



Isle of Man
Government

Reillys Ellan Vannin

Department of Environment, Food and Agriculture

Agriculture and Lands Directorate

Forestry, Amenity and Lands

TREE PROTECTION POLICY

Department Policy Relating to the Administration of the Tree Preservation Act 1993

Version 1.9, January 2021

Initially approved by DEFA's Policy and Strategy Committee, 4th October 2017.

Summary of Amendments

4th October 2017: Initially approved and adopted by DEFA's Policy and Strategy Committee

24th November 2017: Paragraphs 3.6 & 14.4.9 removed; Paragraphs 3.4, 10.2, 15.3.3 & 15.3.4 amended – approved by political member for Forestry, Amenity and Lands, David Cretney MLC.

26th January 2018: Paragraphs 4.3, 10.4 & 10.5 inserted – approved by political member for Forestry, Amenity and Lands, David Cretney MLC.

23rd March 2018: Paragraphs 13.5, 15.1 and appendix 3 amended; Appendix 4 removed – approved by political member for Forestry, Amenity and Lands, David Cretney MLC.

22nd February 2019: Paragraphs 15.1 and appendix 3 amended – approved by political member for Forestry, Amenity and Lands, David Cretney MLC.

3rd July 2019: Paragraph 14 inserted and appendix 1 amended – approved by DEFA's Policy and Strategy Committee.

8th January 2020: Paragraph 3.2 inserted and paragraphs 7.4, section 9, paragraph 10.5 and appendix 1 amended – approved by DEFA's Policy and Strategy Committee.

3rd June 2020 & 1st July 2020 (over 2 separate meetings): Paragraphs 3.1, 12.2 and 16.1 amended – approved by DEFA's Policy and Strategy Committee.

4th November 2020: Paragraph 12.2 amended; paragraph 16.1 amended; new paragraph inserted at 16.2 and existing paragraphs 16.2-16.5 change to 16.3-16.6; appendix 3 amended – approved by DEFA's Policy and Strategy Committee.

13th January 2021: Paragraph 2.9 inserted - approved by DEFA's Policy and Strategy Committee.

Introduction

The following document is intended to supplement the Island's existing tree protection legislation, the Tree Preservation Act 1993 ('TPA'). In conjunction with the TPA it describes how the Department of Environment, Food and Agriculture ('DEFA') will fulfil its statutory duty. It stipulates how various aspects of the TPA have been interpreted by DEFA and how the tree register and applications made under Section 5 will be administered. It does not aim to restate or summarise the legislation but rather to provide further detail in relation to provisions which could be open to interpretation, or that lack detail on how the Department can fulfil its function and responsibilities.

Contents

Summary of amendments	i
Introduction & Contents	ii
Part 1 – General Considerations	
1. Scope	1
2. Interpretation	1
3. The Tree Register	2
4. Risk assessment and duty of care	3
5. Woodland management agreements	3
6. Data protection and freedom of information	4
Part 2 – Applications to Carry out Work on Trees – General Considerations	
7. General	5
8. Fees	5
9. Ownership	6
10. Interaction with the Town and Country Planning Act 1999	7
11. Public notices	8
12. The use of conditions	8
13. Documenting decisions and record keeping	9
14. Decision reviews and appeals	10
Part 3 – Applications to Carry out Work on Trees – Validation and Assessment	
15. Validation of applications	11
16. Officer assessments	12
Appendices	
1. A list of species and genera the Department considers not to be 'trees'	15
2. Measurement conventions for trees	16
3. Decision tree for the use of detailed application assessments	17
4. [removed]	18
5. Describing a proposal to undertake pruning work on registered trees	19
6. Template for woodland management agreements	20

PART 1 – GENERAL CONSIDERATIONS

1.0 Scope

- 1.1** Within the confines of the powers given to it by the TPA and the resources available, DEFA will protect trees in the interests of preserving the amenity value they provide for the benefit of the Manx public. DEFA's understanding of the term 'amenity' is described in paragraph 2.1 below.

2.0 Interpretation

- 2.1 Amenity** – In this context DEFA understands amenity to refer to the benefit which the community derives from the local environment, which includes that arising from visual appearance of the land and the pleasure of its enjoyment.
- 2.2 Tree** - DEFA considers a 'tree' to be a woody perennial plant, typically (in its natural form) having a stem or trunk which can attain a height of 6m or more, and bearing lateral branches at some distance from the ground. Appendix 1 contains a list of species and genera that the Department considers not to be trees.
- 2.3 Fruit Tree** – The Department considers a 'fruit tree' to be a tree cultivated for the specific purpose of producing commonly eaten fruit which is edible without prior processing. For example, this includes species and cultivars which produce edible apples, pears, and plums but does not include other fruit bearing trees commonly grown on the Island, such as hawthorn, blackthorn, or flowering cherry.
- 2.4 Orchard** – DEFA considers an 'orchard' to be a piece of enclosed land planted with fruit trees.
- 2.5 Garden** – DEFA considers a 'garden' to be a piece of enclosed land adjacent to or associated with a dwelling which is devoted to the cultivation of flowers, fruit, vegetables, trees or lawns.
- 2.6 Recklessly destroys/destroy** – DEFA considers destroy to mean that all parts of the tree (above and below ground) will be killed (i.e. caused to die).
- 2.7 For Commercial purposes** – In relation to Section 3(3)(c) of the legislation DEFA takes 'for commercial purposes' to mean that the plantation was planted and maintained for the primary purpose of returning a financial revenue.
- 2.8 Measurement of trees**
The Department applies the measurement conventions described in Section 3(3)(d) of the TPA but appreciates that the following additional guidance may be required for its implementation:
- 2.8.1** On sloping ground the measurement shall be made 1.52m above the highest ground level (i.e. on the uphill side).

