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Welcome to  
Aspect Tree  
Consultancy



**Aspect Tree Consultancy** is an independent professional practice which prides itself in taking a solution-oriented approach to each and every project. As Arboriculturists we are able to provide clients with prompt, pragmatic, and cohesive solutions to a wide range of tree related issues.

We differentiate ourselves by getting to know and understand our clients' business, to bring new ideas and a fresh approach.

As you get to know Aspect, you will recognise our **EXPERTISE**, be impressed with our **EXPERIENCE**, and appreciate our **RESPONSIVENESS**. These elements provide the basis of our quality performance, which has enabled Aspect to earn the essential component of our success - **CREDIBILITY**.

## Industry news

[Tree strategy delivery plan launched](#)

*17 Dec 2008 at 12:02pm*

[New urban tree guidance](#)

*26 Nov 2008 at 8:43pm*

[Study finds greenery is good for you](#)

*11 Nov 2008 at 11:28am*

# BS 3998 2010



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With thanks to Simon Putt – Tree Officer, South Hams District Council

# Applying for works to protected trees

# BS 3998:2010



The new standard is industry best practice

The protected tree legislation does not mention  
BS3998

So – what effect will it have?

# BS 3998:2010



- Town and Country Planning Act 1990
- Town and Country Planning (Trees) Regulations 1999
- as amended by The Town and Country Planning (Trees) (Amendment) (England) Regulations 2008.
- Town & Country Planning (Scotland) Act 1997 – as amended by Planning Etc (Scotland) Act 2006 - due to be published as:
  - Town & Country Planning (Tree Preservation Orders & Trees in Conservation Areas) (Scotland) Regulations 2010.

The LPA has a **duty** to protect trees.

# BS 3998:2010



## Applications to work on protected trees

- Standard application form – 1APP - Include information requested on the form.
- Plan
- Clear **specification** of the works
- **Reasons**
- Provide appropriate evidence describing the damage or defect where the work is proposed to address any structural damage to property or in relation to tree health or safety.
- **“such information as is necessary to specify the work for which consent is sought”**

## Specification - Definitions:

Clearly defined

Detailed description of work to be done.

# BS 3998:2010



- The LPA has eight weeks in which to consider an application.
- Application goes onto a public register.
- For TPO : The LPA can either grant consent unconditionally, grant consent subject to conditions or refuse consent.
- If the works are refused, or conditions imposed, you have the right of appeal to the Secretary of state.
- In a Conservation the LPA can let you carry on or make a TPO.

# BS 3998:2010



The LPA will/should:

- Assess the amenity value of the trees or woodland and the likely impact of the proposed works on amenity.
- Consider whether the works accord with good tree management.
- Consider any representations
- Consider whether any damage is likely to arise if consent is refused

**All of the above should be considered in light of your reasons for making the application**

# BS 3998:2010



## Conditional consent

- Conditions are commonly used to secure the planting of replacement trees, to impose a time limit on the duration of consent and to **regulate the standard of the authorised work.**

# BS 3998:2010



What are the main changes which will affect applications to work on protected trees?

# BS 3998:2010



## 1. Work specification

- What level of detail will be required to validate an application?
- Being familiar with the updated document will be essential.

There will potentially be a reduction in applications from tree owners/managers who are not familiar with the document or able to specify to the detail required.

## BLUE BOOK GUIDANCE

- 6.39 It is vitally important that the application sets out clearly what work is proposed.

But if the proposal is to prune a tree the application should clarify exactly what work is envisaged. A proposal simply to 'top' the tree or to 'lop' or 'cut back' some branches is too vague because it fails to describe the extent of the work.

- 6.40 If the LPA receive a vague application they are advised to refer back to the applicant and seek clarification

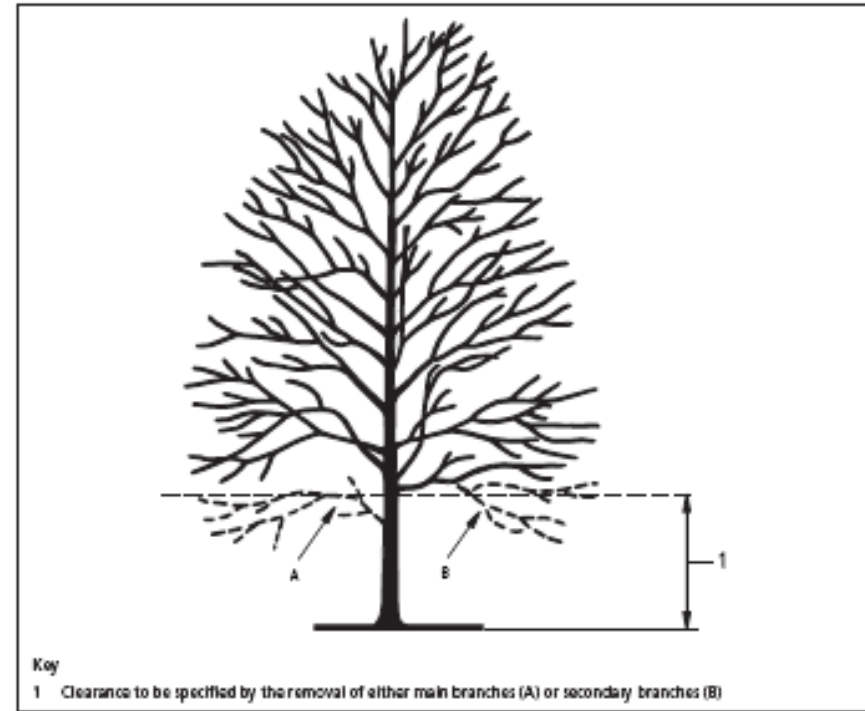
Any clarification of an application should be confirmed in writing, either by modifying the original application or withdrawing it and submitting a new one.

