



TREES, WOODLAND, HEDGEROWS AND DEVELOPMENT SITES
SUPPLEMENTARY PLANNING
GUIDANCE

JANUARY 2017

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1. Introduction

- 1.1 This Supplementary Planning Guidance (SPG) set out the Council's requirement for Trees, Woodland and Hedgerows affecting new development sites.
- 1.2 This guidance is designed to help create high quality and sustainable urban and rural landscapes where trees, woodlands and hedges are a key element. Trees, woodlands and hedgerows are important features of an overall design of a development site. They are important to people's quality of life as well as having wider ecological benefits. National planning policy is clear that design is the relationship between all elements of the natural and built environment; therefore the positive use of trees, woodlands and hedges within a development site can help create truly sustainable development.
- 1.3 This SPG will be a material consideration in the determination of all planning applications which can impact on or propose the inclusion of tree, woodlands or hedgerows.
- 1.4 Developers are encouraged to discuss their proposals with the Council's Tree Officers at the earliest opportunity; their contact details are set out below:

Tree/Arboriculture/Landscape Officers
Telephone: 01633 656656
Address: Civic Centre, Newport, NP20 4UR

2. National and Local Policy context

Planning Policy Wales

- 2.1 Planning Policy Wales (PPW) provides the national strategic guidance with regard to land use planning matters in Wales. Sustainable Development Principles are inherent to national planning policy which expects all those involved in the planning system to adhere to those SD Principles. Of particular relevance in this case is the need to ensure a long term perspective to safeguard the interest of future generations, to respect environmental limits so that the environment is not irreversibly damaged and to assist in tackling climate change. This can be achieved through good design of development which takes into account the relationship between the natural and built environment.
- 2.2 Trees, Woodlands and Hedgerows are recognised in national planning policy as being of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. PPW is clear that Local Planning Authorities should seek to protect tree(s) where they contribute to the character or amenity of a particular locality. Also it is important to note that ancient and semi-ancient woodlands are noted as irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.
- 2.3 It is clear that Local authorities have a duty to ensure that adequate provision is made for the planting or preservation of tree(s) by imposing conditions when granting planning permission and/or by making Tree Preservation Orders.

Technical Advice Note 10 Tree Preservation Orders (1997)

- 2.4 This advice note is specifically related to the making and use of Tree Preservation Orders (TPO). The principal effect of a TPO is to prohibit the cutting down, topping, lopping, wilful damage or wilful destruction of a tree or trees without the consent of the planning authority.

Technical Advice Note 12 Design (2016)

- 2.5 This advice note states the response to context should not be confined to architectural finishes. It is important to help integrate old and new development and reinforce hierarchy between spaces through the consideration of retaining existing landmarks, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. The guidance notes that opportunity should be taken when improving the public realm to protect and enhance biodiversity and assist pollution abatement through careful design, implementation and maintenance of planting. Planting, particularly large tree species can also be used to improve microclimate and reduce dust and the perception of noise through, shade, shelter and screening.

Local Development Plan

- 2.6 The Local Development Plan (LDP) policies relating to trees, woodlands and hedgerows are set out below:

Policy GP5: General Development Principle, Natural Environment, Criterion vii):

[DEVELOPMENT WILL BE PERMITTED WHERE] THE PROPOSAL INCLUDES APPROPRIATE TREE PLANTING OR RETENTION WHERE APPROPRIATE AND DOES NOT RESULT IN THE UNACCEPTABLE LOSS OF OR HARM TO TREES, WOOLDAND OR HEDGEROWS THAT HAVE WILDLIFE OR AMENITY VALUE.

- 2.7 This policy recognises that trees can have a major influence on the planning and use of the site. However, through the use of Arboricultural surveys the Council can assess the potential effects of development and propose suitable mitigation where appropriate. Effective measures should be taken by developers to protect existing trees, woodlands and hedgerows. It is shown that if such matters are integrated sensitively and with due care it will enhance the quality of the development and amenity from the outset, safeguard biodiversity and natural resources and minimise loss of trees and woodlands.

3. Statement of Principles

3.1 There are many benefits from trees; including their ability to:

- Help to regulate air temperature, reduce noise pollution and filter/absorb air pollution;¹
- Support a wide variety of animals and plants, thereby, maintaining and enhancing biodiversity e.g. a mature oak tree can host up to 5000 different invertebrate species forming the basis of a healthy ecosystem for birds and mammals;²
- Help counteract the harmful causes of global warming;³
- Improve mental health and well-being; and ⁴
- Have an economic benefit and the potential to increase house prices⁵



3.2 The Council has three general principles relating to trees, woodlands and hedgerows within the Local Authority boundary:

- Manage:** To encourage tree owners and developers to look at their tree stock and ensure it is in a healthy and safe condition through. This will be achieved through site visits and proactive communication throughout the development process and one of the main aims is to avoid potential conflict between development and trees, woodland and hedges.
- Plant:** To encourage appropriate replacement tree planting where there has been a requirement to fell trees on private land and development sites. This will include the provision of replacement tree(s) which will satisfactorily offset the impact of the loss, the quality of the existing tree and the choice of appropriate tree species.
- Protect:** Newport is fortunate to have a total urban tree cover of 18.9%, which is above the Welsh national average of 16.8% (Tree Cover in Wales 2014, Natural Resources Wales). One objective of the Council is to increase the tree cover within Newport to 25% within the next 15 years.