- 2.8.2 Trees with low branching, where the stem union creates a wider girth at 1.52m above ground level than is characteristic of the tree, the tree shall be measured at the narrowest point below the stem union.
- 2.8.3 Trees with an irregular swelling that creates a wider girth at 1.52m above ground level than is characteristic of the tree, shall be measured at the narrowest point below the swelling.
- 2.8.4 For trees that have multiple stems at 1.52m above ground level, the tree will be considered to be of a licensable size if any one of the stems exceeds 8cm diameter (25cm circumference).
- 2.8.5 Trees that have multiple stems originating from the same point at ground-level will be considered to be the same tree (e.g. 1 tree).
- 2.8.6 Appendix 2 contains diagrams illustrating the points made above.

2.9 Section 1 of the TPA – tree work undertaken by public authorities

- 2.9.1 In relation to Section 1 of the legislation 'public authority' is defined as any Isle of Man Government Department, statutory board, local authority and Manx National Heritage.
- 2.9.2 There is a duty placed on all public authorities to have regard to the need to preserve trees in the interests of amenity and to consult with the Department before undertaking any work that could affect the health and longevity of any tree which is a licensable size.
- 2.9.3 The Department considers that the duty to consult does not imply that the restrictions of Section 3 (and the defences listed in Section 4) of the legislation do not apply; the intention of section 1 was to allow the Department to approve work outside of the application/licence process.
- 2.9.4 The Department does not expect to be consulted on work which would not require a licence (e.g. pruning of a non-registered tree).
- 2.9.5 The Department considers it necessary to require that any request for a consultation response from DEFA should take the form of an application for licence, as set out in Section 5 of the legislation and Parts 2 and 3 of this policy, and that the Department's consultation response will take the form of a licence (if the proposal is supported) or confirmation in writing (if objections are raised).

3.0 The Tree Register

- 3.1** Where it is expedient to do so, DEFA will 'register' individual trees, groups of trees or woodlands which deliver visual amenity value to an area or landscape. To be expedient, trees or woodlands will need to have a high amenity value or be considered to be at risk due to a particular set of circumstances (e.g. if the owner has expressed a desire to remove the tree(s)).

- 3.2** New register entries, amendments to existing register entries and the removal of existing entries from the register shall be supported and approved by at least two officers from the within the Agriculture and Lands Directorate, one of which shall

be the Head of Forestry, Amenity and Lands OR Senior Forestry and Arboricultural Officer OR the Arboricultural Officer.

- 3.3** In assessing amenity value DEFA will consider visibility, individual and collective aspects such as size, form, future potential, rarity, cultural value, contribution to landscape or street scene and may also take account of other factors such as importance to nature conservation.
- 3.4** DEFA will hold the tree register maps in a digital format consisting of GIS point (single trees) and polygon (groups of trees and woodlands) data.
- 3.5** The tree register will be available for inspection 24 hours a day free of charge to any member of public by visiting www.gov.im/maps. Members of the public will also be welcome to view the register at the DEFA HQ, Monday – Friday, 9am – 4pm. Any person wanting confirmation of a tree’s registered status shall be either directed to www.gov.im/maps or be asked to put their request in writing.
- 3.6** Where a polygon is drawn on a map, any living tree which lies partly or wholly within the boundary of the polygon will be considered to be a ‘registered tree’.
- 3.7** A living registered tree which then dies (in its entirety, above and below ground) is no longer protected under the legislation.
- 3.8** The Department will not require an application for the removal of dead branches from a living tree.
- 3.9** Fruit trees on land comprised in an orchard or garden shall not be considered as registered; even if they fall within an existing registered polygon.

4.0 Risk Assessment and Duty of Care

- 4.1** In the course of administering the legislation DEFA will not carry out tree safety assessments or tree risk assessments. This means that:
 - 4.1.1 Where the justification for proposed removal/pruning of a tree is for safety reasons, it will be the applicant’s responsibility to provide arboricultural evidence to supports the application.
 - 4.1.2 In the course of assessing applications any reference to the condition of a tree or trees will not constitute a tree risk assessment.
 - 4.1.3 Any Departmental decision about an application (i.e. approval or refusal) does not constitute a tree risk assessment and does not imply that a tree is safe, unsafe or otherwise.
- 4.2** In the course of administering the legislation DEFA does not accept liability or duty of care for any tree outside of its ownership. The duty of care (to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable

risk of injury to persons or property) remains with the owner of the land or the party who has control over the tree's management.

- 4.3** The defence listed under Section 4(1) of the TPA allows for work to be undertaken on trees without a licence where it is urgently necessary in the interests of health and safety. The Department will not advise members of the public if the defence applies in a specific case but may provide general guidance to assist in making the decision process. For example, the principles of target and site assessment may be explained to allow a more informed decision to be made about the level of risk that is present. In all cases the individual will be reminded that the only way to be absolutely sure they are working within the law is to apply under Section 5 of the TPA for a licence using the process defined in parts 2 and 3 of this policy document.

