

How to tackle planning issues involving red squirrels and trees

If you know of a planning application detrimental to red squirrels, here are a few points to look out for and comment on.

1. Red Squirrels are fully protected under Schedules 5 and 6 of the Wildlife and Countryside Act 1981. Under the Act, the species must not be intentionally killed or injured and active dreys should not be interfered with. It is one of the priority species listed by the Government on the UK Biodiversity Action Plan and a national Species Action Plan has been published by the UK Biodiversity Steering Group (1995). In view of its more favourable conservation status in Europe, the Red Squirrel is only listed on Appendix III of the Bern Convention.

2. Copied from: www.gov.uk/guidance/tree-preservation-orders

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

Owners of protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local authority. As with owners of unprotected trees, they are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.

3. Copied from the IW Red Squirrel Strategy

Habitat fragmentation (Rushton *et al* 1998) is considered to be a major factor in the decline and disappearance of squirrels in some parts of the Island. Woodland edge and tall hedgerow habitats can be important in enabling the dispersal of squirrels for feeding and colonisation of new sites. The most valuable corridors for squirrels are belts of trees (rews) and hedgerows with a good structure and species mix. Hedges can often be made more suitable by allowing natural regeneration into adjoining field margins. The Forestry

Commission's JIGSAW funding package provided favourable funding for linking and extending ancient woodlands. This has been very successful in connecting small woods together and there are very few areas the red squirrels cannot reach now.

4. Development brings hazards such as cats and cars. Cats not only catch red squirrels, they can pass on Toxoplasmosis by accidentally swallowing the parasite through contact with cat faeces that contain the parasite. Toxoplasma is widespread on the Isle of Wight.

Road kills are the highest reported mortality for red squirrels with a total of over 100 per annum.

These are the main points to look out for. BUT never exaggerate; this will weaken your case. If you have photographic evidence, use it.

Wight Squirrel Project will inform the planning office if there are red squirrels present when a development is put forward, therefore it is important to report red squirrel sightings. WSP will not comment if there are no records.

Your case is stronger if there is a local residents group, so form one if possible.

WHAT TO DO IF YOU ARE WORRIED ABOUT TREE FELLING

You can call **01983 823552** if illegal tree works are in progress. This is not a 24/7 service as there's only 2 tree officers on the island. You need to report the location, what work is happening, type of tree, details of vehicle/s, photos if possible.

You can send information on the website out of hours and they will investigate:
<https://www.iow.gov.uk/environment-and-planning/planning/trees-and-hedges/report-unauthorised-tree-work/>. This needs the same information as above.

The IW Council does get a lot of reports about unprotected trees but cannot do anything in those situations. Check on the website if trees are protected by TPO
<https://publicaccess.iow.gov.uk/online-applications/search.do?action=simple&searchType=Trees>. The Council also gets a lot of reports where the work is permitted. Can check if there is a permit online also.

Useful link: [Tree Felling – Getting Permission](#).

Can check if a license is in place by browsing the map:
<https://www.forestergis.com/Apps/MapBrowser/> and choosing Obligations on the Land – Tree Felling Licenses. You can still report if work is beyond the scope of the license.

The license application is on the public register for 28 days. Anyone can comment on a felling license, for example, if they have knowledge of a special tree.

If found guilty of not having a license or breach of a license, FC can prosecute, fine and/or issue enforcement notices, restocking notices or restocking orders and also be listed as a land charge and penalties can be applied through land stewardship etc. Prosecution can be severe.

Planning permission does not automatically allow felling of all trees within the boundary, only those that would stop the development from happening.

Planning permission does not override restocking and maintenance conditions of a felling license. There is a legal duty to comply with the conditions of a license or penalty.

Any pre-emptive felling is illegal. Any financial gain can be confiscated. There are regular prosecutions for illegal felling.

Residents should be encouraged to be proactive in getting TPOs for important trees in their area, especially if they think there is threat of development. Anyone can apply to their council via their websites (only applies to trees visible from public areas). TPOs apply to root zones as well; not just clear felling of a tree.

There is a public right to comment on license applications but the public is likely not to know about them, as they are not promoted/advertised as planning applications are.

The public should be notified if a license is granted.

Most people don't apply for a license anyway.

It might not stop it from happening but it gives a way to report.

Sometimes people have felling enforcement notices due to disease (i.e. ash dieback) but these would not show on the permit site.

It's frustrating when you don't know who it is/was cutting trees down, but without witnesses or evidence there's nothing that can be done (especially if not on private land).

Allowing natural regeneration may be better than restocking. Most enforcement is done via restocking; make a plan with the landowner, if no cooperation within 4 weeks than a plan is imposed.

50% of woodland on the island is already unmanaged because there is not enough manpower.

The National Trust is trying to educate people about why some trees are felled as part of woodland management as they get complaints.