

## Tree Preservation Act 1993

# Guidance Notes for Completing an Application to Carry out Work on Trees

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## Introduction

Trees in the Isle of Man are protected under the [Tree Preservation Act 1993](#) (TPA). For further information about how trees are afforded legal protection on the Isle of Man please refer to our leaflet, [Tree Felling and the Law](#). 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.

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## Not sure if you need a licence?

After referring to our leaflet [Tree Felling and the Law](#), if you are still not sure whether a licence is required for the work you want to undertake you can contact DEFA for advice by telephoning 01624 695701, by emailing [forestry@gov.im](mailto:forestry@gov.im) or by post to the Agriculture and Lands Directorate, Thie Slieau Whallian, St. Johns, IM4 3AS. Maps showing where registered trees are located can be viewed online at [www.gov.im/maps](http://www.gov.im/maps) or at the DEFA office in St. Johns.

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## Applying for a licence

Option 1 (recommended): Apply [online](#) and follow the instructions provided.

Option 2: Get a PDF copy of the application form from the Government's [tree protection website](#). Make sure you are using the latest version of the form as the application may not be valid if made on older versions. Fill in the form using Adobe Acrobat Reader and return by email to [forestry@gov.im](mailto:forestry@gov.im).

Option 3: Get a hard copy of the application form from the Department's headquarters in St. Johns. If you would like an application form to be posted to you, please contact our office (tel: 695701). Make sure you are using the latest version of the form (Dec 2021) as the application may not be valid if made on older versions. Return the form by post (or by hand) to the Department's offices in St. Johns. The full address is Ag & Lands Directorate, DEFA, Thie Slieau Whallian, St. Johns, IM4 3AS. Alternatively, a scanned copy of the completed application can be emailed to [forestry@gov.im](mailto:forestry@gov.im).

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## Validation

The Department's [Tree Protection Policy](#) describes how applications will be handled by the Department. Before the application fee is taken and the application is assessed we will check whether your submission is a valid application. To be valid your application 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

For further information please refer to section 11 of the Department's [Tree Protection Policy](#). Applications that contain all the necessary information enable faster assessments and prevent delays.

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## Applicant name & signatures

- Where a hard copy of the application form is being submitted please print your name below the signature.
- If you are submitting your application electronically (as a PDF) then you can just type your name in the signature box.
- If the application is made on behalf of a company or organisation then the person signing/submitting the application must clearly print/provide their name and state their position in the company/organisation.

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## Ownership issues

- The application must be made by a person (or company/organisation) that has sufficient interest in the land that they effectively exercises rights of ownership over land.
- 'Freehold' is a common form of ownership. When the applicant is a freehold owner of the land on which the tree stands it is unequivocal that they have the right to submit an application to undertake work on that tree. The application form therefore asks whether the applicant is a 'freehold owner'. You are a freehold owner if you own the land and will own it in perpetuity until you sell or transfer it to another.
- The freehold may be wholly or partly owned by the applicant; for a tree on land owned by more than one individual the consent of the other land owner(s) is not required to make the application.

- If the applicant is not a freehold owner of the land on which the tree stands you must provide supplementary information with your application to explain your relationship with the land and your authority to make the application. There are a number of ways an applicant may be deemed to have sufficient interest in the land to be eligible to make an application and the Department will consider the specific circumstances of each case. For example, a leasehold owner or long-term tenant may be considered to have sufficient interest in the land, but details of the leasehold title or tenancy agreement may be required.
- If a tree is intersected by a boundary line authorisation from the other party is not required to make an application for a licence to remove BUT (if a licence is issued) we strongly advise that you obtain written consent from the other party before you undertake the work. This is because trees that sit on a boundary line between two properties are jointly owned by both parties (they are classed as 'tenants in common'). If one owner fells the whole tree without permission from the other owner, that would make them liable (as this amounts to trespass). **A licence issued under the Tree Preservation Act 1993 is not consent to remove the tree without the permission of co-owners.**

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## Plans and Drawings

On page 2 of the application form you are asked to provide a sketch plan showing the location of the tree(s) in relation to nearby identifiable features (e.g. a building, road, field boundary or watercourse). This does not necessarily require a formal scaled location or site plan but it should be sufficient to identify the tree(s) on the ground. A plan is required so that there is clear understanding of which tree(s) the application refers to. You can also print-off or 'screenshot' a plan view of the tree(s) location at [gov.im/maps](http://gov.im/maps) annotate it and attach it to your application if it's easier. Other free-to-use online mapping services (e.g. Google Maps) may fulfil the same purpose.