5.0 Woodland Management Agreements

- 5.1** In accordance with section 3(4)(b) of the legislation DEFA will consider approving 'a scheme for the management' for areas of tree cover that require on-going management. These agreements will be known as 'woodland management agreements' and will consist of a management plan which demonstrates that a woodland is being managed sustainably managed (as defined the United Kingdom Forestry Standard). The aim of such an agreement will be to reduce bureaucracy and encourage proactive woodland management.
- 5.2** In accordance with section 3(4)(b) of the legislation, the Department will not require an application to be submitted if the work is a planned operation which contributes to the objective of an approved woodland management plan being met.
- 5.3** The management plan which forms the basis of a woodland management agreement shall be drafted at the expense of the woodland owner/manager by a suitably qualified/experienced forestry professional and shall adhere to the format provided in appendix 6.
- 5.4** The term of any approved woodland management agreement shall be limited to a maximum term of 10 years
- 5.5** The management plan which forms the basis of a woodland management agreement shall contain an aim (vision for the future) and specific objectives consisting of quantifiable statements.

6.0 Data Protection and Freedom of Information

- 6.1** DEFA will ensure that all personal data remains confidential, is disclosed only when lawful to do so and is processed in an equitable, open and transparent

manner and in compliance with the data protection principles, as set out in the Data Protection Act 2002.

- 6.2** The Department is subject to the Freedom of Information Act 2015 and other obligations under law which require us to act transparently and which grant certain rights of access to the public to information held by us. This means that whilst we will respect the sensitivity of the information you provide, there may be legal requirements which oblige us to disclose the information.

PART 2 – APPLICATIONS FOR LICENCES TO CARRY OUT WORK ON TREES – GENERAL CONSIDERATIONS

7.0 General

- 7.1** Each application will be assessed by a Reporting Officer ('RO'). The RO will complete a standard 'assessment form' and make recommendations on whether the application should be approved/refused, what conditions (if any) are required, and whether a public notice is required. The application and the RO's recommendations will then be reviewed by a Countersigning Officer ('CO'). If the CO agrees with the recommendations of the RO then the application will be passed to the admin team for processing. If the CO disagrees with the RO's recommendation or makes significant amendments (for example, changing the number of trees to be approved for removal), the CO will also consult with either the Senior Forestry and Amenity Manager or the FALD Director before making the final decision.
- 7.2** DEFA will aim to process applications within 15 working days (3 weeks). Where a public notice is required (see paragraph 11) the Department will aim to process applications within 40 working days (8 weeks).
- 7.3** DEFA does not take responsibility for correctly and precisely identifying the species/cultivar of a tree. It will assess felling applications on the broader merit of the tree(s) in question. In communicating with members of the public DEFA recognises the importance of both parties having a clear understanding of which tree(s) is/are referenced. To aid clear communications the use of generic terms such as 'cypress', 'oak' and 'pine' will be used where it is felt that the risk of misunderstanding is low, and where the use of botanical names is unnecessary or would be detrimental to communications.
- 7.4** Subject to paragraph 9.2 below, the term of a licence will be commensurate with the type and extent of the work proposed, the context of the work site and the amenity value of the trees concerned, but in any case shall not be less than one year or greater than 5 years from the date on which it is granted.
- 7.5** If the applicant fails to undertake the approved works within the licence period, a new application (with a fresh assessment) will be required.
- 7.6** The RO should not fill in any part of the form for the applicant. Any comments made by the RO on the application should be initialled and dated by the RO.

8.0 Fees

- 8.1** The Tree Felling Licence (Fees) Order 2013 requires a fee of £20.00 for each application made. This is a fee for processing the application and does not guarantee that a licence will be granted.

- 8.2** An application which only includes pruning of registered trees or the felling of larch (*Larix sp.*) shall have the fee waived.
- 8.3** Payment options are as follows:
- 8.3.1 Cash – payments will only be accepted at DEFA HQ.
 - 8.3.2 Card – payment can be made over the telephone or at DEFA HQ.
 - 8.3.3 Cheque – to be made payable to the “Isle of Man Government”.
 - 8.3.4 Purchase order/Invoice – These will only be accepted by Government Departments, public bodies or Local Authorities. An invoice will be raised by DEFA after the application is validated (see paragraph 14).
- 8.4** Receipts will only be issued if payments are made by cash or card. If card payments are taken over the phone receipts will either be sent out with approved licence (if approved) or posted back to customer.
- 8.5** Payment will only be taken once the application has been validated (see paragraph 14 for further detail).
- 8.6** Refunds will only be given if an application is validated in error. In this event a refund request form will have to be completed and sent to Finance Shared Services who will pay the monies due directly into the applicant’s bank account. No refunds will be given in cash.

