propose a tree crown to be reduced by a third. However, there is no 30% rule. The Council recognises that the proportion of works that trees can tolerate is directly related to their age, health and condition. Applications are always considered on a case-by-case basis.

### Topped / Pollarded Trees

- 8.3 Although the word topping has become synonymous with pollarding, there is an important distinction between these two traditional forms of management. Topping is more akin to heavy crown reduction of a mature tree. A true pollard is a tree grown to the desired size, and then maintained at that size by cutting back to established pruning points on a regular cycle. Either way, this usually stimulates a burst of fast growing shoots that emanate from the pruning point, which then requires maintenance on a cycle of 3-5 years (for example).
- 8.4 It has been years since the damaging effects of topping trees upon their health and amenity were documented. However, even in recent years the Council have received a significant number of applications for topping. The Council will generally not support an application to top a mature tree, so if you are minded to apply for this work, you may wish to discuss it with the Council's Senior Tree and Landscape Officer first.
- 8.5 The Council recognise the value of true pollarding for managing trees in certain situations, but would remind people that it is less expensive to plant a tree that does not have the potential to outgrow it's intended location, and there is no cyclic loss of amenity value, which otherwise occurs when the topped and pollarded trees are cut back.

### Previously topped or pollard trees

- 8.6 Trees that have been subjected to topping or pollarding or heavy reduction in the past generally require ongoing regular management to prevent branch failure. To achieve this, popular management practices currently involve the periodic removal of the entire canopy of the tree back to the point at which the tree was cut before. This however, is particularly damaging to the landscape, and while many trees (depending on the species) are able to tolerate this style of management, it is unsightly.
- 8.7 The Council will therefore look more favourably upon management practices that retain more of the trees amenity value, whilst also addressing the risk of branch failure. One such method is to periodically thin out the new growth that emanates from the original pruning points, concentrating on removing the largest and most problematic branches. Furthermore, this method allows for inspection of the "pollard head" or pruning point, to see if any significant decay is setting in.



*This mature oak has a mishapen crown and unnatural appearance due to previous heavy crown reduction. Tree surgey treatments like this should become a thing of the past.*

### Neglected pollards and topped trees

- 8.8 This refers to trees that have not received any follow up management beyond a timeframe that best practice would normally recommend (e.g. 5 years). In this situation it will not always be in the best interests of the tree to cut it back to the previously established 'pollard point'. Instead, it may be better to consider an alternative approach.



*Cutting back a well managed pollard tree with 5 years growth back to the previous pollard point with a pruning saw - an example of high quality tree care.*

### Current damage and future risks

- 8.9 The Council will generally not look favourably upon applications for tree work relating to property damage on the basis of future risks, unless it is clear that these risks will manifest. Applications alleging property damage are much more likely to succeed if they relate to a problem that has already occurred or currently occurring.

### Applications relating to subsidence and insurance Issues

- 8.10 Hertsmere Borough is known to have areas of shrinkable clay soil, and as a result of this some low-rise structures will be prone to subsidence and / or heave according to their construction and the local environment. Generally, insurance and tree related subsidence issues involving trees are complex, requiring a variety of experts to be resolved. For this reason the Council has a specific Arboricultural Guidance Note, entitled 'Amenity Trees and Insurance Issues – The Professional Framework' that gives details of the Council's evidence requirements for assessing applications in these situations, and the background and justification for this. Applicants and agents are advised not to submit applications alleging subsidence before reading this document, which can be downloaded from the Council's website – <http://www.hertsmere.gov.uk>. The burden of proof is on the householder / property owner and their insurers.

### Applications relating to damaged drains

- 8.11 Trees are unable to sense water within drains, but will be drawn to any cracks that allow water to leach into the soil, and they may exploit these existing weaknesses and then enter the drain. Modern drainage materials are much less prone to failure than traditional materials. Therefore, reinstating damaged drains is usually an acceptable solution where drains have become damaged and subsequently, tree roots have entered.
- 8.12 The Council considers that a minimum amount of root pruning required to re-instate a damaged drain to be exempt from the need to make an application. However, root pruning should not be undertaken without first seeking specialist advice.

