

Reigate & Banstead council owned tree management guidance note

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1. Purpose of guide

These guidelines are intended to demonstrate in a transparent manner how the Council acts in caring for our own trees. Reigate & Banstead Borough Council's approach to tree management is described in broad terms in situations where we are likely to consider pruning, felling or other forms of appropriate arboricultural (tree) management.

Arboriculture: The cultivation and management of trees and shrubs for amenity value with consideration to wildlife, aesthetics, risk management and legal constraints.

2. Introduction

Arboricultural work to trees is carried out to ensure they are maintained in an acceptable and attractive condition as possible. The guidance identifies typical situations where the different types of arboricultural work are applicable, though each tree will always be assessed on its merits by a qualified arboriculturalist. Work to our trees will be carried out by the council in-house tree team or by an approved specialist arboricultural contractor..

3. Cycle of inspection and arboricultural works

Reigate & Banstead Borough Council Greenspaces department is in the process of bringing its tree stock into proactive management. Due to resource constraints and the sheer number of trees across the borough, this will take a number of years to fully implement and deal with the considerable back log of necessary works across the borough. Sites with high visitor numbers and / or high value targets will be prioritised for inspection and recording of details as appropriate. Lower priority sites will have casual walk over inspections and any urgent works will be dealt with as required. These sites will be recorded on the tree inventory system as and when time and resources allow. Please see the tree inspection guidance note for more information on the tree inspection process.

4. Requests for work to Council owned trees

To find out if trees you have a query about are owned by the council contact:

Reigate & Banstead Borough Council
Customer services
Town Hall
Castlefield Road
Reigate
RH2 0SH
Tel 01737 276000
Email contactus@reigate-banstead.gov.uk

Tree Preservation Order (TPOs) and Conservation Area works applications are dealt with by the Planning Department and not the Parks & Countryside Department.

Web link:

http://www.reigate-banstead.gov.uk/planning/planning_advice_and_guidance/planning_application_forms_to_download/conservation_and_heritage_forms/application_for_tree_works/index.asp

Highway trees / trees in the verge Surrey County Council are the highway authority and are responsible for highway (in the verge) trees. They can be contacted on:

SCC Highways customer services Tel 0300 200 1003
Emergency out of hours contact for SCC Highways: 08701 266060

Web links:

<http://www.surreycc.gov.uk/roads-and-transport/road-maintenance-and-cleaning/problems-on-roads-and-highways/reporting-a-problem-with-a-tree-vegetation-or-grass>

<http://online.surreycc.gov.uk/env/hews/hews.nsf/ATOZRTF?OpenForm&Cat=T>

Banstead commons, although owned by RBBC they are under the control of The Banstead Commons Conservators (BCC) who are separate body to the council.

Web link <http://www.bansteadcommonsconservators.org/>

Email bansteadcommonconservators@gmail.com

Raven Housing Trust (former council owned properties) can be contacted on email raven@ravenht.org.uk Tel: 0300 1233 399 during office hours. Out of hours Tel: 0845 0613905.

Reigate & Banstead Borough Council Parks & Countryside trees

The Council has an arboricultural Officer based within Greenspaces department who is responsible for inspection and management of 558 hectares of council owned trees and woodlands as part of the overall 1200 hectares of parks & countryside estate. The management of council owned trees is based on a combination of regular inspections from the inspection program and overlapping management works for countryside management / estate maintenance. The aim is to gradually move towards a situation where most trees of note within council ownership are recorded and included within inspection process, however resources are limited and this may take some time to fully achieve. Further information can be found via the following link:

http://www.reigate-banstead.gov.uk/leisure/parks_and_countryside/forest_and_woodlands/index.asp

Using both knowledge of the site usage and in conjunction with the tree inspection guidance note, the arboricultural officer will determine the frequency and level of tree inspection. In general terms most sites will inspected on a 5 year cycle, it should be noted that not every

tree will require work and that due to limited resources safety related works will take priority over non urgent works. If a member of the public has a genuine concern about an RBBC owned tree that they believe requires immediate action (within 48hrs) as it is situated by high value target area such as a children's play area or highway, then they should contact RBBC Customer Services on Tel 01737 276000 with the details of the issue, precise location of tree and contact details of person reporting the matter in case further details are required to clarify matters.