9.0 Ownership

- 9.1** In accordance with Section 5(1) of the legislation an application must be made by a person who effectively exercises rights of ownership over the tree (the owner) or with the owner’s permission. If the applicant is not the sole owner of the tree, then written evidence confirming that the joint owner(s) agrees to the proposed works must be submitted with the application. Applications may not be submitted in the name of 3rd Parties (e.g. tree surgeons, architects, agents etc.), even if they are acting with the permission of the owner.
- 9.2** If the ownership of the tree should change within the licence period then it will not require the new owner(s) to submit a separate application under Section 5 of the TPA until the defined expiry date, unless the licence was issued subject to conditions, in which case the licence will expire at the date that ownership of the tree changes
- 9.3** By signing the application form the applicant is declaring that they have the necessary authority required by the TPA. Where there is no reason to question the applicant’s declaration, the RO will not be expected to investigate the matter further.
- 9.4** If, for any reason, the RO suspects that the applicant is not the sole owner of the land on which the tree stands (i.e. is rooted) then the RO will seek written clarification from the applicant.

- 9.5** DEFA will not require an application for a tree on land owned by two people that cohabit to be signed by both individuals.
- 9.6** The written permission referred to in paragraph 9.4 shall be specific enough to leave the RO in no doubt that the approved work would not be considered objectionable by the owner(s).
- 9.7** In the event that the owner of the land is not known or is not contactable, an application will only be accepted if written evidence is submitted with the application which demonstrates that all reasonable lines of enquiry to ascertain ownership have been exhausted.

10.0 Interaction with the Town and Country Planning Act 1999 ('TCPA')

- 10.1** Applicants will be asked to declare a) any intention to develop the land in question b) any existing planning applications yet to be determined, or c) any planning applications which, to their knowledge, have been made for the land in the last 5 years. Where there is no reason to question the applicant's declaration, the RO will not be expected to investigate the matter any further.
- 10.2** If the applicant has declared an existing planning approval, issued within the last 5 years, for the land on which the tree(s) stands, the RO will check the conditions applied to this approval and whether the tree(s) in question were a material consideration in the planning officer's report.
- 10.3** If the applicant has not declared an existing planning approval but the RO suspects that the land has been subject to a planning approval notice in the last 5 years, the RO will check the conditions under which this approval was given and whether the tree(s) in question were a material consideration in the planning officer's report.
- 10.4** If the Department receives an application under Section 5 to remove a tree (or trees) which is marked for retention on a drawing or documents associated with a planning approval, the application shall be refused if, having consulted with the Planning and Building Control Directorate, it appears to the Department that the removal would represent a material change to approved development operations, make it impossible to comply with a condition of the planning approval, or otherwise undermine the planning process.
- 10.5** The defence listed under Section 4(4) of the TPA allows for work to be undertaken on trees without a licence where it is required to facilitate approved development operations. The Department interprets the existence of this defence to mean that a planning approval which permits the removal of a tree (or trees) has the same effect as a licence granted by the Department to that effect. If the Department is satisfied that approval of the Planning Committee in a given instance constitutes

“written consent” to the tree work, taking account of the wording of the approval and of the planning application and its accompanying documents, AND if all the ‘prior to’ conditions applied to an approval have been discharged, then it will not require the person concerned to submit a separate application under Section 5 of the TPA.

- 10.6** If the applicant declares an intention to develop the land in question but has not yet submitted an application, or, if the RO suspects an intention to develop the land which has not been declared, the RO will continue to assess the application on its own merits. The removal or pruning of trees to facilitate development will not, in itself, be considered sufficient justification for a licence to be issued.

11.0 Public notices

- 11.1** DEFA acknowledges that tree work can impact upon neighbouring properties due to issues such as loss of screening and changes to the local landscape character in the immediate vicinity of works. The RO will consider the likely impact of the proposed work on neighbouring properties.
- 11.2** Public notices will only be issued in accordance with the criteria described in Section 5(5) of the TPA. The decision of whether a public notice is necessary remains at the discretion of DEFA. Following discussion with the CO the RO will instigate and publish the notice and allow at least 21 days from the posting of the notice for submissions to be received.
- 11.3** In accordance with Section 5(5), a public notice will only be issued if the amenities (refer to paragraph 2.1 for interpretation) of the area would be seriously affected by the proposal. This is at the discretion of DEFA.

12.0 The use of conditions

- 12.1** In accordance with section 2 of the legislation conditions will only be applied where it is *‘expedient to do so in the interests of good forestry, agriculture or in the amenities of the area’*.
- 12.2** Other than for basic assessments carried out on applications relating to the removal of (*Fraxinus excelsior*) ash and (*Cupressus macrocarpa*) Monterey cypress, the use of conditions will only be considered where a detailed application assessment has taken place. (see paragraph 15).
- 12.3** In accordance with section 5(3) of the legislation, a condition must relate to at least one of the following scenarios:
- 12.3.1 To secure a replacement tree
 - 12.3.2 To ensure that pruning is properly carried out to preserve the tree(s)
 - 12.3.3 To ensure that tree work is properly carried out to preserve other trees in the vicinity.

