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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 84**

**The Planning (Trees) Regulations (Northern Ireland) 2015**

**PART 3**

**TREES IN CONSERVATION AREAS**

**Trees in conservation areas—exemptions**

- 9.**—(1) Section 127 (preservation of trees in conservation areas) shall not apply to—
- (a) the cutting down, uprooting, topping or lopping of a tree in the circumstances mentioned in section 122(5) (tree preservation orders: councils) or in Schedule 3 of the prescribed form of tree preservation order set out in the Schedule;
  - (b) the cutting down or uprooting—
    - (i) of a tree whose diameter does not exceed 75 millimetres; or
    - (ii) where carried out for the sole purpose of improving the growth of other trees, of a tree whose diameter does not exceed 100 millimetres; or
  - (c) the topping or lopping of a tree whose diameter does not exceed 75 millimetres.
- (2) For the purpose of this regulation—
- (a) where a tree has more than one stem at a point 1.5 metres above the natural ground level its diameter shall be treated for the purposes of paragraph (9)(b)(i) and (c) or paragraph (9)(b)(ii) as exceeding 75 millimetres or 100 millimetres respectively, if any stem when measured over its bark at that point exceeds 75 millimetres or 100 millimetres respectively; and
  - (b) in any other case, the diameter of a tree shall be ascertained by measurement, over the bark of the tree, at a point 1.5 metres above the natural ground level.

**Use of electronic communications**

- 10.**—(1) Paragraph (2) applies where a person uses electronic communications for any of the following purposes—
- (a) making objections and representations under regulation 4;
  - (b) applying for consent to cut down, uproot, top or lop trees in accordance with Part 2 of Schedule 4;
  - (c) serving notice of appeal on the planning appeals commission against the refusal of consent or the granting of consent subject to conditions under Part 2 of Schedule 4 or serving notice of appeal in default of decision under that Schedule;
  - (d) serving a claim for compensation on the council under Part 2 of Schedule 4.
- (2) In the case to which this paragraph applies, and except where a contrary intention appears, the person making the objection and representation, application, appeal or claim shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the objection and representation, application, appeal or claim (as the case may be) which are capable of being effected using such communications;
  - (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the objection and representation, application or claim;
  - (c) that the person's deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by him in the notice but not less than seven days after the date on which the notice is given.
- (3) In this regulation "Schedule 4" means Schedule 4 of the Schedule (form of tree preservation order).