Requests from residents for non-safety related arboricultural works will be directed to the Greenspaces tree page on the council website for further information and will only be investigated when due as part of the cycle of inspection. Request to remove trees to improve natural light in a property or for solar panels, or will not be acted on and customers will be directed to the Greenspaces tree page on the council website for further details as to why this is.

5. Anti- social behaviour / criminal activity

Directive: Anti- social behaviour and / or criminal activity associated with council owned tree(s) will be assessed on a site by site basis and appropriate measures considered.

Our response to this enquiry: A site inspection will be carried out within 14 days of receipt and the enquirer will be informed of the inspection findings and what action is considered appropriate by the inspecting officer.

Customer advice:

- When a council owned tree is associated with anti- social behaviour and / or criminal activity, tackling the issue may involve co-ordination with other agencies such as the police and may take time to resolve.
- It should be noted that pruning or felling is not always the answer these types of problems. Well maintained trees and vegetation can enhance an area including areas left as wildlife habitat. However litter filled neglected spaces and over grown trees can encourage anti-social behaviour and / or criminal activity. Customers should contact the Customer service line on Tel 01737 276000 to report areas that they have concerns over.
- The public is not allowed to remove limbs or fell trees from the parks and open spaces. On some sites it may be a bye law offence which carries financial penalties. If you see someone who appears to be unauthorised (e.g not in council uniform or clearly identifiable clothing / vehicle) please contact RBBC Customer Services on Tel 01737 276000 with descriptions of the individuals and location.
- The council works in partnership with a number of voluntary groups which carry out planned works across the borough. Contact RBBC Customer Services on 01737 276000 or see the council website for further details.

6. Bird Droppings

Directive: We will not prune or fell a tree to remove or reduce bird droppings from trees, or remove bird droppings from private land.

Our response to this enquiry: A site inspection will not be carried out in this instance.

Customer advice:

- Nesting birds are protected under the Wildlife & Countryside Act and other wildlife related laws.
- Bird droppings can usually be removed with warm soapy water.
- Whilst a nuisance, bird droppings are not considered a sufficient reason to prune or remove a tree.

7. Common law right (Overhanging limbs)

Directive: We do not prune back over hanging limbs.

Our response to this enquiry: A site inspection will not be carried immediately out in this instance, but noted for the next inspection cycle where the inspecting arborist will assess what arboricultural justifiable works are required or not as the case may be.

Customer advice:

- We simply do not have the resources to deal with every tree that we receive a complaint against.
- The tree(s) will be inspected during the routine inspection cycle and assessed against available resources and arboricultural justification
- A tree owner is not legally obliged to cut back overhanging branches, but the person whose property is overhung can, under common law precedent and subject to Conservation Areas and Tree Preservation Orders, cut back to the boundary but not beyond it from their land. However there is no legal precedent for the person who is overhung to recover the expense incurred in disposing of the residues, or indeed, the cost of carrying out the pruning from the tree owner. If you decide you wish to carry out such work, we recommend that pruning of trees should be proportionate to the level of encroachment and the size of the tree, especially for trees directly adjacent to boundaries, to leave the tree with as balanced a canopy as possible.

8. Consultations regarding works to Council owned trees

Where there are tree works that are considered by the Council officers to be of particular public interest, such as:

- Tree(s) of particularly prominence High amenity or cultural value
- Tree(s) in a Conservation Area
- Where there are special circumstances and the proposed works may cause apprehension or perceived negative impact on the tree / surrounding environment

Then site notices briefly explaining the proposed works will be erected on site to inform the public. Ward councillors and customer services will also be notified of the work and reasoning. The RBBC officers contact details will be on the site notice should anyone wish to learn more about the particular issue. **It should be noted that it is not always possible or practical to inform every concerned individual and therefore no guarantee is implied that everyone will receive the required information before works start.**

9. Dangerous tree requiring immediate action

Directive: If a council owned tree is found to be in such poor condition by an arboricultural inspector that it presents a very high risk to persons or property and the inspecting officer deems it an emergency, instruction will be given to the arboricultural contractor to attend site and make the tree safe.

Our response to this enquiry: Our arboricultural contractor will be instructed to attend site within the contractual timescale of receiving instruction and start the process of making the tree safe. In severe weather conditions with a number of trees to deal with or if conditions are operationally dangerous then minimal works will be carried out to make the tree(s) safe. Further works may be required at a later date to tidy the site or conclude the matter by removing the tree if the deemed necessary by the inspecting officer.

