

To whom it concerns

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**Your ref:**

**My ref:** CRH

**Date:** 20<sup>th</sup> March 2013

Dear Utility Operator

**Town and Country Planning Act 1990**  
**The Town and Country Planning (Tree Preservation)(England) Regulations**  
**2012**

As the local planning authority Cornwall Council has been asked to provide some guidance regarding utility tree pruning programmes and how they affect trees that are protected by Tree Preservation Orders and Conservation Areas.

Prior to pruning or felling protected trees the normal requirement is that a successful application must be made or notice given (section 211 notice for trees in a Conservation Area) to the Local Planning Authority. Certain exceptions apply to statutory undertakers such as Western Power and contractors working on their behalf, which are as follows:

The cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—

- a in the interests of the safe operation of the undertaking;
- b in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;
- c to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995

In these circumstances the **necessary** work may continue without reference to, or consent from, Cornwall Council. There is a degree of interpretation required in order to conclude what is **necessary** in each case, however the Council does not intend to provide any such nuanced guidance in this letter. It will be for the statutory undertaker or their contractor to make a reasoned case that the work was an exception if challenged.

Where trees have high amenity value and the proposed works will have a significant adverse impact on this amenity then the statutory undertaker may wish to discuss the options with the Council's Forestry Officer.

Cornwall Council, Building Name,  
Street Name, Town, Cornwall postcode

Tel: 0300 1234 100 [www.cornwall.gov.uk](http://www.cornwall.gov.uk)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Hawke', with a large, sweeping flourish at the end.

Colin Hawke  
Principle Forestry Officer  
Environment Service  
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