

Tree Felling and The Law

A brief guide to the
Tree Preservation Act 1993



**Isle of Man
Government**

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Version 2.0

Introduction

Trees in the Isle of Man are protected under the [Tree Preservation Act 1993](#). The Department's [Tree Protection Policy](#) supplements the legislation and describes how DEFA will fulfil its statutory duty. It stipulates how various aspects of the TPA have been interpreted by DEFA, how the tree register will be administered, and how applications to carry out work will be handled.

Planning

Permission to remove trees or undertake work to Registered trees may also be authorised through a Planning Approval Notice issued by the this Department. Any trees affected by a development must be detailed within a Planning Application. Your application may require accurate tree survey drawings showing the position of the trees and hedges and their canopy spread in relation to the proposed works. For trees to be retained you will need to demonstrate that the constraints imposed by these trees have been properly considered and that the trees can be adequately protected.



Trees and High Hedges Act 2005

Enquiries regarding the Tree and High Hedges Act 2005 should, in the first instance, be directed to your local authority.

This a basic guide for tree owners and contractors and is not a complete statement of the law.

Those requiring full details should obtain a copy of the Tree Preservation Act 1993.

Safety Assessments

Please note that the Departments officer's do not carry out tree safety or risk assessments. If you are a tree owner you have a duty of care towards those who could be affected by your trees. If you are concerned about tree safety you should seek the advice of an arboricultural specialist who is qualified and insured to undertake tree risk assessments.

Useful Contacts:

Forestry, Amenity and Lands Division

Department of Environment, Food & Agriculture,
Thie Slieau Whallian, Foxdale Road, St. Johns,
IM4 3AS

Tel: 01624 695701

E-mail: forestry@gov.im

Planning and Building Control

Department of Environment, Food and
Agriculture, Murray House, Mount Havelock,
Douglas, IM1 2SF

Tel: 01624 685950

E-mail: planning@gov.im



This legislation provides 2 levels of protection to the Island's trees:

LEVEL 1 – THE BASIC LEVEL OF PROTECTION

Trees which have a stem diameter greater than 8 cm (equivalent circumference, 25cm) measured at a point 1.5m above ground level must be licensed by the Department of Environment, Food & Agriculture (DEFA) if they are to be felled.

Unless a tree is included in the Department's "Tree Register" a permit is not required to remove or prune branches; or to reduce the overall height of a tree, provided it does not result in the demise or death of the tree.

Fruit trees within gardens (e.g. orchard trees) and dead trees do not require a felling licence to be removed or pruned.

LEVEL 2 - REGISTERED TREES

A more comprehensive level of protection is afforded to trees which have significant amenity value. If the trees in question are **Registered**, regardless of size or species, **NO WORK OF ANY KIND** can be undertaken without specific written approval from DEFA.

You can find out if your trees are registered by using the Government's online mapping service at <http://www.gov.im/maps/> or by enquiring at the Departments offices in St. Johns (Tel: 01624 695701).



Potential Fines

The maximum fine for illegal tree felling and limbing is currently £40,000 per tree. Reckless damage of trees is also an offence; for example, destruction of root systems through thoughtless excavation.

Applying for a Licence

We strongly recommend that you read the associated [guidance notes](#) before submitting your application.

Option 1 (recommended) - apply [online](#)

Option 2 - get a PDF copy of the application form and submit electronically

Option 3 - get a paper copy of the application form and submit it by hand or by post

www.gov.im/treeprotection

Except where the application only includes pruning of registered trees, payment of the appropriate fee will be required once the application form has been validated. This is a fee for processing the application and does not guarantee that a licence will be granted. Further information

about the fee and payment options are provided in the [guidance notes](#).

To be accepted as a valid application your submission must, amongst other things:-

- Be made on latest version of the application form
- Be completed in full and with sufficient detail
- Include a plan showing the location of the trees
- Include photos of the trees.
- Include information about the size (circumference) of the trees in question

DEFA is subject to the Freedom of Information Act 2015 and is a data controller for the purposes of the Data Protection Act 2018. Some of the information you provide in your application, such as the address and the details of the proposed work will be published and available to the public. No personnel data will be published

Wildlife

Trees provide important habitats for wildlife, such as nesting birds and roosting bats. You should be aware that both are protected under the Wildlife Act 1990 and it is an offence to damage or disturb bats or their roosts, or to damage active bird nests.

Before undertaking any tree work checks should be made to see if the tree contains active bird nests or holes/cracks used by bats to roost or hibernate in. Reckless activities which result in the disturbance of nesting birds or bats may result in prosecution.