

Trees & Hedges

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Today's topics

- The value of trees
- Legal tree and hedge protection



The value of trees

- Habitat value
- Carbon storage
- Pollution & water capture
- Reducing 'heat island' effect
- Aesthetic
- Economic



The list goes on but where is the proof?

The iTree project



Assessment tools - i-Tree Eco model

This is a peer reviewed and open source.

Treeconomics is a UK based social enterprise

Aim to improve our urban spaces, making them better places to live

Case study: Teignbridge District Council

Number of Trees
20,000


41ha
Tree Cover


179
Tree Species


£22,370
Annual Benefits


Teignbridge District Council's Urban Forest: Contains an estimated 20,000 trees which benefit over 132,000 people. That's around 6 people per tree.


In addition these Trees:

 Have a leaf area of 1,927km² which intercepts around 3,700 cubic metres of rain water every year, at a cost of £5,600 in avoided stormwater treatment costs.

 Filter an estimated 130 kg of airborne pollutants each year, worth more than £5,700 in social damage costs. This is equivalent to the annual sulphur dioxide emissions from 1,140 family cars.





 Store an impressive 5,375,000 kg of carbon worth £1.3 million, equivalent to 1,720 single-family houses.

 Remove an estimated 102,000 kg of carbon from the atmosphere each year, estimated to be worth over £6,800.

 For the public urban forest of Teignbridge, the estimated total public amenity asset value is over £144 Million.

Most Common Trees:
Oak, Ash and Sycamore

Torbay Council

Ecosystem Services Provided by Trees Compared						
	2010		2022		Difference	
	Amount	Value	Amount	Value		
Carbon Storage (whole value)	154,000 tonnes	£140,000,000	172,000 tonnes	£156,000,000	18,000 tonnes	
Annual Carbon Sequestration	5,680 tonnes	£5,170,000	4,910 tonnes	£4,470,000	-770 tonnes	
Annual Pollution Removal	57 tonnes	£1,300,000	67 tonnes	£1,210,000	10 tonnes	
Annual Avoided Runoff	158,000 m³	£520,000	195,000 m³	£643,000	37,000 m³	
Other Ecosystem Services of the Urban Forest						

- Torbay’s area comprised of 458,800 trees, covering **18.2%** of Torbay
- Total annual benefits of trees are valued at **£6,320,000** per year.
- The cost to replace the urban forest would be upwards of **£306 million**

LEGAL PROTECTIONS

- National & local planning policy
- TPO & Conservation Areas
- Felling licences
- The Hedgerows Regulations
- High Hedge Controls - ASBO