- 12.4** In addition to the restricted list of scenarios to which a condition must relate in accordance with the legislation (paragraph 12.3), the RO and CO will use the UK's '6 test' planning condition policy (paragraph 206 of UK National Planning Policy framework) as additional guidance. Briefly summarised, these are: *Is the condition necessary?* i.e. will the proposal have a substantially adverse impact on the local area? For example, you would not expect silvicultural thinning of a woodland, or the removal of a small (<6m tall) ornamental tree in a back garden, to have an adverse impact on the local area. *Is the condition relevant to the preservation of amenity trees?* *Is the condition relevant to the work to be permitted?* *Is the condition enforceable?* *Is the condition precise?* *Is the condition reasonable in all other respects?*
- 12.5** For applications to undertake pruning work on registered trees, the RO will try to ensure that the work is done in accordance with the recommendations of BS3998:2012 (Tree work – recommendations) and apply conditions accordingly. DEFA acknowledges, however, that there will be some cases where pruning beyond the best practice standard can be justified to save the tree (usually with a reduced useful life expectancy due to the ingress of decay, excessive loss of leaf area and other issues associated with excessive pruning) and some instances where it would be better to remove the tree and replant another in its place.
- 12.6** When applying conditions relating to replanting DEFA will adhere to the recommendations of sections 5, 6 and 7 of British Standard 8545:2014 (Trees: from nursery to independence in the landscape). This means it will consider the objectives and desired outcomes of planting, the vulnerability of new trees to pests and diseases, the anticipated effects of climate change, existing environmental conditions, and the site constraints.
- 12.7** All replanting conditions will require a replacement tree to be further replaced if it is removed or if it should die, or become seriously damaged or diseased, within a minimum of 3 years of planting.
- 12.8** In accordance with Section 5(4) of the legislation DEFA will give the applicant chance to make written representation before a condition is confirmed.
- 13.0 Documenting decisions and record keeping**
- 13.1** DEFA acknowledges that it is not practical or necessary for the RO to document every aspect of their assessment for every application. DEFA will produce an assessment form to be used by ROs and COs. This will contain a checklist to prompt the RO to consider all the salient points.
- 13.2** Written comments will only be required for aspects of the assessment (see paragraph 15) considered to be important in the determination of the application's outcome.

13.3 Each assessment form completed for an application will contain a clear statement setting out the recommendation of the RO (e.g. approval, part approval, refusal etc.).

13.4 Applications which result in part approval/refusal should be issued with a covering letter to make it absolutely clear what is being authorised.

13.5 All documents and correspondence relating to a valid application (see paragraph 14) will be retained (electronically) in accordance with the Directorate's Retention Schedule.

14.0 Decision reviews and appeals

14.1 If an application for a licence is refused or granted subject to conditions, the applicant will be offered the opportunity to submit a written representation, or make an oral representation in person, explaining why they disagree with the Department's decision.

14.2 The applicant's representation, alongside a representation from the Department's Arboricultural Officer, will be considered by a senior officer (Director level) of the Department.

14.3 The final decision shall be made by the senior officer and the applicant will be notified of the decision within 10 days of the representation being received or heard.

PART 3 – APPLICATIONS TO CARRY OUT WORK ON TREES – VALIDATION AND ASSESSMENT

15.0 Validation of applications

- 15.1** All applications submitted to DEFA under Section 5 of the legislation will go through a validation process before they are accepted and assessed.
- 15.2** Several officers within FALD, who are familiar with this part of the policy and requirements of the legislation, will be designated to validate applications.
- 15.3** Payment of the fee (paragraph 8) will only be taken once an application has been validated. Card payments will only be accepted and cheques banked once an application is confirmed as valid. For applicants wanting to pay by cash at the counter, this will only be possible if there is a designated member of staff available to validate the application.
- 15.4** For an application to be valid it must:
- 15.4.1 Be necessary, as in the circumstances referred to in Section 3 of the TPA.
 - 15.4.2 Be made to DEFA on the standard application form, available from DEFA headquarters, St. Johns and the government website.
 - 15.4.3 Only include trees in one distinct location.
 - 15.4.4 Include all the information required by the form (i.e. all questions answered and all parts completed in full).
 - 15.4.5 Be signed and dated by the applicant. If the applicant is a corporate body then the person signing the application must clearly print their name and state their position in the company. The person who has signed the form must have the authority to sign on behalf of the company.
 - 15.4.6 Include a 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.
 - 15.4.7 The applicant must make some attempt to identify the species or types tree(s) in question. This can be as simple as 'conifer' or 'broadleaf' if specific species are unknown.
 - 15.4.8 Include a detailed description of the work for which consent is sought, sufficient to allow an officer to assess its visual impact and to ensure that approved work has not been exceeded. For pruning work on registered trees a proposal simply to 'cut back', 'lop' or 'trim' some branches is too vague because it fails to indicate the extent of the works. For further information refer to appendix 5.
 - 15.4.9 Include, as applicable, appropriate evidence describing any structural damage to property, utilities, or infrastructure or in relation to tree health or safety.
 - 15.4.10 Include photos of the tree(s) which clearly identify the tree(s) in question.

15.5 For an application including fewer than 21 trees to be validated it must include circumference measurements for each tree included in the application. For circumstances where this is not practicable the applicant must contact the Department for advice prior to submitting the application.

16.0 Officer assessments

16.1 Detailed application assessments, undertaken by officers with arboricultural knowledge and experience, will only be carried out where applications include:

- (a) Registered trees;
- (b) A tree with a stem circumference of more than 900mm measured at 1.5m above ground level;
- (c) Any tree located within a built up area ('BUA') or planning conservation area with a stem circumference of more than 600mm measured at 1.5m above ground level;
- (d) More than 30 trees with a stem circumference of more than 600mm measured at 1.5m above ground level OR more than 5 trees with a stem circumference of more than 900mm measured at 1.5m above ground level.