## Describing proposed works

- 8.13 In addition to the advice in the 'Oneapp' guidance notes (Oneapp is the name given to the set of statutory planning application forms), and British Standard "BS 3998:1989 Tree Work" (a nationally recognised standard produced by the British Standards Institute), the following advice will assist applicants and agents in submitting valid applications and increase the chances of getting consent. The following sections include some example wording that can be used to describe tree works operations when making an application.
- 8.14 **Formative pruning:** This specification is aimed at producing a tree which in maturity is free from major structural defects. This is only suitable for trees still in the establishment phase (unsuitable for mature trees). Example wording – "Formative pruning of secondary shoots and potentially weak forks, crossing branches in order to produce a mature tree free of structural defects".
- 8.15 **Reshape Crown:** This specification is a one-time operation to bring a tree into the desired shape and make it safe. Therefore the Council do not consider it prudent to include removal of branches that will result in large stubs, or where future pruning to prevent branch failure at the pruning points will be required (in this case apply for crown reduction). A natural shape for the particular species must be retained, and to achieve this, branches should be pruned back. Example wording – "reshape crown by pruning back branches to a side bud or branch to retain a flowing branch line without leaving stumps.
- 8.16 **Crown Lifting** must be described by a given measurement above ground level or other surface / fixed point, or with reference to a photo. Example wording – "lift crown to 2.5m above ground level, or alternatively, raise crown to give X metres clearance from the adjacent roof".
- 8.17 **Crown Thinning** must be expressed as a percentage of the overall canopy that will be removed. This should not normally exceed 30%, particularly if combined with other works.
- 8.18 **Crown Reduction** must be expressed as a measurement (not a percentage), and ideally give the intended height and spread of the tree after pruning. A natural shape for the particular species must be retained, and to achieve this, branches should be pruned by cutting back to side branches and buds to leave a flowing branch line without leaving stumps. Example wording – "reduce crown by up to X metres by cutting back to side branches and buds to leave a flowing branch line".
- 8.19 **Pollarding also known as topping and lopping), and re-pollarding:** A traditional form of management that involves removing all the leaf area back to a given point, and cutting back to that point on a cycle, for example every 3-5 years. Unsuitable for trees that have not previously been pollarded. Example wording – "Pollard tree to a height of X metres above ground level". Or alternatively Pollard tree by removing all the leaf area of the canopy, and cutting back to timber of X centimetres diameter".
- 8.20 **Re-pollarding:** cutting trees that have been previously subject to heavy pruning and / or reduction, usually back to the original pruning point. Example wording - re-pollard by cutting tree canopy back to previous pruning points.
- 8.21 **More specific / targeted pruning operations:** Where only a specific area of a tree canopy is affected, wording the specification with reference to a fixed point is a good idea, e.g. "prune T1 Oak to give 3 metres clearance from adjacent roof". It may also be worth marking the works on photographs, and making reference to the photograph in the application.

*Badly pollarded tree with ugly branch stubs and torn cuts.*



## 9. Validation assessment, and determination of applications

- 9.1 The Council will seek to validate applications in accordance with the governments Oneapp guidelines, and the Council's subsidence proforma if applicable. Applications with supporting evidence have more chance of being granted consent, given that applications can be refused on the grounds of insufficient information being provided to demonstrate the reasons given for the proposed works. The 'Oneapp' form gives specific advice on when to include supporting evidence, and applications that do not take this advice stand a much greater chance of being refused.
- 9.2 All valid applications are published on the Council's weekly list of applications. The Council may consult interested parties, and publicise the application where this is considered appropriate. An Officer of the Council will visit the application site if a visit has not already taken place.
- 9.3 The Council will give a lot of weight to proposals based on current research and best practice. However, at times it is recognised that alternative approaches will sometimes be the best option. The Council are therefore open to more alternative tree management proposals, but these should be backed up with a sufficient case to support them. It is recognised therefore that there is no strict approach to TPO tree management, and the Council will always considered applications on a case-by-case basis.

### **Making a Decision**

- 9.4 The Council will either refuse consent or grant consent, with or without conditions. A decision notice is typically issued between 6-8 weeks after the statutory start date, which is given in the letter sent out to acknowledge an application. Decisions are made by the Council's officers without referral to the relevant planning committee, except where an objection to the proposed works is received.
- 9.5 Where consent is granted, conditions will usually be applied. Typically conditions will specify certain standards of work, impose a time limit, require that the Council is informed when the works are complete, and make provision for the planting of replacement trees where applicable.

### **Appealing against a decision**

- 9.5 A right to appeal to the Planning Inspectorate exists for applicants or agents that are not content with the Council's decision to refuse consent or the requirements of a condition. The written representation procedure is the quickest and simplest option, although it is possible for appeals to be considered at a hearing or public local enquiry. All decision notices provide details on how to appeal.