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## Justifying the proposed work and submitting evidence

On page 2 of the application form you are asked to clearly state the reasons why you need/want to undertake the proposed work. Think about the problem you are trying to solve by undertaking the proposed tree work and what you are hoping to achieve. Try not to second guess the objectives which will be considered acceptable by the Department; just be honest. If you want to remove the tree simply because you don't like the way it looks, that may be acceptable. Applications will be assessed on the principle that the higher the amenity value of the tree(s) and the greater the negative impact of the proposed works, the stronger the argument will have to be to justify the approval. Accordingly, a simple single objective such as 'improving the aesthetic appearance' (requiring no supporting evidence) may be considered acceptable if the public amenity impact will be negligible. If it were a large tree in a prominent location however, this may not be acceptable.

In this scenario you may need to show that the proposed tree work either meets multiple objectives, or, is being undertaken to meet a single but important objective, such as 'to remove unacceptable risk to the public'. You may also need to provide evidence to support your case. For example, if the reasons for removal are based on safety concerns you may be asked to provide a tree survey/risk assessment from a suitably qualified tree specialist to show that the proposed work is a proportionate response to the level of risk present; or, if the reason for removal is structural damage you may be asked to provide a structural survey by a suitably qualified engineer.

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## **Safety Advice**

The Department's officers do not offer tree safety advice to applicants. If you need advice about how to manage your trees in the interests of safety you should contact a suitably qualified and insured independent tree specialist. If your application includes a proposal to undertake tree work in the interests of safety you may be asked to provide arboricultural evidence to support your application. This may take the form of recommendations in writing from a tree specialist (arboriculturist).

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## **Tree Species**

On page 3 of the application form, in the table provided, please list (individually) all the trees you want to work on. The UK woodland trust provide a helpful guide to identifying trees commonly found in the British Isles which is available from their website:

<https://www.woodlandtrust.org.uk/visiting-woods/trees-woods-and-wildlife/british-trees/>

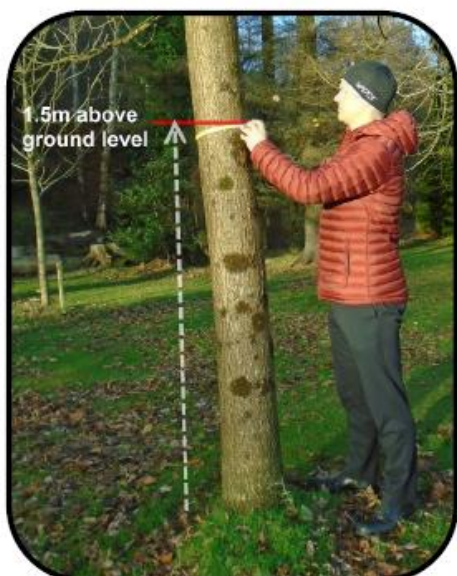
If you experience difficulty in identifying the species please try to differentiate them as 'conifer' or 'broadleaf'. If you need help identifying the species of your trees you should contact a suitably qualified, independent tree specialist.