As amended by paragraph 16.2 below, this is illustrated by a decision tree in appendix 3. The designation of an area as a BUA will be guided by the spatial policies of the Isle of Man Strategic Plan 2016. All 'service centres' and 'service villages' referred to in that Plan will be considered by DEFA to be BUAs. Settlements designated as 'villages' will be considered on a case by case basis depending on their street scene character and the intensity of development. Boundaries of what DEFA considers to be a BUA will be held in the form of GIS polygon data which will be made available to view by members of the public upon request. The boundaries of 'conservation areas' are maintained by the planning authority and are available to view online at www.gov.im/maps.

16.2 Applications solely for the removal of the following species are exceptions to the requirement to undertake detailed assessments, as set out in paragraphs 16.1 (b) and 16.1 (c) above;

- (a) *Fraxinus excelsior* (Ash)
- (b) Any species from a genera belonging to the sub-family *Cupressoideae* (includes all Thuja, true cypress, false cypress, hybrid cypress (Leylandii), juniper and other cypress-type trees)

16.3 DEFA recognises that trees provide a wide variety of benefits to society. In this context, where a detailed assessment is required (as set out in paragraph 15.1), the designated RO will make a recommendation to the CO based on the various advantages and disadvantages of approval/refusal. An assessment will be made on the principle that the higher the amenity value of the tree(s) and the greater the negative impact of the proposed work, the stronger the argument will have to be to justify the approval. In contrast, if the amenity value is low and the impact

of the proposed work is low the RO may find it appropriate to grant consent even if there is no arboricultural or silvicultural need for the work.

16.4 Where a detailed assessment is required (as set out in paragraph 15.1) the following factors will be considered:

- 16.4.1 The RO will assess the visual amenity value of the tree(s) by considering the probable score for each of the attributes used in Helliwell's system of street tree valuation (tree size, useful life expectancy, importance of position in the landscape, presence of other trees, relation to setting and form). For further details on the scoring methodology please refer to Helliwell (2008)⁽¹⁾.
- 16.4.2 The RO will assess the impact of the proposal on the character and appearance of the area and/or street scene.
- 16.4.3 The RO will assess the validity of the applicant's stated reasons for wanting to undertake the proposed work and whether the proposal is a proportionate solution to the concerns raised. The RO may also consider reasons for approval not stated by the applicant, as part of a broader assessment of the merits of the proposed work.
- 16.4.4 The RO will consider the likely impact of the proposed work on neighbouring properties.
- 16.4.5 The RO will consider whether, in a local area, the approval of an application would set a precedent likely to result in similar applications from neighbouring properties or land holders, which would then be difficult to refuse.
- 16.4.6 The RO will consider the outcome of other applications processed in the area within the last 2 years and consider whether the cumulative impact should affect the outcome of the application or the conditions under which it might be approved.
- 16.4.7 The RO will consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.
- 16.4.8 The RO will consider whether any species protected under the Wildlife Act 1990 might be affected by the proposal but the responsibility for compliance with this Act rests with the applicant.
- 16.4.9 In the case of requests to prune a registered tree, the RO will consider the potential physiological impacts that the proposed works will have on the tree, whether the damage caused by pruning will cause an unacceptable shortening of the tree's useful life expectancy and how this relates to current best practice recommendations
- 16.4.10 For applications relating to woodland, the RO will ensure the proposal accords with good forestry practice as defined by the Forestry Commission (1998)⁽²⁾.

16.4.11 The RO will consider any other mitigating circumstances that are relevant.

16.5 The RO will determine the application that is presented and will not recommend a licence be issued which substantively increases the extent or type of work that has been applied for. The RO can, however, grant consent for less work than that applied for.

16.6 Where a basic assessment is required the application will normally be approved provided that the tree(s) in question are not exceptional example of their species and their removal would not have a significant detrimental impact on the amenities of the area.

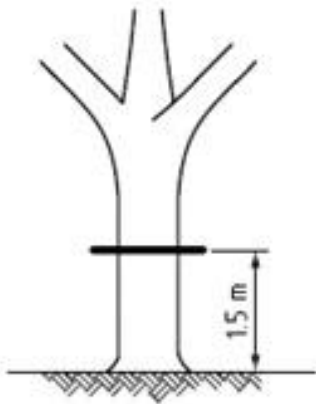
⁽¹⁾ Helliwell, D. R. (2008). *Visual Amenity valuation of trees and woodlands*. Arboricultural Association Guidance Note 4.

⁽²⁾ Forestry Commission. (1998). The UK forestry standard. *Forestry Commission, Edinburgh*.