## 10. Conditions of consent & replacing trees and woodlands

- 10.1 Landowners have a legal duty to replace trees removed in contravention of a TPO, or because they were dead / dying / dangerous. These should be replaced within a reasonable timeframe (see 10.6), with trees of an appropriate size and species, and in the same place. This applies in addition to any criminal penalties that can arise due to contravention of a TPO. Whether a tree is dying or dangerous can be very subjective, and laypersons are advised always to seek professional advice from a reputable contractor or consultant before proceeding with works on that basis. Refer to section 6 for more information on dead, dying, and dangerous trees.
- 10.2 Replacing like-for-like is not always practical, and there may be a more appropriate location that is more sustainable, and appropriate to public amenity. The Council will consider requests to vary the location, size, or species of trees appropriately, and may not insist that the trees are planted in the same place. Such a request should be submitted to the Council in writing.
- 10.3 A replacement tree has automatic protection under the same TPO, even if it is not the same species or age. If the Order needs to be updated, to reflect the replacement tree(s) accurately, the Council will vary the TPO in accordance with best practice but even before this happens the trees are protected.

### **Duty to replace and change of ownership**

- 10.4 The duty, like a TPO itself is a charge on the land. The tree team will register such duties with the Council's land charges department as it becomes aware of them. This means a pre-purchase solicitors search for planning restrictions should (in addition to the TPO itself) reveal this duty. If the land ownership changes, the duty shall transfer to the new owner, and therefore anyone considering selling a property either before or after such a duty becomes enforceable (e.g. over a year since trees were removed or destroyed), it is advised to consider negotiating.

### **Replacing woodlands**

- 10.5 With woodlands, the duty is similar, but the law allows for more flexibility, as the Council can designate locations for the trees within the land that replanting will take place. Furthermore, the landowner and Council can agree to plant replacement trees on different land to where the trees were removed.
- 10.6 The Council considers a reasonable timeframe to be one year from the day the tree is removed or destroyed. Once the Council becomes aware that such a duty has arisen, it will write to the landowner, and give a date that it considers the duty should be complied with. It will also specify the size and species of trees it considers appropriate to discharge the duty, which will vary according to circumstances.

### **Replacing trees destroyed in inclement weather**

- 10.7 In situations where trees are blown down in a storm for example, the Council's view is the same as that of the Secretary of State, namely that the duty to replace the trees stands. However, in accordance with best practice, the Council will consider requests sent in writing to dispense with the duty.
- 10.8 The minimum size of trees the Council consider acceptable for discharging legal duties and conditions is ten to twelve centimetres in girth. In general, the larger the tree removed, the more appropriate a larger replacement tree is considered to be.
- 10.9 Where trees are removed because they are dead / dying / dangerous, the Council has the power to dispense with a landowners duty to replace trees or woodlands. Requests for this duty to be dispensed MUST be put to the Council in writing.



10.10 Where the Council considers conditions to have been breached, or that a duty to replace trees not been complied with in a reasonable time frame, the Council may then insist on the planting of containerised trees outside of the planting season to avoid undue delay. Containerised trees planted outside of the planting season will require more care and maintenance, particularly watering, to ensure successful establishment. If replacement trees fail, they must also be replaced.

**Protection of replacement trees required by conditions of consent**

- 10.11 The law does not provide for the protection of replacement trees planted in compliance with a condition of consent in the same way as tree planted as a result of a statutory duty (which gets automatic protection once planted). An exception to this is where replacement trees are being planted within protected woodlands, and the trees fit the description of the woodlands in the first schedule of the TPO.
- 10.12 Therefore, where replacement trees have been planted in order to comply with a condition of consent, the Council will make new TPOs, or vary the existing TPO to bring it up to date.
- 10.13 The Council may also make a TPO to protect trees before they are planted, e.g. where trees are to be planted as part of a planning application. In this situation, the trees become protected from the moment they are planted.



## 11. Trees growing in a Conservation Area – an overview

### **What is a Conservation Area?**

- 11.1 A conservation area is an area of land that has special architectural or historical interest, and has been awarded protected status by the Council in order to ensure that cultural features such as listed buildings and trees are safeguarded. Other buildings and landscape features such as trees can also contribute to the special character of a conservation area.

