

Legal and Safety Considerations



Great care is needed when working outdoors with tools and equipment especially where their use is unfamiliar. Similar attention should be given to the legal implications of hedge management where appropriate. This section aims to highlight areas of legal responsibility and provide guidance on safe working practice, especially for conservation volunteer groups.

Creating a safe working environment: working with other people:

1. Always work with plenty of space between you and your neighbour.
2. Let the people near you know what you're doing – **BEFORE YOU DO IT!**
3. Carefully supervise children or unskilled helpers.
4. If working with a group, identify any First Aiders.
5. Have an introductory talk explaining how to use hand tools before you start.
6. Chain saws, falling trees, brush cutters and slashers are potentially lethal. Keep people away from areas where they are being used.

Precautions

- 🌿 It is best not to work alone. If unavoidable, make arrangements to be contacted regularly to see that all is well. Inform your contacts when work starts and finishes. If you have a mobile telephone, check the reception.
- 🌿 Carry a basic personal First Aid Kit on you whilst you work.

- 🌿 Ensure tools are sharp and are not left in a hazardous place during working.
- 🌿 When using a chainsaw, hook or axe, make sure that your body is well balanced and in a secure position.
- 🌿 Always cut or chop with a movement away from the body.
- 🌿 Ensure there is plenty of working space between you and any other workers.
- 🌿 Clear overhanging branches or brambles to avoid fouling during cutting actions.

Appropriate clothing

- 🌿 Warm weatherproof clothes which should be non-snag and not baggy.
- 🌿 Stout boots, preferably with steel toecaps.
- 🌿 Gloves. These should not be worn when using wooden handled tools because of the possibility of poor grip.
- 🌿 Eye protection should be worn when working in tall woody vegetation.
- 🌿 Specialist protective clothing for chain sawing can often be hired, and for small scale operations may be the cheapest option.
- 🌿 If handling pesticides, a face shield and particle mask (BS6016 or equivalent) together with suitable protective clothing.

PICTURES AVAILABLE IN
PRINTED VERSION ONLY

Billhooks, slashers, axes and hand saws need regular maintenance and sharpening. Devon Rural Skills Trust run regular courses on these, together with courses on hedge-steeping, turf and stone-faced banking.

Chain saws and brush cutters should not be used without proper training and safety equipment to prevent both injury and incorrect use. Courses are run locally by ATB Landbase. Contacts are listed on page 38. People working with others using chain saws, chippers or brush cutters

should wear suitable ear protectors. Courses are available across Devon.

Hedges, trees and the law

The Hedgerows Regulations came into force on 1st June 1997 and are designed to secure effective protection for important hedgerows which are of significant historic, wildlife or landscape value.

Landowners or managers wishing to remove a hedge more than 20m (18yds) long, or a shorter length which forms part of a longer hedgerow, will have to apply to their local planning authority for permission to do so. The local planning authority then has six weeks to assess the value of the hedge and give or refuse consent. If the hedgerow is deemed important on the basis of the scientific and factual criteria defined by the Regulations, consent for its removal should be refused. The criteria relate to the value of the hedge from a historic, wildlife or landscape perspective and exclude hedgerows less than thirty-years old. The local planning authority will also consider the reason for wishing to remove the hedge.

A Felling Licence from the Forestry Authority is usually needed to fell growing trees. This includes most hedgerow trees where these are more than 8cm (3ins) in diameter, (15cms (6ins) for coppice growth) at 1.3m (4ft) from their base and where more than 5m³ per calendar quarter is to be removed. Where the wood is to be sold only 2m³ per calendar quarter is removable without a licence. You can apply for a licence if you are the owner of the trees or the land which the trees are growing on or, you are a tenant and your lease entitles you to fell trees. You must apply using form PW11 which you can get from the Forestry Authority (see page 38 for contact address). The Forestry Authority has produced a leaflet *Tree Felling – Getting Permission* which can be obtained by contacting the same address.

Farmers and landowners also have a statutory obligation to keep hedgerow trees that overhang a public highway in good condition: branches must be trimmed so that they are 5.3m (17ft) above the carriageway surface. This is especially important with trees (or branches of trees) that are dead, dying or diseased. Remember also to beware of overhead power cables. Farmers and landowners have a statutory obligation to maintain their roadside hedges for visibility and safety purposes. Failure to do so can result in the local authority doing the necessary work and charging the landowner.

In certain circumstances special permission may also be needed from other authorities for proposed tree felling. This can apply in Conservation Areas, Sites of Special Scientific Interest or where trees are protected by a Tree Preservation Order.

Tree Preservation Orders (TPO), are administered by the local planning authority who keep up-to-date lists. These Orders protect specific trees and woodland from deliberate damage and destruction and prevent the felling, lopping, topping or uprooting of trees covered by an Order without the Planning Authority's permission.

There is a planning consent requirement for new hedgebanks. Although the construction of new Devon hedges might be considered to be a type of 'permitted development', it is wise to consult your local planning authority before starting such work. Where materials are to be imported on to your land for this purpose, it is necessary to seek a waste management licence exemption from the Environment Agency.

Tenants of let agricultural land are reminded that they must comply with the terms of their Tenancy Agreement and the Rules of Good Husbandry contained within the Agricultural Holdings legislation. Failure to do so may result in action being taken by the landlord.

Further reading

A series of leaflets covering all aspects of health and safety when dealing with hedges and hedge trees is available from:

The Secretary
Forestry and Arboriculture Safety
Training Council
231 Corstorphine Road
Edinburgh EH12 7AT
☎ 01313 340303

BTCV Enterprises Ltd (Tools and Trading)
Conservation Centre
Balby Road
Doncaster DN4 0RH
☎ 01302 859522

The Hedgerows Regulations: Your Questions Answered. A leaflet produced by the Department of the Environment, May 1997.