Legal Protections – policy back ground

National Planning Policy Framework – NPPF

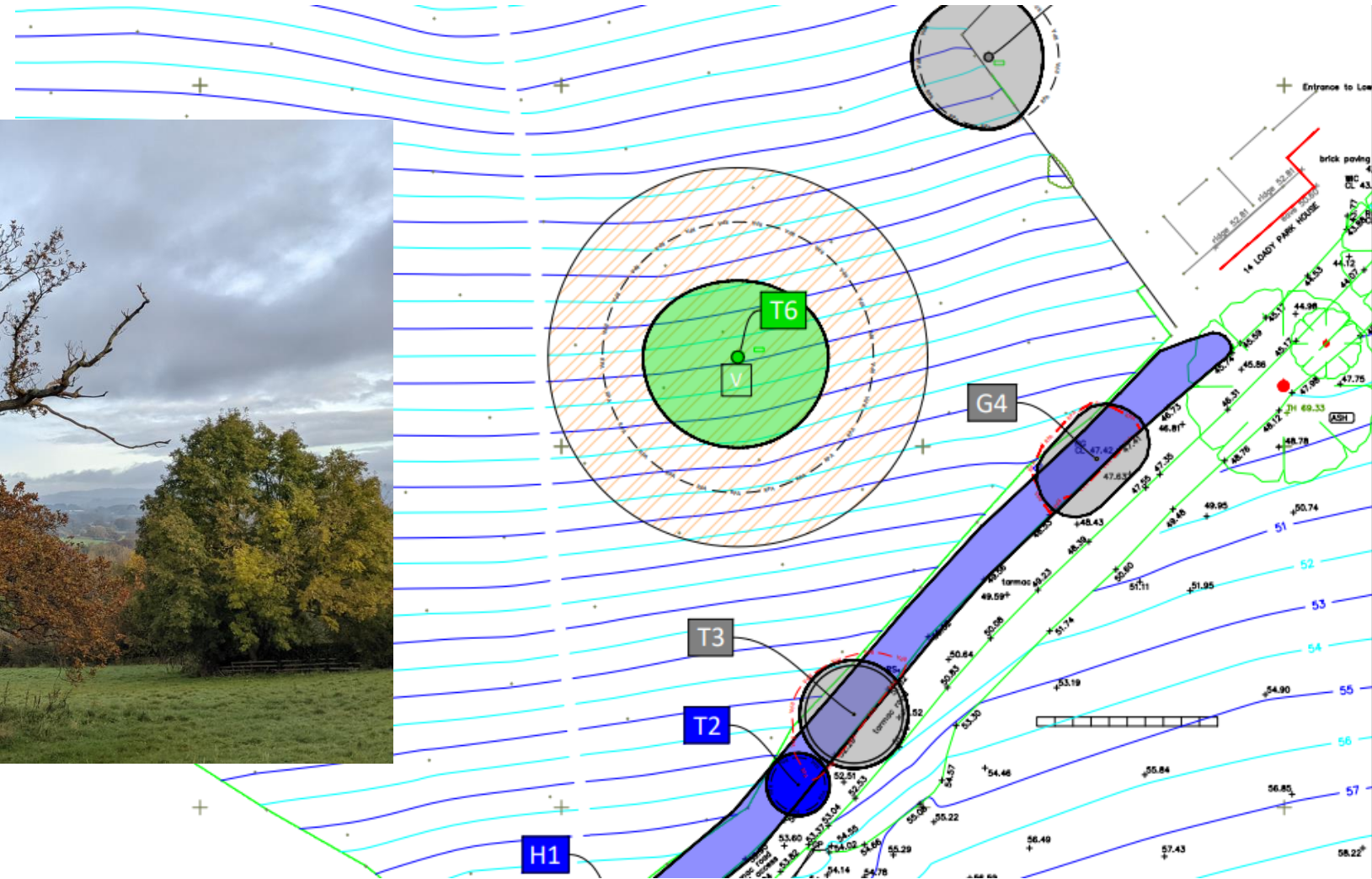
Section 131 – recognises trees role in climate change adaptation – new streets should be tree lined.