### ***How does a Conservation Area protect trees growing within it?***

- 11.2 A Conservation Area offers legal protection to all trees growing within it that are not already subject to a TPO. Anyone proposing to carry out works to trees growing in a Conservation Area, except where an exemption applies, must give the Council 6 weeks prior notice in writing.
- 11.3 The notification period allows the Council time to consider if it has any objections to the proposed works, and if so to make a Tree Preservation Order. If a TPO is served, it is then necessary to make an application for works under the TPO.

### ***What is not protected?***

- 11.4 There are certain exceptions where a notification is not required. For example, the rules do not apply to clipped hedges or hedgerows that are not clearly made up of definable trees. If in any doubt please contact the Council for advice before starting work.
- 11.5 Trees with a stem girth of less than seventy-five millimetres (measured at 1.5m above ground level) are not protected.
- 11.6 Trees with a stem girth of less than a hundred millimetres are not protected if they are being felled to improve the growth of other trees.
- 11.7 Conservation Area controls do not apply to shrubs either, but as the distinction between trees and shrubs is not always clear, here is a list of common plants that the Council consider to be shrubs and therefore do not require a notification:
- Cherry Laurel (*Prunus laurocerasus*);
  - Portugal Laurel (*Prunus lusitanica*);
  - Common Elder (*Sambucus nigra*);
  - Common Hazel (*Corylus avellana*),
  - Lilac species (*Syringa* spp.);
  - Rhodedendron species (*Rhododendron* spp.).

### ***Making a notification:***

- 11.8 When notifying the Council of works to trees in a Conservation area, it is important to consider the following:
- i) Use of the statutory “OneApp” planning form used for TPO trees is not mandatory, but it is vital to set out clearly what work is proposed, and use of the OneApp form can help with this;
  - ii) The fastest way to make a conservation area notification is to email [planning-trees@hertsmere.gov.uk](mailto:planning-trees@hertsmere.gov.uk);
  - iii) The proposals may also need a felling licence (refer to section thirteen for more about felling licenses);
  - iv) You do not need to give reasons for the proposed works (but it is advisable);
  - v) A sketch plan is not mandatory, but is advised because if the Council cannot identify the trees clearly, the notification may be invalid;

vi) If a tree has a TPO as well, you need only follow the procedures outlined for making an application under the TPO.

11.9 When a notification is accepted as valid, it is published on the Council's weekly list of planning applications. Other interested parties may be consulted or the notification publicised as the Council consider appropriate, particularly where there may be a significant public interest.

***After the end of the 6 week period***

11.10 The final date of the 6 week period is given in the standard letter the Council issues to acknowledge a notification as valid. Once this date has passed works to trees can be carried out as specified in the notification regardless of whether the Council has any grounds to object, unless a new TPO was served during the notification period.

11.11 There is no statutory expiry date for works to which the Council has no objections, and (unlike with a TPO) the Council do not have the powers to grant consent subject to conditions which will typically include a time limit. However, the Council consider that if the works are not carried out within 2 years of the end of the six-week notification period, that a fresh notification is required.

***Works to dead / dying / dangerous trees in a Conservation Area***

11.12 In approaching the Council for works to trees that are dead dying / dangerous, and in emergencies, you are advised to follow the same procedures as given for trees subject to a TPO.

***Duty to replace dead / dying / dangerous trees and trees removed without notice***

11.13 Where trees are removed from a Conservation Area because they are dead / dying / dangerous, or in contravention of the Conservation Area, the law imposes a duty on the landowner to replace them. Requests to dispense with the duty must be submitted to the Council in writing.

***Appealing against the Council's decision***

11.14 If the Council decides to object to a proposal for tree works in a Conservation Area, applicants have no right to appeal, as the only power the Council has to protect the trees is to make a Tree Preservation Order. However, those affected by a new TPO will have an opportunity to object to the TPO, in which case the decision to confirm the TPO will be made by a planning sub-committee, at which the objections received by the Council will be heard.



***The wrong tree in the wrong place - a Leyland Cypress in a small garden in a Conservation Area. This tree would not be considered for a Tree Preservation Order.***

