



Tree Damage Alert No 123

AAIS • Alice Holt Lodge • Wrecclesham • Farnham • Surrey • GU10 4LH

Call the Tree Helpline on: 09065 161147

Calls cost £1.50 per minute

18th Jan
2008

Do you know?

There is Increased Protection for Wildlife!

Before committing saw to tree it is now essential to follow recommended good practice and consider if a legally protected wildlife species, its breeding sites or resting places are present. If they are present will the proposed work result in an offence being committed either deliberately or not?

On the 21st of August 2007 changes were made in England and Wales to the Habitats Regulations (1994) in relation to European Protected Species. The equivalent Scottish legislation, the Conservation (Natural Habitats, &c.) Regulations 1994, also known as the Habitats Regulations, was similarly amended in 2007. Probably the most significant change for anyone involved with the management of mature trees is that **there is no longer a defence that the damage was *incidental*** and occurred as a result of a lawful activity. Therefore, for example, damaging or destroying a concealed breeding site or resting place of a protected species during lawful felling or pruning operations is an offence even though the damage was not intended.

The main protected species likely to be encountered during arboricultural and forestry operations are Bats, that is all species, and their roosts, and the Common dormouse (*Muscardinus avellanarius*). The Edible dormouse (*Glis glis*) is specifically excluded.

Alternative solutions to a problem involving trees must be considered and as appropriate rejected before accepting that damage to a protected species or its habitat is inevitable. A licence is required when there is no alternative to proposed work that will result in an offence being committed. Licence application forms are available for downloading from the Statutory Nature Conservation Agencies' (SNCOs) web sites.

Licences will now be issued to the organisation, owner or tenant responsible for the trees and for ensuring that the operations meet the conditions of the licence rather than, as in the past, a consultant ecologist. Licensing Authorities now have the powers to enter land and check compliance with the licence. They may also visit a site before a licence is issued to check details given on the application form.

Further, more detailed information, including recommended good practice, is available from the web sites of Defra, Forestry Commission and SNCOs¹. In particular there is an informative list of questions and answers on the Defra site.

Harry Pepper, AAIS, Farnham

¹ www.ccw.gov.uk www.naturalengland.org.uk www.snh.gov.uk www.defra.gov.uk and www.forestry.gov.uk