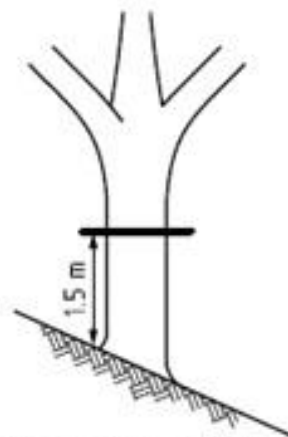
Appendix 1. A list of species and genera the Department considers not to be 'trees'

Botanical Name	Common Name
<i>Buxus sp.</i>	Box species
<i>Camellia sp.</i>	Camellia species
<i>Cornus sp.</i>	Dogwood species
<i>Crinodendron hookerianum</i>	Chilean lantern tree
<i>Cotoneaster sp.</i>	Cotoneaster species
<i>Escallonia sp.</i>	Escallonia species
<i>Eucryphia sp.</i>	Eucryphia species
<i>Fatsia japonica</i>	Paper plant
<i>Griselinia sp.</i>	Griselinia species.
<i>Hamamelis sp.</i>	Witch-hazel species
<i>Laurus nobilis</i>	Bay tree
<i>Olearia macrodonta</i>	New Zealand holly
<i>Olearia traversii</i>	Daisy tree
<i>Osmanthus sp.</i>	Osmanthus species
<i>Photinia sp.</i>	Photinia species (e.g. red robin)
<i>Pittosporum sp.</i>	Pittosporum species
<i>Prunus laurocerasus</i>	Cherry laurel
<i>Prunus lusticana</i>	Portugal laurel
<i>Rhododendron sp.</i>	Rhododendron species
<i>Rosa sp.</i>	Rose species
<i>Salix aurita</i>	Eared willow
<i>Salix repens</i>	Creeping willow
<i>Sambucus sp.</i>	Elder species
<i>Syringa vulgaris</i>	Lilac species

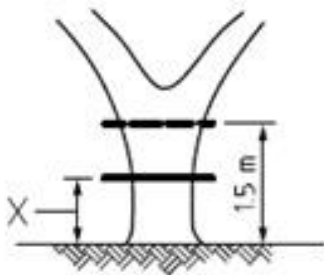
Appendix 2. Measurement conventions for trees. In these diagrams the standard measurement height (1.52m) has been rounded down to 1.5m.



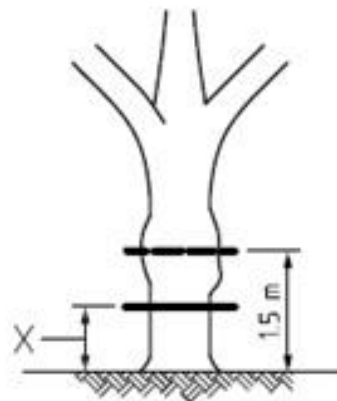
a) standard measurement



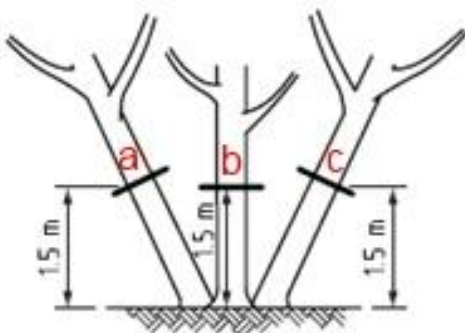
b) measurement taken on sloping ground



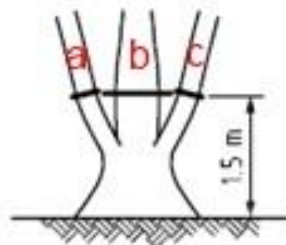
c) measurement of tree with low branching (X = the height with the narrowest diameter below the union)



d) measurement of tree with irregular swelling (X = the height with the narrowest diameter below the swelling)