¹ *Tree Cover in Wales's 2014(Natural Resources Wales)*

² *The Case for Trees in Development and Urban Environment 2010 (Forestry Commission England)*

³ *The Case for Trees in Development and Urban Environment 2010 (Forestry Commission England)*

⁴ *Faculty of Public Health report Great Outdoors: How our National Health Service Uses Green Space To improve Wellbeing.*

⁵ *Does Money grow on Trees 2005 (Cabe Space)*

4. The three principles of design

- 4.1 There are 3 key design principles which should be considered by all applicants where their development affects trees, woodlands and hedgerows.

Design Principle 1: Retention

Wherever possible, trees, woodland and hedgerows should be retained on site.

Sufficient space should be afforded, so that there is no potential conflicts to the development in the future e.g. storm damage from trees are designed out from the outset.

This is also important for ecological connectivity and meeting well-being goals

Design Principle 2: Mitigation

The design of a development should mitigate any potential negative impacts to trees, woodlands and hedgerows.

This can be achieved by engaging a Tree Consultant to carry out a full tree survey in accordance with BS5837:2012 'Trees in relation to design, demolition and construction- Recommendations'.

Design Principle 3: Compensation

As stated in the Councils adopted Green Lung Policy⁶; 'where trees are felled then replacement trees will planted'.

Where it is not possible to plant replacement trees on site, funding will be provided by the developer for off-site planting.



⁶ 2017 Trees and Woodland policy on NCC owned and managed sites.

5. Planning Application Requirements

- 5.1 Any Planning Application that may affect existing trees, woodlands & hedges will not be accepted unless a tree survey, which has been carried out in accordance with the relevant British Standard by a suitably qualified Tree Consultant, is submitted.
- 5.2 Developers are strongly recommended to obtain all the tree information from a qualified Tree Consultant prior to formulating any development layout. This is best practice as trees, woodlands and hedgerows should not be fitted in around a potential housing layout, retrospectively. Any housing layout should seek to avoid any potential conflict between the development and the trees. Instead, it should make the most of these assets in providing focal points, a pleasant amenity for residents and a potential boost to the value of nearby plots. It should be noted that the submission of good quality tree information has been shown to save both time and money to the applicant.
- 5.3 The level of information the Council requests will differ depending on the type of applicant and development the request will be proportionate to the proposals. The type of detailed assessments includes:
- topographical surveys,
 - tree surveys/categorisation,
 - tree constraints plans,
 - arboricultural implication assessments, and
 - management schedules.
- 5.4 The information supporting an application should provide information on the quality and quantity of trees present, and identify mitigation of the potential impacts of development, including the construction process on trees and hedgerows and their root systems, and should be carried out to the relevant British Standards. Where a proposed development would lead to the removal of trees and hedgerows, the developer must justify the removal and propose suitable mitigation measures. More information as to the requirements of the arboricultural implications assessment (AIS) is set out in chapter 6.
- 5.5 The key factors that will be assessed from the information submitted with a planning application will include;
- The health of the trees, their ultimate height and canopy spread and how much they can be expected to grow annually;
 - Potential storm damage from trees which are too close to developments;
 - Shading patterns of trees which can affect the light quality to gardens and buildings;
 - Potential changes in ground level as little as 100mm can affect tree roots; and
 - Potential changes in drainage patterns.

6. Trees and Development

6.1 The Council will seek the retention of trees on development sites by:-

- Protecting suitable trees with a Tree Preservation Order (TPO)
- Ensuring planning applications have tree information submitted in accordance with the relevant British Standard (currently BS5837:2012)
- Ensuring that potential conflicts between development and trees are minimised.

6.2 The main tree issues that need to be considered by a developer include:

- the size, height, maturity and species;
- the avoidance of root severance and ground compaction; and
- the siting of buildings to minimise shading, leaf fall and potential storm damage.