## 12. Protected Hedgerows & The Hedgerows Regulations 1997

- 12.1 The Council views native hedgerows on agricultural land as a quintessential part of the English countryside, making a major contribution to wildlife and biodiversity. Hedgerows in areas covered by Historic Landscape Characterisation are often protected on the basis of historic importance and their wildlife value. Hedgerows can be legally protected in a variety of ways, most notably the Hedgerows Regulations 1997 made under the Environment Act (1995). Other legislative controls affecting hedgerows are discussed in the next section.
- 12.2 The Hedgerows Regulations do not override other legal obligations. Even if the Council issues a notice permitting the removal of hedgerows in accordance with the 1997 regulations, this does not forego obligations (for example) arising under the Enclosure Acts and Awards, which may still be enforceable, or contractual obligations between a landlord and tenant, or where a grant scheme requires retention of all hedges on a farm.
- 12.3 The Hedgerows Regulations 1997 makes the removal of hedgerows in contravention of the regulations a criminal offence, and requires anyone wishing to remove a protected hedgerow to notify the Local Planning Authority to seek consent.
- 12.4 The regulations apply to any hedgerow which:
- grows in, or adjacent to any common land, local nature reserve, Site of Special Scientific Interest (SSSI), or land used for agriculture, forestry of the breeding or keeping of horses, ponies or donkeys and
  - has a continuous length of at least 20 metres, or if less than 20 metres, meets another hedgerow at each end.
- 12.5 A hedgerow is not separately defined in section 97 of the Environment Act 1995 or in the Regulations. The Oxford English Dictionary definition (2nd edition, 1989) however states that it is “a row of bushes forming a hedge, with the trees, etc growing in it”.
- 12.6 The regulations do not apply to hedgerows on land other than agricultural land including a hedgerow growing within the boundary of a residential property, even where the land on the other side of the boundary is agricultural land. Therefore most hedges in urban situations will not be covered.

### ***Permitted Works***

- 12.7 Removal of protected hedgerows is permitted without prior notification to the local planning authority in certain circumstances, and exemptions apply, but these are complicated and varied. Some circumstances are detailed in the Guidance notes that accompany the “Oneapp” notification form, which is appended to this document. If you are uncertain about whether your proposed works are affected by the regulations, you are advised to submit a Hedgerow Removal Notice to the Local Planning Authority for determination.

### ***Notifying the Council of hedgerow removal under the hedgerows regulations 1997***

- 12.8 The hedgerow regulations specify that landowners (freehold), tenants (in the case of a farm, agricultural holding or business), and utility companies (in certain circumstances) can give the LPA notice of hedgerow removal. Unlike applications under a Tree Preservation Order, third parties cannot make an application.
- 12.9 As with TPOs, there is a statutory “OneApp” form for notifications, which should be sent to: Planning and Building Control, Civic Offices, Elstree Way, Borehamwood, WD6 1WA.

### ***Pre-notification advice***

- 12.10 It is advisable to discuss a proposal with the Council’s tree officer before making a formal notification. Call 020 8207 2277, or email [planning-trees@hertsmere.gov.uk](mailto:planning-trees@hertsmere.gov.uk)

### ***Validating notifications***

- 12.11 Upon receipt of a notification, the Council will check to see if the regulations apply, and all the information required is given. If so, an acknowledgement letter will be issued confirming the validity of the notification, and giving the expiry date of the 42 day notification period. If there are any problems or if for any reason the notification is invalid, or unnecessary, the Council will contact the applicant to discuss the matter. Valid applications are recorded in the Council's register of Hedgerow Removal Notifications, which can be viewed upon request in the Council's main office.

### ***Consultation***

- 12.12 The Council must consult the Parish Council (if applicable), and other interested parties such as neighbors may be consulted as considered necessary. The notification will be published on the Council's weekly list of planning applications.

### ***Processing notifications under the Hedgerows Regulations***

- 12.13 The Council has 42 calendar days to process a notification, and respond to the applicant. This period can be extended by agreement with the applicant. The Council can then respond in two ways. One is to issue a notice giving consent to remove the hedgerow. The other is to issue a notice ordering the hedgerow to be retained.
- 12.14 In determining applications to remove hedgerows, the Council will emphasise protection of trees on agricultural land to preserve the green belt and protect and enhance biodiversity. Therefore, the Council will usually not permit hedgerow removal without good reason. The decision largely hinges on whether the Council decides the hedgerow in question can be considered 'important', in accordance with the regulations and accompanying best practice. If the Council decides a hedgerow is important, it is required to issue a retention notice. The best practice guide states that in deciding whether to issue a hedgerow retention notice, the presumption is in favor of protecting and retaining important hedgerows.
- 12.15 As with applications under a TPO, if the reasons for removing the hedgerow relate to development, the removal of the hedgerow should form part of the plans submitted to obtain planning permission, so that the removal of the hedgerow can be considered holistically as part of the development. Developers should, in the first instance consider incorporating hedgerows into development schemes.