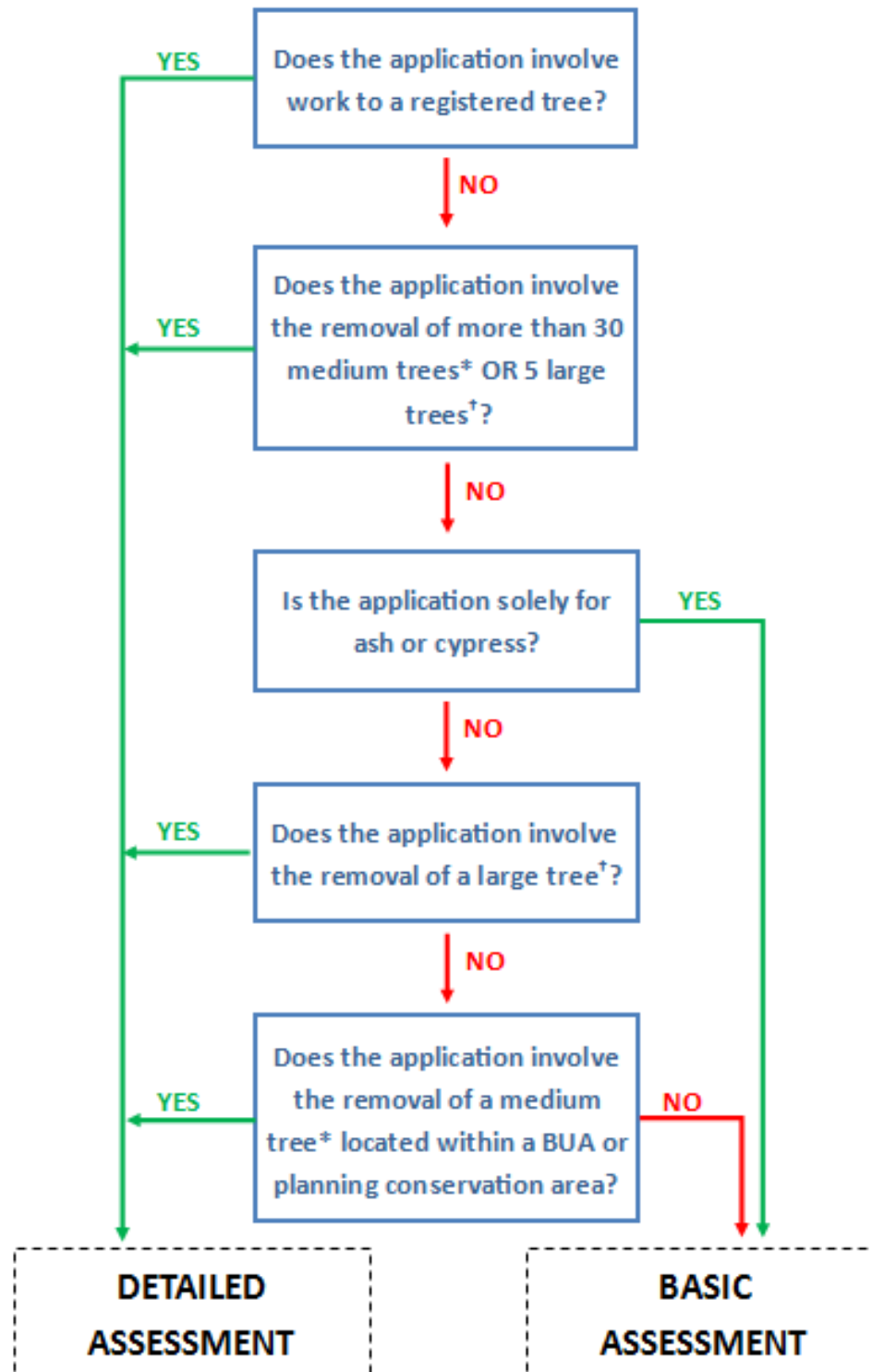


OR



e) measurement of trees with multiple stems. Take a measurement from the stem with the largest diameter.

Appendix 3. Decision tree for the type of application assessment to be used.



*Medium tree = stem greater than 60cm circumference (19cm diameter) measured at 1.5m above ground level





†Large tree = stem greater than 90cm circumference (28.5cm diameter) measured at 1.5m above ground level

BUA = Built Up Area, as defined by paragraph 16.1

Appendix 4. [removed]

Appendix 5. Describing a proposal to undertake pruning work on registered trees.

Common tree work operations

	<p>General information - The common operations described and simply illustrated here show some of your options.</p> <p>An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard 3998 - <i>Recommendations for Tree Work</i>.</p> <ul style="list-style-type: none"> • Please note that the entire branch system is known as the 'crown'. • LPA approval is not required to remove dead branches.
	<p>Crown Thinning - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.</p> <p>The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).</p> <ul style="list-style-type: none"> • Useful for letting more light into gardens and windows
	<p>Crown Lifting - This means removing lower branches to increase the clearance between the ground and the crown.</p> <p>Identify the branches you wish to remove, or specify a height above ground level to which you wish to "lift" the crown.</p> <ul style="list-style-type: none"> • Useful for allowing more light into gardens • Prevents low branches obstructing paths, drives etc.
	<p>Crown Reduction - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.</p> <p>The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).</p> <ul style="list-style-type: none"> • Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering

Appendix 6. Template for Woodland Management Agreements**1. Woodland/Property Details**

Woodland/Property Name			
Woodland/Property Address			
Nearest Town/Village			
Local Authority			
Grid Reference			
Description of woodland in the landscape:			
Contact Email		Contact Number	
Contact Address			
Management Plan Area (Hectares)			
List the maps associated with this management plan:			
Feature	Within Woodland	Notes	

Registered Tree/Area (Tree Preservation Act 1993)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Conservation Area (Planning)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Biodiversity designation (any)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Features of historic significance	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Public Right of Way, Bridleway or Green Way Road	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Description of woodland types present and current age structure:

2. Vision and Objectives

To develop your long term vision, you need to express as clearly as possible the overall direction of management for the woodland and how you envisage it will be in the future.

Plan period:

From :

To:

Describe your long term vision for the woodland(s).

--

State the objectives of management, and how sustainable forest management is to be achieved. Objectives are a set of specific, quantifiable statements that represent what needs to happen to achieve the long term vision.

No.	Objectives
1	
2	
3	
4	
5	

3. Achievements of previous management

This section to identify achievements made against previous plan objectives. This section should be completed at the 5 year review and could be informed through monitoring activities undertaken.

Objective	Achievement

4. Woodland Protection

This section allows you to consider the potential threats facing your woodland(s). Where relevant, under the following headings, describe any potential threats and as informed by both the likelihood of presence and potential impact, communicate any required management response. This could, for example, be providing information in relation to putting in place a plan, monitoring or direct action.

Pests and Diseases
Livestock and Other Mammals
Water & Soil (soil erosion, acidification of water, pollution etc)
Environmental (flooding, wind damage, fire, invasive species etc)

<u>Climate Change</u> Resilience (provenance, lack of diversity, uniform structure)

5. Strategy

This section requires a statement of intent, setting out how you intend to achieve your management objectives and manage important features and issues identified within the previous sections of the plan. The information provided should be succinct.

Mgt Objective/Feature	Outline Work Prescriptions/Operations	Year