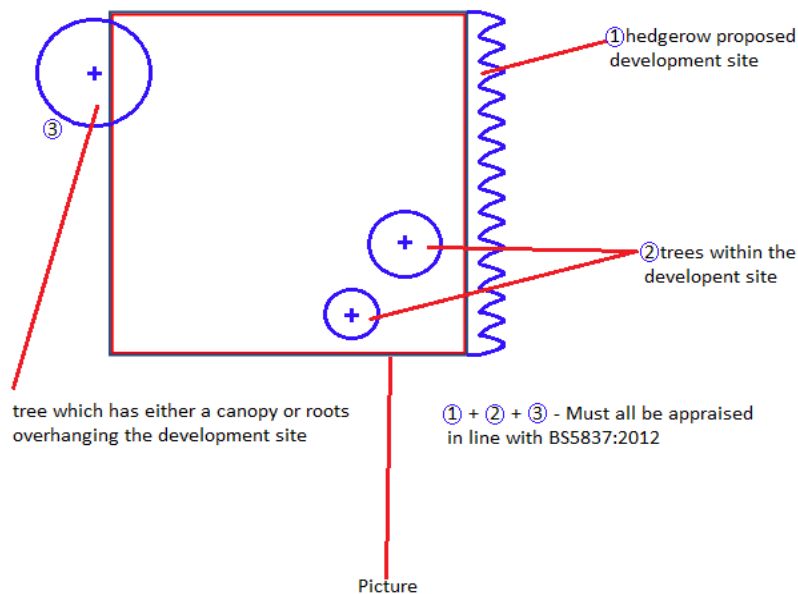
6.3 The amount of detail required will vary depending on the type of development taking place; it is advisable to contact the Councils Tree Officer to discuss further. Contacts are set out in chapter 1 of this report.



A good example of a protected, i.e. TPO'd oak tree included within the overall layout of a business site.

Arboriculture Implications Assessment

- 6.4 It is important to note that trees established outside the proposed development site which impact on the site either by canopy spread or root system will also need to be considered within an Arboriculture Implications Assessment (AIS) in line with BS 5837 (2012). This assessment includes the potential proximity of trees to structures and the constraints that the trees will pose on the site layout. The diagram below shows the position of the trees both inside and outside the red line of the development site that need to be assessed by the AIS.



- 6.5 A **Tree shading plan** may be required as part of the AIS. A tree shading plan shows the extent of the tree shadows cast by the tree canopy at various times of the day and in particular seasons. The shading layout informs the design and layout of the site which in turn mitigates potential conflict between the development and the trees, i.e. less money spent on tree maintenance as a consequence of shade cast by trees. Specific details of the month and time will be specified by the Tree officer.
- 6.6 The **root protection area** (RPA) identified by the AIS does not indicate the closest point to a tree where development can take place. There are other factors that must be taken into consideration. The photograph above shows a house built outside the RPA but the property is still too close to the tree which will result in a future conflict with the protected tree.
- 6.7 It is the **Tree Protection Plan** which shows the area around the trees to be protected from development and details how this is to be achieved by the positioning and type of protective fencing, there are some examples of good and poor practice below:



Orange webbing used as protective fencing is not acceptable



Heras fencing hasn't been secured and has been pushed over by the adjacent soil - this is not acceptable.



- 6.8 An **Arboricultural Method Statement** illustrates and details how all the on-site operations will take place without compromising the trees. The amount of detail required will vary depending on the type of development taking place; this can be discussed by contacting the Councils Tree Officer contact details are set out in Chapter 1.

Structural tree planting

- 6.9 This is the use of newly planted large trees in groups or lines to define a space or spaces. It is the overall effect that the trees have, as opposed to their species, which is important. Structural planting therefore informs the perception of a site and how it is used whilst also helping to give an area its character. Trees planted in verges to form a boulevard are structural planting, as is planting used as a boundary, screen or to form a means of enclosure. Boulevard planting on main access and through routes on the site should be provided.

- 6.10 Wherever possible the main roads entering and traversing the site will have verges and tree planting i.e. to create an avenue or boulevard. This will comprise a grass verge adjacent to the roads which will be a minimum of 2m in width and will be planted with appropriate species at a minimum size of 14/16 extra heavy standard. Suggested tree species have been chosen for their goblet- shaped tree canopy to minimise highway and residential issues and include :-

- | | |
|---|--|
| ○ <i>Acer rubrum</i> "Armstrong" | ○ <i>Amelanchier arborea</i> "Robin Hill" |
| ○ <i>Corylus coryluna</i> | ○ <i>Ginkgo biloba</i> "Nanum" & "Saratoga" & "Princeton Sentry" |
| ○ <i>Malus trilobata</i> | ○ <i>Prunus</i> "Sunset Boulevard" |
| ○ <i>Pyrus</i> "Chanticleer" | ○ <i>Quercus fastigiata</i> "Koster" |
| ○ <i>Quercus pulustris</i> "Fastigiata" | ○ <i>Sorbus x thuringiaca</i> "Fastigiata" |
| ○ <i>Ulmus</i> "New Horizon" | |

This is far more effective and practical in aesthetic terms than planting individual trees in front and rear gardens.