Customer advice:

- If a tree is obstructing the highway and the customer is unsure as to its ownership Surrey County Highways should be contacted on Tel 0300 200 1003 to report the matter. Emergency out of hours contact for SCC Highways: 08701 266060
- If the customer knows that the tree belongs to Reigate & Banstead BC they should contact Customer services on Tel 01737 276000 in office hours. Out of hours Tel 07699 391689
- If the customer knows that the tree belongs to Raven Housing Trust (former council owned properties) can be contacted on Tel: 0300 1233 399 during office hours Out of hours Tel: 0845 0613905 or email raven@ravenht.org.uk

10. Ivy

Directive: Where possible ivy will be retained due to its wildlife benefits.

Our response to this enquiry: A site inspection will not be carried out immediately in this instance, but noted for the next inspection cycle. Should the arboricultural inspector deem that the amount of ivy within a crown of a tree located next to a high value target such as a children's play area or it impedes an arboricultural inspection, then steps may be taken to reduce or remove the ivy as appropriate.

Customer advice:

Common ivy is a native evergreen climber that has many wildlife conservation benefits such as shelter for a wide range of birds and in some instances bats. Ivy is a valuable source of winter nectar for wildlife and as ground cover can be effective in protecting the woodland flora and fauna from hard frosts and allowing foraging birds to continue feeding. Ivy is phototropic, meaning that it grows towards the light. As such if it does not have a suitable means of supporting itself and it will use structures, such as trees and buildings to reach the light. Ivy tends to be more noticeable when trees are in decline due to other factors, such as fungal pathogen attack. Naturally if a tree is stressed and has a reduced leaf density, more light can penetrate the crown, thus allowing the opportunity for ivy to benefit and prosper. It is normally at this point that people notice the declining tree and healthy ivy and automatically assume that the ivy may be to blame for the tree's demise.

We are not aware of any scientific evidence or qualitative research that supports the common urban myth that ivy is responsible for killing trees. However, it is recognised that when ivy is present in large quantities, it can increase the 'sail' area of the crown system of the tree, thus increasing the wind loading on the structure of the tree, which can lead to branch failure and in extreme conditions could result in the total collapse of the tree. In addition, tree species has a part to play in the likelihood of limb failure, as some species are more prone to failure than others, such as horse chestnut or poplar.

11. Leaves, blossom & small tree debris

Directive: We will not prune or fell trees to reduce the nuisance of leaves, blossom drop or small tree debris.

Our response to this enquiry: Site inspection not required

Customer advice:

- A tree owner is not legally required to clear their trees leaves from neighbouring land and has no control over wind direction or strength.
- The loss of leaves, blossom and small tree debris is part of the natural cycle and cannot be avoided by pruning.
- Although they can cause a lot of inconvenience, falling leaves & debris such as cones or twigs are not regarded as a 'nuisance' in the legal sense and a tree owner (Private, Council or otherwise) has no obligation to clear them. Nature does not respect human defined boundaries and leaf fall is a seasonal occurrence over which a tree owner has no control.
- Leaves, flowers or fruits covering a neighbour's lawn or filling their gutters may be a nuisance, but clearing them from their property is part of general maintenance, the same as, for example, removing moss from the gutters.
- Severe inappropriate pruning work is more likely to encourage further leaf growth as the tree tries to replace its loss of leaf area that is used to produce its food / energy.
- Customers are strongly advised to check for TPO and conservation areas before carrying out any works.

12. Light

Directive: We will not prune or fell trees to improve natural light to neighbouring properties.

Our response to this enquiry: A site inspection will not be carried out in this instance.

Customer advice:

- There is no absolute right to light in respect of trees.
- A tree owner is not legally bound to ensure the light enters neighbouring land uninterrupted.
- If natural is being blocked by the growth of a hedge then action may be taken under the High Hedges Act, Part 8 of the Anti social Behaviour Act 2003. See RBBC website http://www.reigate-banstead.gov.uk/planning/planning_enforcement/high_hedges/index.asp

13. Tree felling

Requests for felling trees will not be considered from the public. In general terms the reason for the felling of a tree or trees will be for one or a combination of the following;

- Dead, dying or dangerous such as a fungal pathogen that compromises tree stability
- Pest and disease control
- Good arboricultural /silvicultural practice - thinning woodland or glade creation
- Bio-diversity works -heathland or chalk grassland restoration. Coppicing for flora such as native bluebells
- Invasive alien species- not in keeping with the location or site management objectives
- Tree(s) implicated in a subsidence insurance claim where technical evidence has been produced to support the claim.
- Subsidence management strategy in area with a history of claims and clay soil that may lead to further claims.