### ***Appealing against a retention notice***

- 12.16 If the Council decides to serve a Notice ordering the retention of the hedgerow, applicants can appeal to the Secretary of State via the Planning Inspectorate. Further details and the exact date that the 28 day period for making an appeal expires will be given during the notification process. There is no charge for appealing.



## 13. Tree Felling Licenses

- 13.1 By the end of the Second World War, only 5% of the UK's forest cover remained. To address this problem, felling licenses were created under the Forestry Act, to protect woodlands by controlling the felling of trees, with a view to increasing the forest cover, which today stands at approximately 11%. However, this is still a relatively low figure compared to other nations.
- 13.2 The Forestry Act requires owners, agents, timber merchants or contractors to ensure that a license has been issued before any felling is carried out, unless one of the exemptions apply (these are listed below).
- 13.3 The scope of a felling license can go beyond woodlands and also be applied to individual trees or groups of trees, and can affect everyone involved in the felling of trees. It is always advisable to check with the Forestry Commission to see if a license is required before carrying out any works to trees. If a license is not required, you should still check to see if there are other legal controls on the trees, such as a TPO or Conservation Area.
- 13.4 The government organisation that deals with felling licenses is the Forestry Commission. The regional office for the Forestry Commission covering Hertsmere is:

Forestry Commission, East of England, Santon Downham, Brandon, Suffolk IP27 0TJ  
 Telephone: 01842 816010  
 Email: e.anglia.fdo@forestry.gsi.gov.uk

### Licenses and Grant schemes

- 13.5 An application to fell trees can be made as part of a grant scheme application. If a grant application is successful, a felling licence will be issued with the grant scheme contract. For further details of woodland grant schemes visit the Forestry Commission website – <http://www.forestry.gov.uk>

### What felling is permitted without a Felling Licence?

- 13.6 In any calendar quarter, up to 5 cubic metres of wood can be felled without a licence, providing no more than 2 cubic metres of this amount are sold. It does not matter whether this is taken in one large tree, or many smaller ones.

### Other Exemptions

- 13.7 The Forestry Act 1967, as amended, and related regulations gives these exceptions in full. The main categories are listed below:
- Lopping and topping (which usually includes tree surgery, pruning and pollarding);
  - Felling included in an approved Dedication plan;
  - Felling fruit trees, or trees growing in a garden, orchard, and churchyard or designated public open space (e.g. under the Commons Act 1899);
  - Felling trees which, when measured at a height of 1.3 metres from the ground:
    - have a diameter 8 centimetres or less; or
    - if thinnings, have a diameter of 10 centimetres or less; or
    - if coppice (ie. managed by cutting to promote multi-stemmed growth arising at or near ground level) or underwood, have a diameter of 15 centimetres or less.
  - Felling trees immediately required for the purpose of carrying out development authorised by planning permission (granted under the Town and Country Planning Act 1990);
  - For work carried out by certain providers of gas, electricity and water services and which is essential for the provision of these services;

- Felling necessary for the prevention of danger or the prevention or abatement of a nuisance (e.g. which may involve threat of danger to a third party);
- Felling necessary to prevent the spread of a quarantine pest or disease and done in accordance with a notice served by a Forestry Commission Plant Health Officer (under the Plant Health (Forestry) (Great Britain) Order 1993, as amended).
- The felling is done in compliance with any obligation imposed by or under an Act of Parliament.

#### **Further information and how to apply for a felling license**

- 13.8 It is necessary to apply for a license if you own the land on which the trees are growing, or if you are a tenant, and your lease entitles you to fell the trees, or you can instruct an agent to do it for you. Further information and application forms can be downloaded from the Forestry Commission Website - <http://www.forestry.gov.uk/felling>

#### **Conditions on a felling licence**

- 13.9 If granted, a felling license will normally include conditions requiring the area of trees felled to be restocked, and the trees maintained for up to ten years; except where the license is only for thinning trees. Where there is no proposal to restock an area, applications are assessed under the Environmental Impact Assessment (Forestry) Regulations 1999, and only permitted in exceptional circumstances.