- 6.11 The strong structural planting defines spaces and adds to the quality of the overall development in terms of its landscape and has been shown to add financial value to a site. Wherever possible structural planting will be favoured over tree planting in front and rear gardens.

Trees on public open spaces

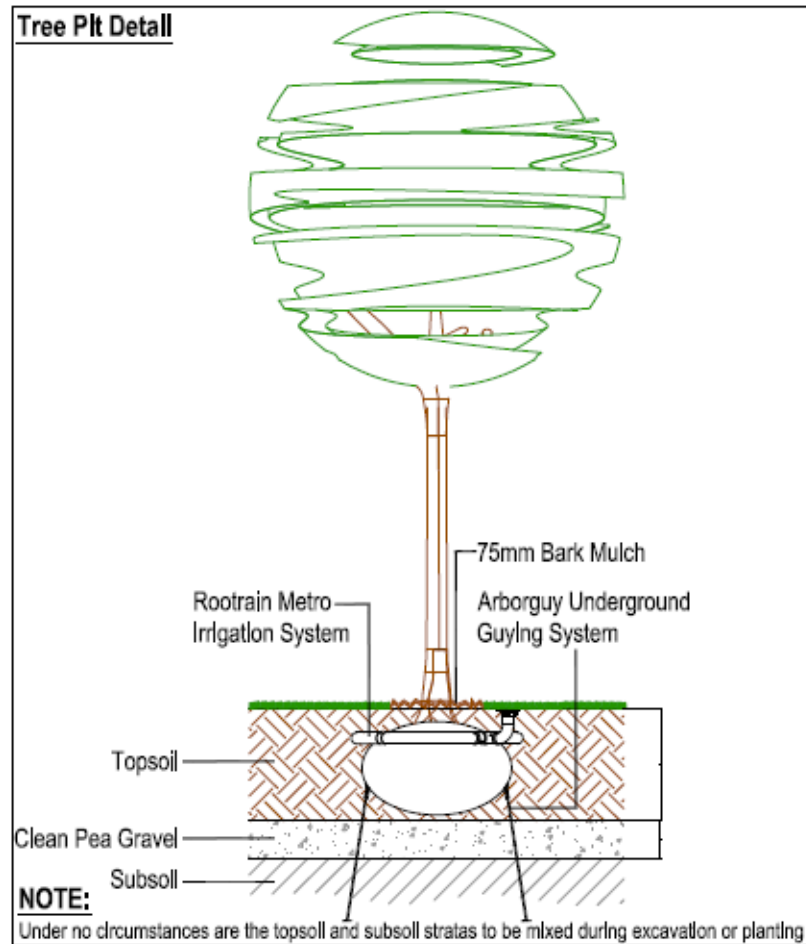
- 6.12 It is recognised that trees need space to grow and that they will need to be maintained. To provide landscape amenity, specimen trees should be sited on Public Open Space (POS) so that they can be enjoyed by all and are not a financial or practical burden to an individual.
- 6.13 This stance recognises that trees on development sites should be for the benefit of all. One of the key tenets of a TPO is that the tree/s should be highly visible to the public and this beneficial relationship should be shared by all trees within a development. This is particularly important where there are few trees on the development site. Trees also require a large area to grow to their full potential much larger than an average garden on a new development. As well as the benefit to residents trees sited in a public area provides character to the street scene of overall development.

- 6.14 Where there are trees proposed on public spaces adjacent to areas of play e.g. Local Equipped Areas for Play (LEAPS) or Local Areas for Play (LAPS) then Fastigate (i.e. upright growing) trees will be planted to minimise social and maintenance issues.
- 6.15 The number of trees and their siting will depend on the size of the play area within the public open space. The trees will form part of the overall structural planting of the development site and they will be positioned to ensure that the play areas remain visible and do not impact on the maintenance of the play areas.
- 6.16 Suggested columnar trees include :-