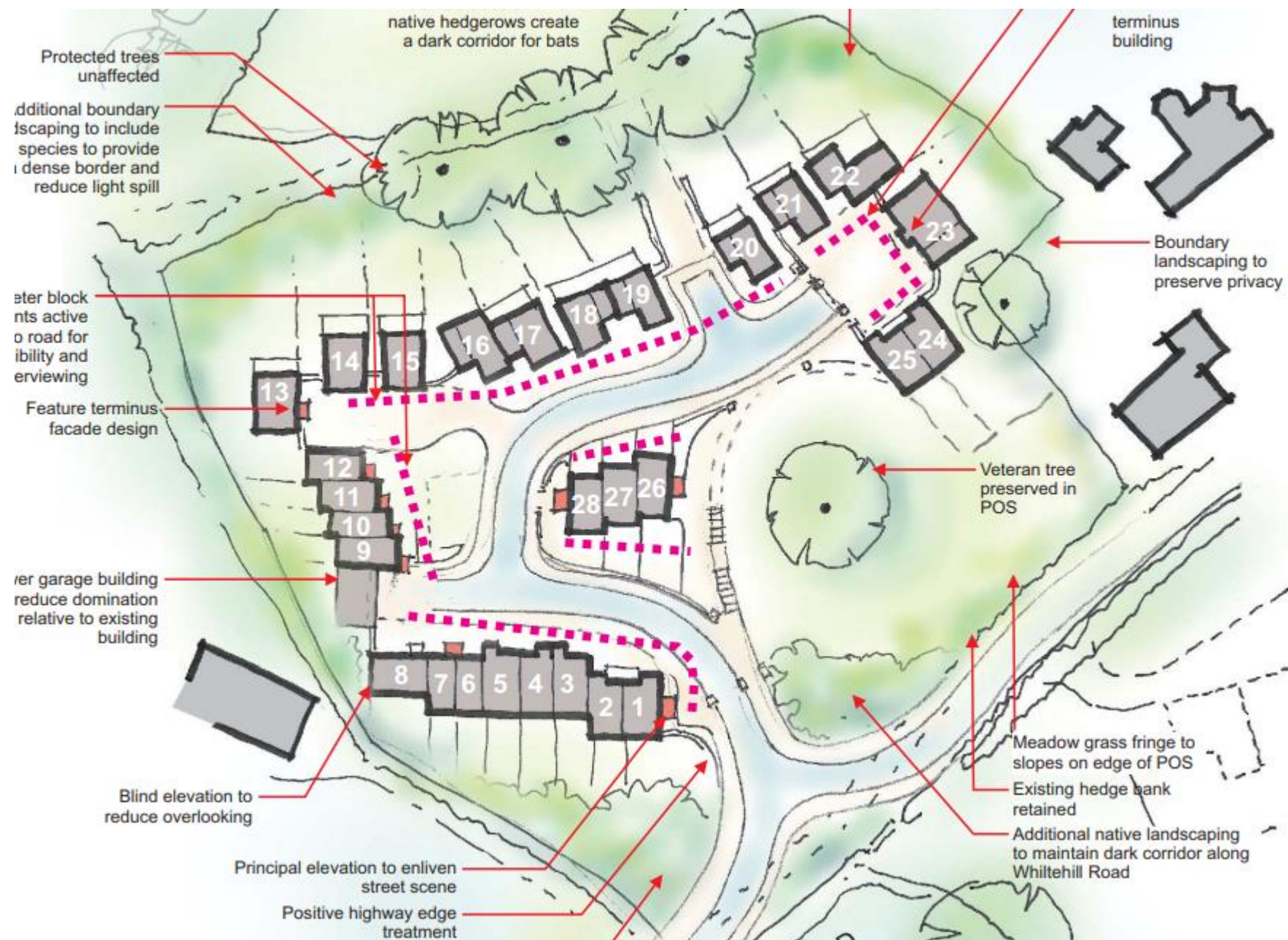
Section 180 –

a) bio diversity – avoid , mitigate, compensate, refuse

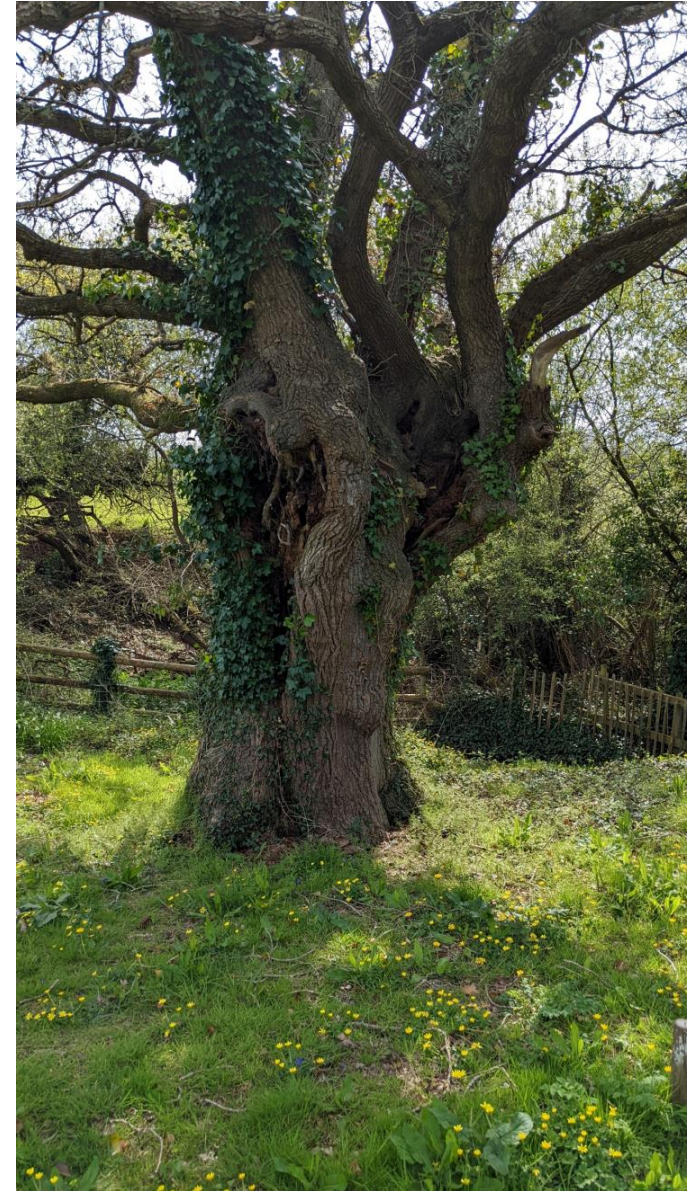
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons

Case Study





TREE PRESERVATION ORDERS



TREE PRESERVATION ORDERS (TPO)

What is a TPO?

An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

without the local planning
authority's written consent.

Fines:

- Maximum £20,000 for felling
- Maximum £5,000 for pruning

Unless the case is taken to a criminal
court

Case law

Hart District Council - 2015

Resident felled a tree – fined £1,460 including £360 of costs and a £100 victim surcharge.

Reigate & Banstead Council - 2017

Developer carried out excavations resulting in the irreparable damage to a Yew and Horse chestnut trees fined £10,000 + costs of £1,002 and victim surcharge of £170

Charges reduced from £7,000 to £5,000 per tree because they pleaded guilty

Case law

Eastleigh Borough Council - 2022

Resident felled numerous trees in a woodland – fined £68,000 including costs.

Poole Borough Council - 2019

Resident fined £1,200 for pruning a tree

After using the Proceeds of Crime Act – fined £21,750 & £15,000 legal costs because the value of his property increased by £21,000.

TPO

What are the relevant laws?

[Part VIII of the Town and Country Planning Act 1990](#)

[Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)

[Section 192 of the Planning Act 2008.](#)

[Part 6 of the Localism Act 2011 amended section 210 of the Town and Country Planning Act 1990](#)

What are the relevant laws?

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What do these all have in common?

TPO

Section 197 of the Town & Country Planning Act

Planning permission to include appropriate provision for preservation and planting of trees.

Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.

TPO

LPA can make the order if they see fit

Members of the public can **request** a TPO is made.

BUT

Local planning authorities can make a Tree Preservation Order if it appears to them to be '**expedient** in the interests of **amenity**'

What does expedient mean?

Not legally defined – generally accepted as meaning a ‘threat’

