

YOUR PLANNING SERVICE

Trees and Hedgerows



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

There are a variety of issues to consider when dealing with trees and hedges. The way in which the planning laws and regulations apply to individual trees, hedgerows and high hedges is quite complex. It is advisable therefore, to carry out informal discussions with us if you have any plans to reduce or remove them, before you carry out the work.

THE HEDGEROW REGULATIONS 1997



Is the Council's Permission Needed?

The Council's permission would be needed if your hedgerow is on, or runs alongside:

- agricultural land;
- common land, including town or village greens;
- land used for forestry or the breeding or keeping of horses, ponies or donkeys; or
- a Local Nature Reserve or Site of Special Scientific Interest.

The Council's permission would not be needed if your hedgerow:

- is shorter than 20 metres (unless both ends join up with other hedgerows or it is part of a longer hedgerow); or
- is in, or borders, your garden.

Gaps of 20 metres or less are counted as part of the hedgerow.

TREE PRESERVATION ORDER

A Tree Preservation Order (TPO) makes it an offence to cut down, lop, prune, uproot, wilfully damage or wilfully destroy a tree without the Planning Authority's permission.

- Any unauthorised work is a strict liability offence carrying a maximum penalty of £20,000 per tree in the Magistrate's Court, or unlimited, if the case is heard in the Crown Court.
- The TPO goes with the land, and unless formally revoked by the Council, it never 'runs out', even if the tree that was protected is no longer there.
- A protected tree remains in the care and control of the land owner.



- One TPO can cover any number of trees, including single trees, groups of trees and woodlands over large areas of land in more than one ownership, so long as those trees, groups and woodlands are specified in the TPO.
- The Council can condition new tree planting to replace protected tree(s) or woodland, that have been removed.
- The legislation that allows the TPO to be made, assumes that any tree is 'at risk' since no-one can predict a person's actions and the Council

can therefore make a TPO even if there is no apparent threat to the tree.

- Not all trees that provide public amenity will be protected, as other matters are taken into account. For example, the Council will consider the health of the tree, its shape, its life expectancy, whether it is too close to properties and whether it is managed well by the owner.

For any protected tree work proposals please complete and submit **Form 26 Application for tree works** to the trees officer for consideration; this form can be requested on 01353 665555 or downloaded from the East Cambridgeshire District Council website www.eastcambs.gov.uk

TREES WITHIN CONSERVATION AREAS

- Within a conservation area all trees with trunks over 7.5 cms in diameter at 1.5m from the ground, regardless of age, species, and location, are automatically protected in a similar manner to a Tree Preservation Order.
- In these cases, anyone wishing to carry out tree work must apply to the Council in writing, giving 6 weeks notice of their intentions.
- During that period the Council may allow the work to proceed, or make a TPO to protect the tree.
- If the Council fails to reply within 6 weeks, then the application is deemed to be allowed.

For any protected tree work proposals please complete and submit **Form 26 Application for tree works** to the trees officer for consideration; this form can be requested on 01353 665555 or downloaded from the East Cambridgeshire District Council website www.eastcambs.gov.uk

If you would like to discuss any matters relating to Trees please contact the Trees Officer by telephone on (01353) 665555.

HIGH HEDGES

Following the introduction of Part 8 of the Anti-Social Behaviour Act 2003, the District Council may, in certain circumstances, issue a Notice compelling the hedge owner to reduce the height of their hedge. The following is a brief explanation of the legislation.

- Where a hedge interferes with a person's enjoyment of their home, through matters such as loss of light or amenity, the Council may order the owner to reduce the height of their hedge.
- The hedge must be over 2 metres in height, evergreen or mostly evergreen, growing on somebody else's land, must be made up of at least two trees or shrubs, and must be a barrier to light or access.
- The effects of roots and fallen leaves is excluded from this legislation.
- Only a homeowner can submit a complaint – hedges affecting factories or offices are not covered by the legislation.
- Until a formal complaint has been received the matter is a private dispute. The Council cannot mediate in private disputes.

You should also refer to the Act itself or the Government's leaflet, for a full explanation of the law (copies of the leaflets are available online at www.odpm.gov.uk or via the District Council).

PLANNING CONDITIONS

Trees and hedging can be protected by planning conditions, these form an integral part of the planning permission for some developments. Where these are applicable you will need to apply for consent from East Cambridgeshire District Council prior to carrying out pruning works or removal of trees or hedges. It is recommended that you contact the Trees Officer prior to submitting your application. The form to use for such proposals is **Form 25 Application for approval of details reserved by conditions**; this form can be

requested on 01353 665555 or downloaded from the East Cambridgeshire District Council website www.eastcambs.gov.uk or via the Planning Portal.

TREES AND DEVELOPMENT

Where trees may be affected by planning application proposals applicants are advised to contact the Trees Officer on 01353 665555 and will need to follow guidance in BS5837: 2012 Trees in relation to Construction – Recommendations.

If you require this document in different formats (e.g. Braille, large print, audiotape/CD or other languages please contact the council's main reception or email translate@eastcambs.gov.uk



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