# BS 3998:2010

- A competent person should prepare a work specification
- The applicant should consider seeking the advice of an arboriculturist or discussing the proposal informally with the LPA before making the application
- The specification should be designed so as to minimize the adverse effects on the tree
- As far as feasible, a specification for work should seek to minimize any potential negative impact (e.g. on the trees aesthetic or ecological value)

## Crown Lifting

- When specifying crown lifting, the points between which the clearance will be measured should be stated; for example, this may be from ground or roof level to the point of origin of the lowest branch or the lowest remaining foliage.
- Are primary or secondary branches being removed/reduced?



“The specification [for crown lifting] should be accurate and clear”

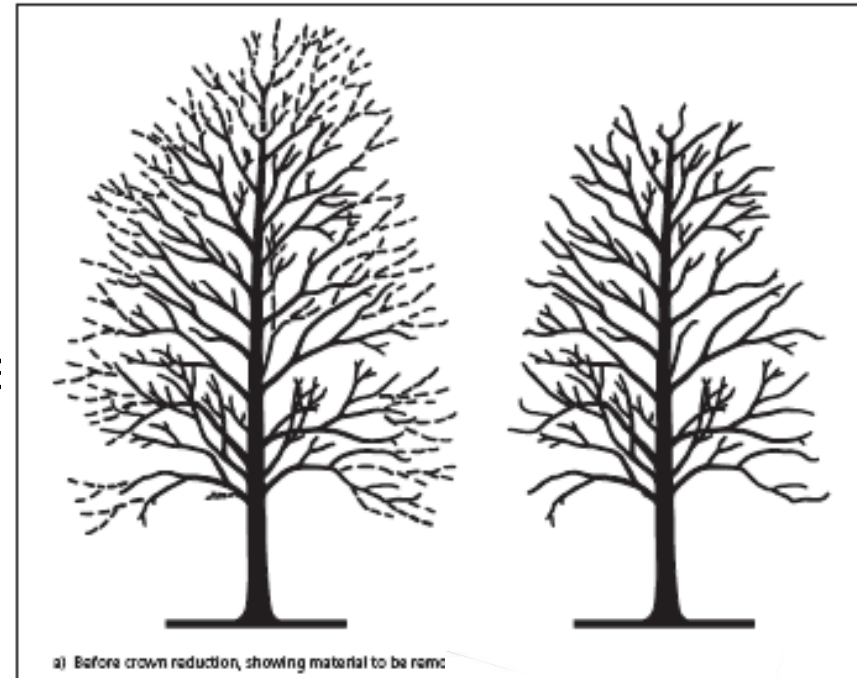
## Crown Reduction and reshaping

BS3998 states:

“Specifications for a percentage reduction are imprecise and unsatisfactory without reference to length, height, spread etc. (7.7.2 Note 1)”

Specification should be accurate and clear, so that the desired result is achieved

- Can state what is to remain- Height of tree and branch-spread
- Can state what is to be removed- Length of branch



## Suggestions in BS3998:

- Annotated photographs
- If specifying crown reduction and or reshaping to create clearance from another structure or tree, the points between which the clearance will be measured should be stated.
- Guidance on diameter of final pruning cuts

# BS 3998:2010



Insufficient detail with the work specification could lead to your application not being validated.

Or

Getting a refusal.

Both add delay and cost and prevent the surgery work being invoiced.

LPA have the power to impose conditions to a consent for tree works.

## **Granting Consent Subject to Conditions**

conditions should always relate to the authorised work and be fair and reasonable In the circumstances of each case.

Conditions should be precisely worded so that the applicant is left in no doubt about its interpretation and the LPA are satisfied it can be enforced.

LPAs should bear in mind that they are liable to pay compensation to any person who suffers loss or damage as a result of a grant of consent subject to conditions

## Granting Consent Subject to Conditions



### Standard of work

6.59 The LPA may wish to use their powers to ensure that tree work or planting is carried out in accordance with good arboricultural practice. This may be done, where appropriate, by imposing a condition **requiring compliance with the relevant current British Standard.**

The LPA should not, however, use such conditions without first considering whether they are relevant and reasonable in the particular circumstances of each case.

# BS 3998:2010

- When could a method statement be requested by the LPA?
  - Working within a protected woodland or for access across the RPA of adjacent trees.
  - Working on a veteran tree
  - Avoiding transmission of pests and pathogens
  - Dismantling trees in close proximity to other trees
  - Where it is reasonable for them to ask for more detail!

# BS 3998:2010

Acceptable level of works:

The level of pruning

- Excessive crown lifting
- Crown reduction + thinning
- Severe crown reduction



# BS 3998:2010



Proposals that would endanger the health or condition of a tree or greatly reduce its amenity value are unlikely to be allowed unless there are strong reasons to do so.

# BS 3998:2010



## **Phasing of tree works**

If it is determined that undertaking tree work in a single operation would lead to significant adverse impact relating to any or all of the factors identified, the work should be phased where practicable, e.g. phasing the management of an individual tree over a number of years.

# BS 3998:2010



Application may specify a crown reduction with a crown lift.

LPA may determine that this is too severe and unjustified for one year.

Specify lesser works.

Could condition a rolling consent.

**BS 3998:2010**



**DETAILS!**

# BS 3998:2010

What are the benefits of submitting a clear, detailed application?

- The process will be smooth.
- More likely to get a prompt decision.
- Increased chances of gaining consent.
- Increased chances at appeal.
- Improve your reputation.