## 14. Other Protection for Trees and Woodlands

### ***Sites of Special Scientific Interest (SSSIs)***

- 14.1 You must inform Natural England about any works that could affect an SSSI, which can include removing trees or hedges. Further details can be found on the Natural England website – <http://www.naturalengland.org.uk/>

### ***Listed sites, parks and historic gardens***

- 14.2 You must tell English Heritage about any works to trees or hedgerows that could affect a park or garden listed on the register of Parks and Gardens of special historic interest in England. This register was set up mainly to help ensure that the features and qualities which make the landscapes so listed of national importance are safeguarded during ongoing management or if any change is being considered which could affect them.
- 14.3 To ensure that the Council has the appropriate professional advice when considering planning applications, the Council is required to consult English Heritage where the application affects a grade I or II\* registered site, and the Garden History Society on all applications affecting registered sites, regardless of the grade. Further details can be found on the English Heritage Website - <http://www.english-heritage.org.uk/>

### ***The Ancient Monuments and Archaeological Areas Act 1979***

- 14.4 Consent under the Ancient Monuments and Archaeological Areas Act 1979 (as amended) is required for works that affect a scheduled ancient monument, and this could include ground disturbance caused by uprooting of trees and hedgerows on a site of archaeological remains. Further details can be found on the English Heritage Website <http://www.english-heritage.org.uk/>

### ***Listed buildings and hedgerows***

- 14.5 Listed building consent may be required for works that can affect the historic character of a listed building, and this may include removal of hedgerows. The Council considers this on a case-by-case basis.

### ***Planning Conditions***

- 14.6 Where planning permission is granted, it is often subject to certain conditions, which can be wide ranging. Planning conditions may prohibit the removal or pruning of trees or hedgerows. A condition will typically stand for 5 years from the date permission is granted (as stated on the planning decision notice). Other conditions may require trees to be replaced if they are destroyed or die within 5 years.
- 14.7 If any planning permissions have been granted for the site where trees are growing, it is advisable to check and see if any planning conditions affecting trees and hedgerows apply before starting any works.
- 14.8 The development control department of the Planning and Building Control Unit can advise of any active planning conditions covering trees for a given site. Call 020 8207 2277 and ask for the planning duty officer.

### ***Restrictive Covenants***

- 14.9 Covenants are a form of private planning control found in property title deeds, which can protect trees and hedgerows, for example by prohibiting their removal. Before carrying out any works, it is advisable to establish if any covenants apply that may give trees or hedgerows legal protection. To find out if there are any covenants, it is necessary to speak to the landowner, and / or view the title deeds. The Council are not able to advise on whether restrictive covenants exist except for land under their ownership.

## 15. Enforcement

- 15.1 Where there is any significant breach of tree and hedgerow protection legislation, the Council can take action against the person(s) or business that instructed the tree works to be carried out, and / or third parties, such as the tree works contractor. The Council shall decide on a course of action that is appropriate to each individual situation.

### **TPOs and Conservation Areas**

- 15.2 Contravention of a TPO or Conservation Area resulting in destruction of trees can result (if convicted in a magistrate court) in a criminal record and incur a maximum fine of up to £20,000 per tree. Serious cases can be taken to the Crown Court, where there is no limit to the fine that can be imposed.
- 15.3 Where a tree is damaged in a way not likely to destroy it, the maximum fine is £2500, subject to successful conviction in the Magistrates Court. In this situation, the action must be brought within 6 months of the date the offence was committed.

### **Protected Hedgerows**

- 15.4 Where a protected hedgerow is intentionally or recklessly removed without authorisation, the maximum penalty is a criminal record and a fine of up to £5000. Enforcement action could range from an official caution to full prosecution.

### **Felling licenses**

- 15.5 The Council will cooperate fully with the Forestry Commission in the enforcement of breaches of felling license controls that occur within Hertsmere Borough. Breaching felling license controls can result (on conviction) in a fine of £2500 or twice the value of the trees, whichever is greater. Furthermore, the Forestry Commission can serve notices requiring the trees or land to be replanted.

### **Enforcement Options**

- 15.6 The Council have a range of enforcement options available to them, such as serving notices requiring works to be stopped, or breach of condition notices. The Council can also apply to the High Court, where it is considered expedient to do so, for an injunction that will prevent a likely offence from taking place.

### **Tree and Hedgerow Replacement Notices**

- 15.7 The Town Country Planning Act (1990) gives the local authority power to serve notices upon landowners that do not comply with their legal duty to replace trees or hedgerows, or a duty imposed by conditions of a planning consent.
- 15.8 If the trees and hedgerows are not replaced within the period specified within the notice, the Council has the power to go on to the land, without giving notice to the owner occupier, plant the trees or hedgerow, and then recover the costs from the landowner.
- 15.9 It is an offence to obstruct someone from using these powers, and anyone found guilty of this could be liable, if convicted to a fine of up to £1000.