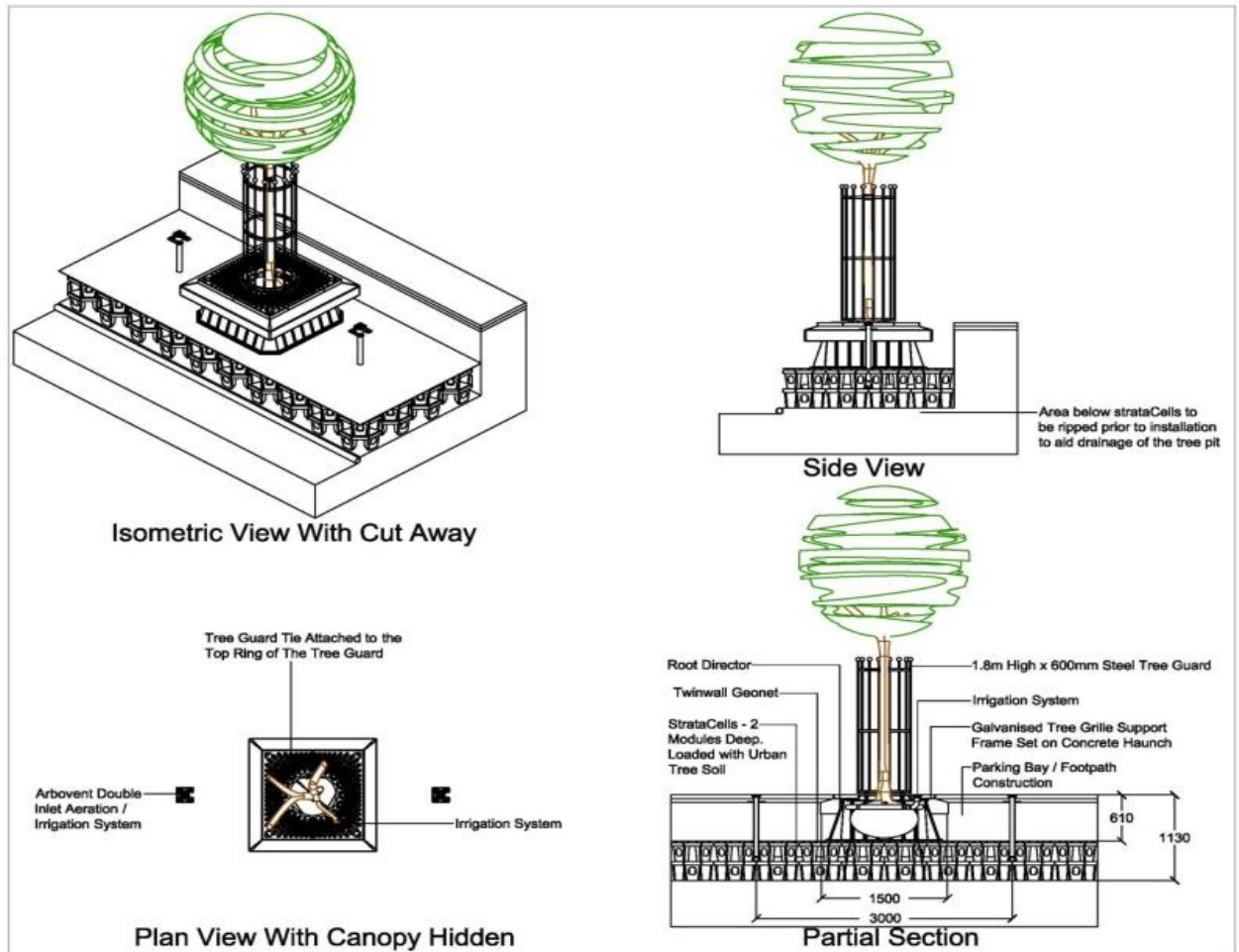
○ <i>Acer campestre</i> "William Caldwell"	○ <i>Amelanchier</i> "Obelisk"
○ <i>Betula utilis</i> "Edinburgh"	○ <i>Fagus sylvatica</i> "Dawyck", "Dawyck Gold"& "Dawyck Purple"
○ <i>Liquidambar</i> "Slender Silhouette"	○ <i>Picea abies</i> "Cupressina"
○ <i>Populus tremuloides</i> "Erecta"	○ <i>Sorbus aucuparia</i> "Fastigiata"
○ <i>Taxus fastigiata</i>	○ <i>Ulmus columnella</i>
○ <i>Ulmus x hollandica</i> "Dampieri Aurea"	

Tree planting details

6.17 Planting in open ground and grass verges



6.18 Planting in hard surfaces, e.g. pavements and car parks, to encourage downward root growth and minimise surface damage by tree roots.



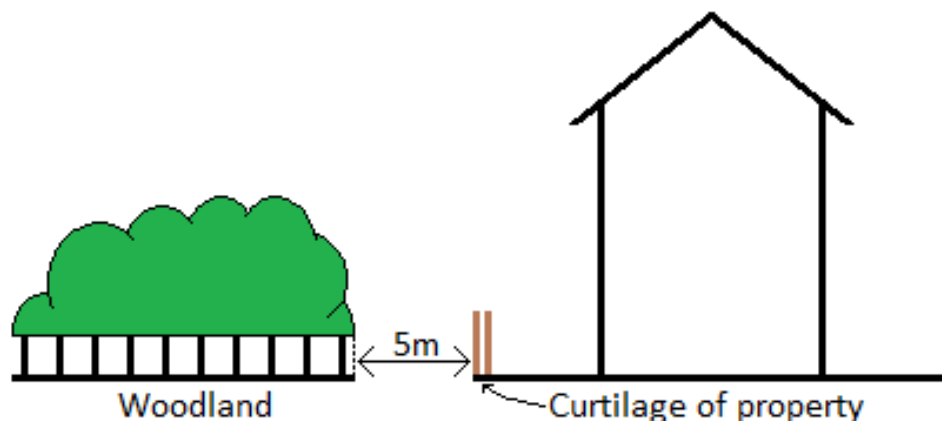
7. Woodland and Development

7.1 Woods are diverse and complex ecosystems that have taken time to develop & evolve. This means that they are valuable and fragile assets. They are protected by various areas of legislation and must be treated sensitively if they are to complement development layouts.

