



Caution Required – Are You Working Near A Protected Tree?

The risks and controls required when working near Protected Trees were highlighted in a recent out-of-hours fault on a critical circuit. The excavation adjacent to a protected tree resulted in a response required under Legal Caution.

Background

- Fault on 33kV network critical to c18,000 customers (including the COVID Protected Liverpool Women's Hospital) located, **passed to contractors at 0143hrs** on 25/6/2020. Excavation commenced shortly afterwards.
- Fault on a tree lined central reservation and **earth removed using a mechanical excavator exposing tree roots**, potentially damaging the integrity of the 'London Plane' tree.

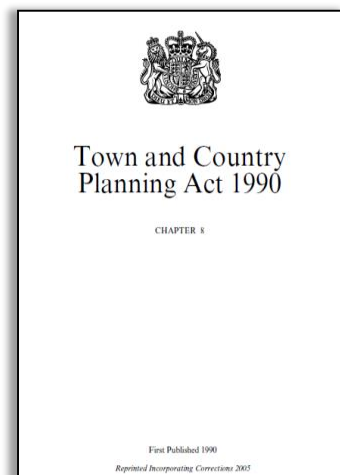


Potential Breach of Planning Control

- Cautioned letter, sent by Liverpool City Council on 22/7/2020 alleging breach of Planning Control under the Town and Country Planning Act 1990 due to works not being approved. 10 days notice to respond under Caution, response provided.

Complicating Factors

- NJUG guidelines notes, **protected trees must not** be damaged or destroyed without Council's consent.
- **In all cases, protected or not**, hand digging necessary to avoid damage to trees and retain roots less than 25mm and **cannot** damage roots over 25mm without first notifying Council's tree expert.



Recommendations and action points

- Check if tree is designated i.e. in a Conservation Area, has a Tree Preservation Order or near a Listed Building, by checking Local Authority websites (Planning Dept) or by making visual assessment of the area.
- Consider varying scope of works to avoid protected tree.
- Consider if work could create a public safety risk by undermining stability of the tree.
- **FOR BOTH PLANNED AND EMERGENCY WORKS, NOTIFY RELEVANT LOCAL AUTHORITY ASAP** of the urgency of the works, proximity of the works, the likely effect on the tree below and above ground and the reason and duration of the works required.
- Record risks & controls, conversations, etc and obtain expert advice of tree specialist if required.
- For further advice please contact Steven Edwards (0141 614 5656) or Claire Duffy (0141 614 5655), SPEN Environmental Planning Team.