# Appendices



## Appendix A - A Code Of Practice for Utility Operators

This code of practice restates the main points in:

- a. Appendix B of DOE circular 9/95 (General Development Order Consolidation, published May 1995) on **Non-Statutory Consultation and Publicity** in respect of **Development by Statutory Undertakers**;
- b. The National Joint utilities Group's **Guidelines for the Planning, Installation and Maintenance of utility Services in Proximity to Trees** ("NJUG 10", published April 1995).

It applies to the following utility operators: (1) gas, (2) electricity, (3) telecommunication, including cable communication, and (4) water or sewerage undertakers.

The "precautionary area" means the area around a tree, measured from the centre of the trunk, which is equal to four times the trunk's circumference.<sup>1</sup>

The "tree officer" means the appropriate officer of the Local Planning Authority.

1. There should be regular informal contact between the utility operator and tree officer in accordance with the advice given in DOE Circular 9/95 (Appendix B, paragraph 8-12). In particular there should be discussion between the tree officer and utility operator to establish the areas where trees make an important contribution to the quality and enjoyment of the environment. In these areas the utility operator will (except in emergencies) inform the tree officer before carrying out any work on, or within the precautionary area of the trees.

Such areas might include:

- Trees known to be protected by TPOs. The tree officer should respond promptly to requests by the utility operator for information on TPOs;
  - Conservation areas, especially those where trees were a factor in their designation;
  - Other places which the tree officer considers locally distinctive because of nature and extent of tree cover.
2. When working on or near trees (above or below ground), the utility operator will follow the guidelines in NJUG 10. In particular:
    - Excavation with machinery in the precautionary area is totally unacceptable. Wherever possible trenchless techniques should be used. Otherwise, trenches will be dug carefully by hand – retaining as many roots as possible;
    - Roots over 25mm in diameter will not be cut unless the tree officer agrees beforehand;
    - When backfilling trenches, an inert granular material mixed with topsoil or sharp sand (NOT builders sand) will be placed around the retained roots and compacted carefully. On non-highway sites, only excavated soil will be used;
    - Heavy mechanical plant must not be moved or used within the precautionary area, except on existing hard surfaces. In addition, equipment, spoil or building material (including chemicals) must not be stored in the precautionary area;
    - If the trunk or branches of a tree are damaged in any way, the utility operator will carry out any remedial tree work recommended by the tree officer.
  3. All tree work will be carried out in accordance with the current British Standard.<sup>2</sup>

<sup>1</sup> The circumference of the tree should be measured at 1.5 metres above the natural ground level.

<sup>2</sup> The current British Standard is BS 3998:1989, Recommendations for Tree Work.

## Appendix B - Further Advice and Information Sources

For further information relating to Protected Trees, including the government publication "Tree Preservation Orders: A Guide to the Law and Best Practice, please visit the Department for Communities and Local Government website <http://www.communities.gov.uk/index.asp?id=1127782>

For more information on protected Hedgerows, visit the Natural England website <http://www.naturalengland.org.uk>

Other useful organisations

<p><b>Arboricultural Advisory and Information Service</b> Forest Research Station Alice Holt Lodge Wrecclesham Farnham. Surrey GU10 4LH Tel: 01420 22022 Fax: 01420 22000</p>	<p><b>Arboricultural Association</b> Ampfield House Ampfield Nr. Romsey. Hants. SO51 9PA Tel: 01794 368717 Fax: 01794 368978</p>
<p><b>Royal Forestry Society</b> 102 High Street Tring, Herts, HP23 4AF Tel: 01442 822028 Fax 01442 890395</p>	<p><b>Institute of Chartered Foresters</b> 7A St Colme's Street Edinburgh EH3 6AA Tel: 0131 225 2705 Fax: 0131 220 6128</p>
<p><b>Forestry Commission</b> Southeast England Conservancy Alice Holt Wrecclesham Farnham. Surrey GU10 4LH Tel: 01420 23337 Fax: 01420 22988</p>	<p><b>International Society of Arboriculture</b> ISA European Office Troy House Suite C &amp; D Elm Grove Road Harrow. Middlesex HA1 2QQ Tel: 0208 861 6852 Fax: 0208 861 6858</p>
<p><b>Natural England</b></p>	<p><b>Royal Society for the Protection of Birds</b></p>
<p><b>The Bat Society</b></p>	<p><b>The Planning Inspectorate</b></p>