7.2 Protection of Woodland and Woodland edges:

- Woodlands are to be kept as an entity.
- Woodlands will not be subdivided and apportioned within residents gardens.
- There should be a woodland buffer i.e. a strip of land between the woodland and the curtilage of the development, which is clearly demarcated.
- There is to be a minimum distance of 5m between any part of the canopy and any part of the curtilage.
- Details of the maintenance of the buffer must be provided by the developer.

7.3 Careful consideration should be given to the layout design of the development and woodland areas. Where possible, properties should front onto woodland areas to provide natural surveillance, rather than create a buffer hidden behind garden fences with the risk of future antisocial behaviour. Consideration may need to be given to issues such as street lighting especially if the woodland is home to protected species such as bats.



8. Hedgerows and Development

8.1 Where the long term retention of native hedgerows is considered to be threatened by removal, Newport City Council may undertake an assessment of the hedge to ascertain its importance within the area. The assessment is carried out by a suitably trained and experienced person usually with a background in ecology, landscape architecture or arboriculture.

8.2 The assessment of hedges is undertaken to set criteria and includes but is not limited to the following:

Common land;

Protected land;

Land used for agriculture or forestry;

Land used for the keeping or breeding of horses, ponies or donkeys.

8.3 Failure to comply with a hedgerow retention notice or to notify NCC of intent to remove an important hedgerow may result in prosecution and if found liable may result in an unlimited fine.

8.4 For further information refer to appendix A of the DEFRA publication “**The Hedgerow Regulations: a guide to the law and good practice**”⁷

8.5 It should be noted that the Hedgerow Regulations do not relate to a hedge that forms part of the boundary of a residential property.

8.6 Key actions related to hedgerows:

- Hedgerows should not be removed without prior approval of the local authority.
- Where appropriate, hedgerow retention notices will be issued.
- Breaches of the hedgerow regulations will be enforced and legal action will be taken where it is expedient to do so.

⁷ Available to view at: http://www.planningportal.gov.uk/uploads/pins/hedgerow__guide_part_1.pdf

9. Tree Preservation Orders

- 9.1 Technical Advice Note 10: Tree Preservation Orders (1997), produced by the Welsh Government, sets out how Local Authorities are able to make and use Tree Preservation Orders (TPO) to prohibit such works as the cutting down, topping, lopping, wilful damage or wilful destruction of a tree or trees in the interest of amenity without the consent of the planning authority. There is a right of appeal against the consent process. It is important to note that the Office for the Deputy Prime Minister (ODMP) has published "Tree Preservation Orders: A guide to the law and good practice" which has been adopted by NCC as the standard way of administering TPO's within its area.

- 9.2 Trees and/or woodlands that are considered to be at high risk from landowners or developers who may fell or "top" a tree(s) which can lead to a devaluation of the landscape character within an area will be protected. All types and species of tree, including hedgerow trees can be covered, but not hedges, bushes or shrubs.

How do I find out if a tree is covered by an order?

- 9.3 Contact Newport City Council to find out if your tree is covered by a Tree Preservation Order (TPO) contact for the Tree Officer is set out in chapter 1.

How does the Council decide if a TPO is required?

- 9.4 There are three main circumstances under which orders are made:
- I. **Trees in Conservation Areas:** When the Council is notified of works to be carried out to trees within a Conservation Area a judgement can be made as to whether a TPO is needed.
 - II. **Trees on development sites:** When a planning application is received, the Council can consider making such protection orders if it is felt necessary.
 - III. **Trees under threat for other reasons:** Neighbours with concerns about particular trees may contact the Council who will consider their case.

Three classifications of TPO.

- 9.5 There are also three classifications of TPO:
- I. **Individual trees** – Protection of single trees each with a unique references; the prefix 'T' followed by a number i.e. T40.
 - II. **Groups of trees** – Protection of a number of trees within a demarcated area again with a unique reference, the prefix 'G' followed by a number i.e. G20. The group may contain a defined number of tree species and specifies what they are e.g. G1 may contain 12 oak, 5 ash and 3 cherry.
 - III. **Woodlands-** Protection of all the trees of all sizes including young and sapling trees within a defined boundary e.g. W1 may be described as mixed deciduous woodland. This also has a unique reference, the prefix 'W' followed by a number i.e. W85

How is a TPO made?