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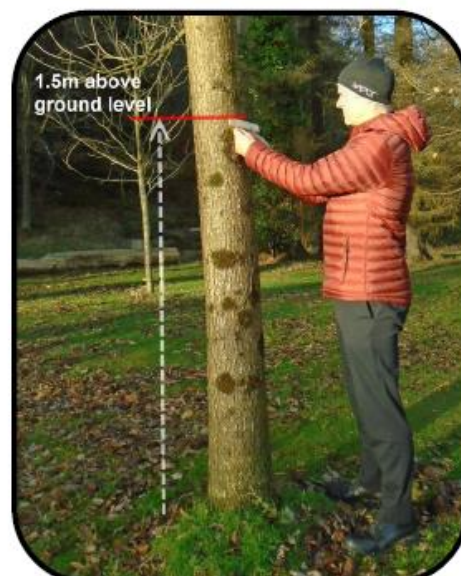
## **Measuring Your Trees**

You are required to give an indication of the stem size (circumference) for each tree that you want to work on by allocating it to one of three categories: Small (<60cm) Medium (60-90cm) or Large (>90cm). You will need a flexible measuring tape that can be wrapped around the stem of the tree to measure its circumference at 1.5m above ground level. Alternatively, you can measure the stem diameter by holding a ruler against the tree and convert this to a circumference measurement by multiplying the diameter by pi (3.14). Please indicate which size category each tree belongs to on your application form. Further guidance on measuring your trees is available on the following page. For applications containing more than 20 trees or where circumference

measurements are not practicable please contact the Department for advice prior to submitting your application.

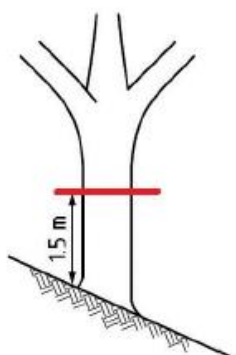


Left:  
Measuring the circumference with a flexible tape measure.

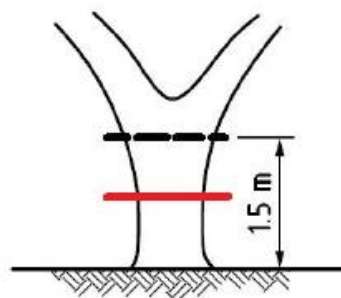


Right:  
Measuring the diameter with a ruler. Multiply the measurement by 3.14 to get the circumference

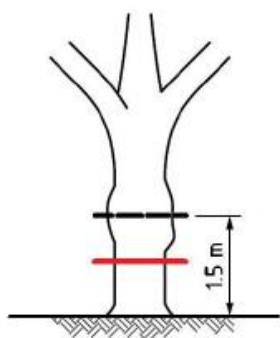
For trees on sloping ground the circumference measurement should be taken at 1.5m above ground level on the uphill side of the stem, as follows:



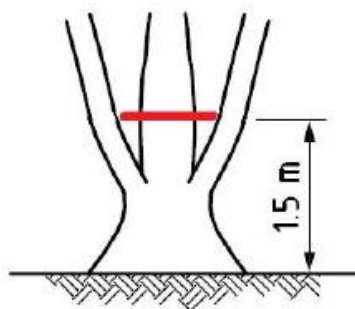
For trees with low branching the circumference measurement should be taken at the stems narrowest point below 1.5m, as follows:



For trees with an irregular swelling 1.5m above ground level, the measurement should be taken at the stems narrowest point below 1.5m, as follows:



For trees with multiple stems originating below 1.5m above ground level, you should take one measurement from the largest stem, as follows:



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## Describing the Proposed Work

You need to clearly specify the work you want to carry out for each tree included in your application. Where the proposed work is 'felling' this is simple as it will be assumed that the work includes the complete removal of all the above ground parts of the tree. For pruning proposals on registered trees, however, the extent of the work needs to be accurately described. Proposals to 'cut back' or 'lop' some branches will be considered too vague because it would fail to indicate the extent of the works. Common tree work operations include the following:

- ❖ **Crown reduction** (reducing the overall size of a tree) - please specify either (i) the amount of reduction proposed (in metres) in terms of the intended height and spread of the tree after pruning OR (ii) the length of living material to be removed. Example: ***Crown reduce the height and spread of Elm#2 by 2m to suitable growth points. The tree, after pruning, will be 10m tall and have an even, balanced crown spread of 6m***
- ❖ **Crown lifting** (removing lower branches) - please identify the branches you wish to remove or specify a height above the level to which you wish to 'lift' the crown. Example: ***Crown lift Elm#2 to achieve a 3m clearance in height measured from the driveway on the North side of the tree***
- ❖ **Crown thinning** (reducing the density of a trees crown) - please specify the amount of thinning proposed, expressed as a percentage (%) of leaf area. Example: ***Crown thin Elm#2 by removing 20% of living material in the crown.***
- ❖ **Selective pruning** (of specific branches) - please describe the location of the branch(es) within the tree and, if they're to be shortened rather than removed, specify either (i) the length of the branch after pruning OR (ii) the length of living material to be removed. Example: ***Reduce the lowest branch on the north side of Elm#2, growing over shed, by 2m to a suitable growth point so that the branch, after pruning, will be 2m long measured from the main stem.***

Please note that other than in exceptional circumstances the Department expects that all tree work should be carried out so as to accord with British Standard 3998:2010 (Tree Work - Recommendations). Technical support on submitting your application should be provided by a suitably qualified and insured independent tree specialist. The website of the Arboricultural Association may also provide some additional information:

<https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-tree-work-terminology-and-definit>

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## Colour Photographs

Photographs which clearly show the tree(s) in question must be submitted with your application form. If possible, stand back from tree so that the photograph shows the tree within the context of its surroundings. These photos will assist the Department to judge the visual impact of the proposed work. A variety of photographs taken from potential vantage points are most useful. Close-up photographs can also be used to illustrate the reason for removal e.g. decays points, poor tree health, or proximity to structures.



× Bad for showing context of surroundings  
✓ Good for illustrating defects in lower stem and buttress roots



× Bad for showing specific defects  
✓ Good for showing context of surroundings

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## Payment

Unless the application is only for the pruning of registered trees and doesn't include any proposals to fell/remove trees, the relevant fee must be paid. The application fee will only be taken once your application has been validated. If you provide a cheque, it will not be banked until we have checked your application. If you want to pay by cash or card at the counter in St. Johns you may be asked to wait until your application can be checked by a member of staff. Please note that this is a fee for processing the application and does not guarantee that a licence will be granted. Following a validation check your application will be assessed by an Officer of the Department. Payment options are as follows:

- ❖ Cash – payments will only be accepted at DEFA headquarters in St. Johns.
- ❖ Card – payment can be made over the telephone (695701) or at DEFA headquarters in St. Johns.
- ❖ Cheque – to be made payable to the "Isle of Man Government".

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## Planting - Have you considered planting a tree?

The Department recognises that trees provide a wide variety of benefits to society. Where a tree is being removed and it is considered necessary in the interests of amenity, the approval of your application may be conditional on a tree (or multiple trees) being re-planted. To aid in the swift processing of your application, if you have your own ideas about what you would like to plant and where you would like to plant it, please communicate this clearly in your application.

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## Data Protection and Freedom of Information

DEFA is subject to the Freedom of Information Act 2015 and other obligations which often require us to communicate information we hold, unless exemptions apply. This means that whilst we will respect the sensitivity of the information you provide, there may be legal requirements which oblige us to disclose information. Your rights under the Data Protection Act 2002 remain unaffected. Some of the information you provide, such as the address and the details of the proposed work, will be published and available to the public but this will not include any personal data.

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## Useful contacts and websites:

- ❖ Further information, guidance notes, application forms and the Department's Tree Protection Policy can be found on the following website: <https://www.gov.im/tree-protection/>
- ❖ The legislation (the [Tree Preservation Act 1993](#)) can be viewed on the following website: <https://legislation.gov.im>
- ❖ DEFA website: <https://www.gov.im/defa>
- ❖ Email: [forestry@gov.im](mailto:forestry@gov.im)
- ❖ Tel: 01624 695701
- ❖ Post: Agriculture and Lands Directorate, Thie Slieau Whallian, Foxdale Road, St. Johns IM4 3AS

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