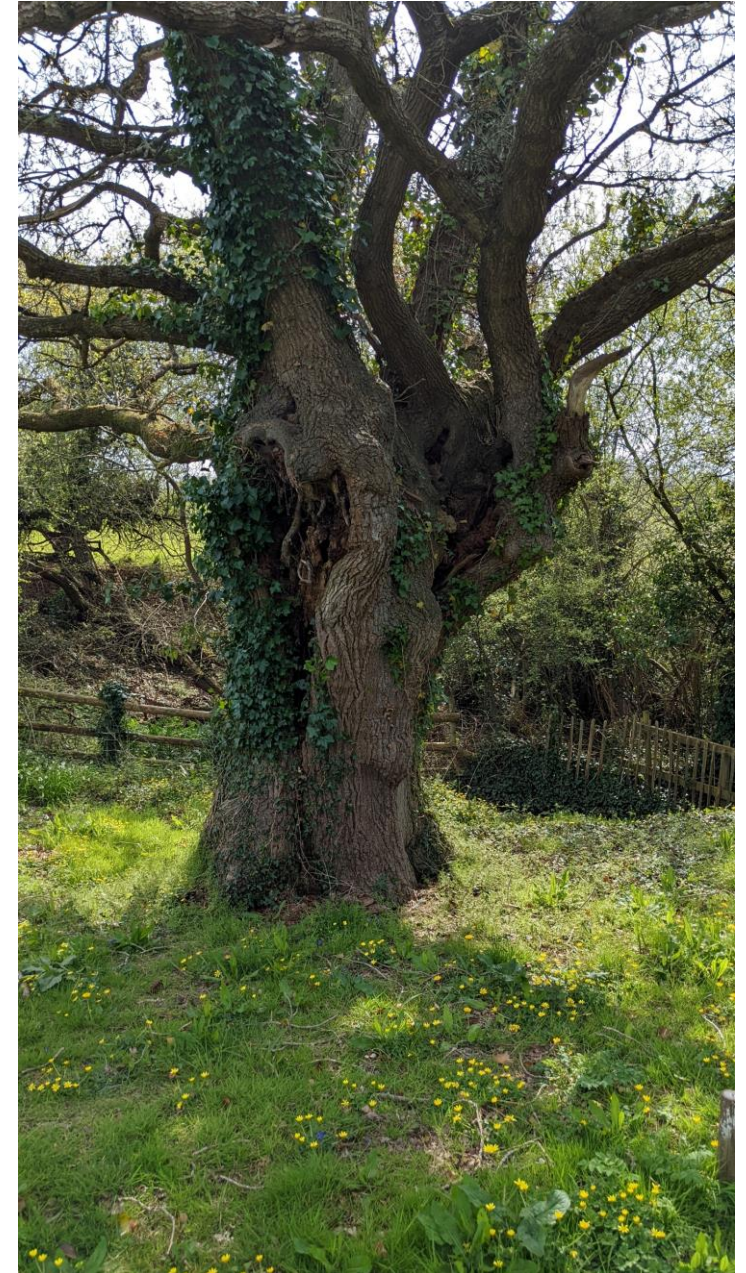
Must be ‘expedient in the interests of **amenity**’

What is amenity?

Removal of trees would have a significant negative impact on the local environment and it's public enjoyment.

Amenity is considered as 'visual amenity'

Visual amenity



Other factors:

Where relevant to an assessment of the amenity value of authorities may consider taking into account **other** factors, such as :

- Importance to nature conservation or response to climate change.

These factors alone would not warrant making an Order.

Trees in Conservation Areas



The Hedgerow Regulations 1997

Relates to rural hedges in agricultural fields – not domestic hedges.

Prevents the removal of '**Important**' rural hedges – requires landowners to serve notice if they want to remove a hedge.

There are 2 parts to the legislation

1. Wildlife criteria
2. Historic criteria

The Hedgerow Regulations 1997

1) Wildlife criteria

Must meet the criteria or the hedge is not important.

- At least 20m long, unless it connects to hedges at either end.
- Number of woody species within the hedge
 - At least 7 woody species OR
 - At least 6 woody species and contain one black poplar, large leaved lime, small leaved lime or wild service tree
 - At least 5 woody species and has 4 **‘features’**

Features e.g.,

- supporting bank,
- 1 standard tree per 50m stretch
- connections to other hedges and / or woodlands, parallel hedges etc.
- At least 3 woodland species
- A ditch along one half of the length

The Hedgerow Regulations 1997

What is an important hedge?

1) Historical criteria

Must meet the criteria or the hedge is not important.

- Form part of a pre enclosure act field system and / or marks the boundary of a pre 1600 estate or manor
- The field system must be substantially complete
- Must also contain features e.g., supporting bank, connections to other hedges and / or woodlands, parallel hedges etc.

1885 map



East Portsmouth

Legend

East Portsmouth

East Portsmouth

Google Earth

1 km

N





Felling Licences

5m³ of Timber in a
calendar quarter.

BEWARE!