- 9.6 TPO's are made and confirmed by Officers, under delegated powers at Newport City Council. An order takes effect immediately and this is called a "*Provisional Tree Preservation Order*" which can then be subsequently "*Confirmed*".
- 9.7 Within a period of six months of the "Provisional" Order being made, the TPO must be confirmed or it will lapse. Comments must be made within 28 days of being notified of the provisional order. These comments will be taken into account when the Council considers whether to confirm the order. If objections are received to the Provisional TPO, a report will be considered by the Planning Committee Members which will be submitted and discussed at full Planning Committee. If no objections are made the TPO will be signed off by the Head of Regeneration Investment and Housing.

What happens once a tree is protected?

- 9.8 Once a tree has Provisional TPO status it is protected. Permission will be needed from the Local Authority to do work to the tree whether it has a confirmed TPO or provisional TPO. This includes any pruning (including root pruning) and felling. It is a criminal offence to do work to a protected healthy tree without this permission. Not knowing the tree is protected is not a defence. The Courts have imposed significant fines for offences involving unauthorised works to protected trees. Where trees have been felled without consent to create a development plot, the fine has been significantly increased to reflect the uplift in land value, resulting in the offender receiving a very substantial fine (and a criminal record).

Carrying out works to protected trees

- 9.9 There are some works that can be carried out on a protected tree without permission as set out below. If you are not sure then contact the Council's Tree Officer for further information (contact details are set out in section 1 of this document).
- .
- a. Where the tree is dead, or imminently dangerous. This includes the removal of dead wood or dangerous branches from an otherwise sound tree. You are strongly advised to seek expert written confirmation from a qualified tree surgeon and/or contact the Council's Tree Officer before proceeding. In the case of an imminently dangerous tree, the person employed to fell the tree should be able to provide this confirmation.
 - b. Where works are in compliance with obligations imposed by an Act of Parliament.
 - c. For works by statutory undertakers⁸; in most cases exemptions apply to works to abate a statutory obligation.

⁸ Statutory undertakers, those charged with the installation, maintenance and repair of utilities, telecoms, airports, highways and other such infrastructure also enjoy a number of exemptions to carry out the tree works required to fulfil their duties. It is important to note, however, that they should still have regard for the

- d. Works to make safe damaged, diseased or dangerous trees or parts of trees are considered as exempt to the terms of the TPO and similar statutory obligations.
- e. For the pruning of fruit trees where the trees are cultivated for fruit production.
- f. For works to enable a development to take place in line with a full planning permission.

Dead or dangerous trees

- 9.10 Except in an emergency, you must give Newport City Council at least five days written notice before you carry out works on a dead or dangerous protected tree. If you take down or do other works to a tree in an emergency, you must notify us in writing/email together with a photograph as soon as possible after the works become necessary. It is important to note that you could be prosecuted if it is deemed that you have carried out unauthorised works. You may also be asked to plant another tree that is of an appropriate size and species and in the same place as the tree felled. This should be done as soon as is reasonably possible e.g. in the first planting season following the removal of the tree. The new tree will have the same legal protection as the tree it replaced.

Who is responsible for the health and safety and cost regarding protected trees?

- 9.11 The land owner is responsible for the health, safety and any work required to protected trees and woodlands (not the Local Authority). This includes any costs incurred. Tree owners are strongly advised to have their tree stock inspected routinely (e.g. every 3 years) by a qualified Tree Consultant. Any recommendations contained within the report will form the basis of an application to carry out work to protected trees. By ensuring trees are proactively managed, tree owners have upheld their legal Duty of Care.

How do I apply for works to a TPO?

- 9.12 There is an application form which may be found on the Councils website www.newport.gov.uk/planning. Alternatively email planning@newport.gov.uk or phone 01633 656656 to request a form.
- 9.13 You may wish to discuss the intended work with the Councils Tree Officer (contact details are in chapter 1 of this report)

legislation and only carry out the minimum works required whilst causing the least amount of disturbance as possible.

10. Trees and Conservation Areas

- 10.1 Conservation Areas are areas of special architectural or historical interest. Landscape features, including trees may also contribute to the special character of a Conservation Area. There are 15 Conservation Areas within Newport:

1. The Shrubbery	6. Beechwood Park	11. Kensington Place
2. Caerleon	7. Lower Machen	12. Monmouthshire and Brecon Canals
3. Town Centre	8. Lower Dock Street	13. Redwick
4. St Woolos	9. Belle Vue Park	14. Stow Park
5. Waterloo	10. Clytha	15. Tredegar House and Grounds

- 10.2 Trees within Conservation Areas are essentially afforded the same level of protection as trees that have TPO's. The key difference is in how the proposed works are administered. When works are proposed to a tree within a Conservation Area, the Council must be notified of this intent at least 6 weeks prior to the works being undertaken.

How do I find out if a tree is in a Conservation Area?

- 10.3 You can visit the councils website www.newport.gov.uk and search on 'My Maps' or Contact the Conservation Officer of the Council to find out if your tree is located within a Conservation Area (telephone 01633 656656).

11. Works to trees in Conservation Areas

- 11.1 If work is requested to trees within a Conservation Area , Newport City Council must be given at least six weeks “notice of the intention” to do these works in writing together with a plan showing where the tree/trees are located.
- 11.2 The Council has three options in response to the notification:
- I. The Council can reply advising that they have no objections,
 - II. The Council can choose not to reply within the 6 week period at which time the person carrying out the work may take it that the Council has no objection; Or
 - III. The Council may serve a TPO on the tree preventing any works being undertaken without prior consent.
- 11.3 Work can go ahead when there is no objection to the proposed work; The tree or trees do not merit a Tree Preservation Order: or A decision has not been made within six weeks of the date of receiving the notice
- 11.4 It is an offence to cut down, uproot, top, lop, wilfully destroy or damage a tree in a Conservation Area.
- 11.5 Any works carried out to trees within the NCC area, including protected trees, must be carried out in accordance with British Standard 3998 of 2010 “tree works- recommendations” and industry best practice related to tree works either directly or indirectly by well qualified and insured tree surgeons.

How to give notice of proposed tree works?

- 11.6 There is an application form which may be found on the Councils website www.newport.gov.uk/planning. Alternatively email planning@newport.gov.uk or phone 01633 656656 to request a form
- 11.7 You may wish to discuss the intended work with the Councils Tree Officer (contact details are in chapter 1 of this report)

Public register and publicity

- 11.8 The Council keep a public register of all notifications received for works to trees, see weekly lists within the planning section of the Councils website. The Council do not need to publicise a notification of tree works. However, if the proposal involves the felling of trees, we may place a notice on site or notify adjoining occupiers.

What decisions are open to the Council?

- 11.9 The Council can either: Decide to make the tree or trees the subject of a Tree Preservation Order or decide not to make the tree or trees the subject of a Tree Preservation Order. The Council will inform the applicant of its decision and let them know when works can go ahead.

Are there any works that can be done without giving 6 weeks' notice?

- 11.10 Except in an emergency, you must give us at least five days' notice before you carry out works on a **dead or dangerous protected tree**. If you take down or do other works to a tree in an emergency, you should notify the Council in writing as soon as possible after the works become necessary. You could be prosecuted if the Council considered that unauthorised works have been carried out. If a tree is removed because it is dead or dangerous, the Council may be ask for another tree to be planted which is of an appropriate size and species and in the same location as the tree felled. Replacements should usually be planted in the first planting season following the removal of the tree. The new tree will have the same legal protection as the tree it replaced.
- 11.11 Also for works to a tree of a **diameter not exceeding 75mm at 1.5 metres above ground level**, (or 100mm if cutting down trees to improve the growth of other trees, for example, thinning operations)
- 11.12 Where works are required to immediately **implement a full planning permission**
- 11.13 The penalties for carrying out works to trees within a Conservation Area are the same as TPOs. If found guilty of an offence the person who carried out the work, commissioned the work or who allowed the work to go ahead may be liable for a fine of up to £20,000 for the first offence and a unlimited amount after that.

12. Felling Licences for trees on private land

- 12.1 Under the **Forestry Act 1967** a felling licence is required to fell more than 5 cubic metres of timber in any calendar quarter (e.g. Jan to Mar, Apr to Jun, Jul to Sep and Oct to Dec), and if more than two cubic metres is to be sold. Five cubic metres is roughly equivalent to one large oak tree or 50 thin chestnut coppice trees. Full details of how to apply may be obtained from Natural Resources Wales⁹. N.B. This does not affect trees in private gardens.

13. Trees & Woodland on Council land that is to be sold for Development

- 13.1 As the landowner, the Council will take all reasonable steps to safeguard and retain trees on its land. The Council does not put TPOs on its own trees because as landowner it is in control of what happens to them. However, decisions to prune or fell significant trees or groups of trees are assessed by professional officers and the same criteria apply as for TPO trees on private land.
- 13.2 However, once Council land is sold there is currently no protection for the tree stock that has been inspected and maintained by the Local Authority.
- 13.3 Therefore, prior to sale of Council land the Local authority will have the opportunity to TPO trees and woodland that are of merit.
- 13.4 This is to ensure that one of the key issues in the Local Development Plan is met (a greener and healthier City) and it will also contribute to Newport's goal of improving its tree cover .

⁹<http://naturalresourceswales.gov.uk/apply-and-buy/apply-for-a-tree-felling-licence/information-about-applying-for-a-tree-felling-licence/?lang=en>