14. Tree perceived as being too big or too tall.

Directive: We will not prune or fell a tree because it is considered to be too big or too small by the enquirer.

Our response to this tree related enquiry: A site inspection will not be carried out in this instance.

Customer advice:

- Other factors such as splits, cracks and other such structural defects are of more significance than purely the size of the tree.
- The size of a tree does not automatically make it dangerous.

15. Tree planting

From time to time as it may be necessary to carry out tree planting where trees have been lost to pest and disease or continuity of tree cover is desirable to maintain the character of site or maintain screening. Memorial trees may also be planted on selected sites where agreed with the arboricultural officer. It should be noted however that these memorial tree planting sites are very limited across the borough due to the predominate woodland element of the majority of the boroughs sites. Opportunities for individual specimen trees are better suited to formalised sites such as the cemetery sites, Redhill Memorial Park or in some parts of Priory Park in Reigate. **PLEASE NOTE THAT WE DO NOT ACCEPT TREE DONATIONS FROM HOME GROWN TREES.** This is due to pest and disease issues and poor quality stock that may be spread from an unknown / untraceable source. Our trees are purchased through reputable suppliers who comply with the relevant legislation such and codes of practice and can trace the back the source of the supplied tree should the need arise.

In woodland areas natural regeneration will be the primary means of re stocking unless stocking levels require a boost in density or diversification of species by grant schemes.

16. Tree related subsidence to property

Directive: The council's proactive approach to tree management assists in reducing the likelihood of subsidence related claims. The subsidence hotspots of the borough have been identified and we will rigorously defend claims to identify bogus or false claims.

Our response to this enquiry: Concerns relating to alleged subsidence will be acknowledged within 14 days of receipt. Enquirers will be advised to contact their insurance company to agree an appropriate course of action with them. In addition the enquirer will be advised to contact us again should they or their insurer wish to formally notify us of their concerns about future damage. We will then follow the London Tree Officers Association (LTOA) Joint Mitigation Protocol and request the appropriate technical evidence to assess the claim. Please note that the onus of proof lies with the claimant.

17. Telephone Wires and tree limbs

Directive: We will not prune or fell a council owned tree specifically for the benefit of the reduction in the interference telephone wires.

Our response to this tree related enquiry: A site inspection will not be carried out in this instance for requested works.

Customer advice:

- If the council owned tree overhangs your boundary and affects your telephone wire(s) you may wish to exercise your common law right to remove the encroaching limbs. See advice in common law right.
- Contact your telephone service provider as they may be able to suggest an alternative solution to prune such as relocating the wire.

18. TV / Satellite reception and trees

Directive: We will not prune or fell a council owned tree for the direct benefit of TV / Satellite reception.

Our response to this tree related enquiry: A site inspection will not be carried out in this instance.

Customer advice:

- The TV license is a permit to operate a television receiver; it does not guarantee any reception. Therefore it follows that there is no legal right to reception and furthermore a tree owner is not legally obliged to maintain a signal to your set.
- The issue may be dealt with by exercising your common law right. See Common law right.
- Your service provider may be able to provide an alternative solution by means of boosting the signal or relocating the receiving equipment.

19. Vandalism to trees

Directive: We will investigate any reports of vandalism to council own trees and endeavour to correct the damage where possible from current arboricultural practice.

Our response to this tree related enquiry: A site inspection will be undertaken. Enquirer will be informed of what action is considered appropriate and estimated timescales.

Customer advice:

- Unfortunately vandalism is unpredictable and in some cases be persistent.
- Do to costs it may not always be possible to replace vandalise tree(s)
- The treating of wounds with “tree paint” has proven to be ineffective and we will not carry out such dubious practice. Where possible wounds will either left as is or pruned to just outside the branch collar to facilitate the natural occlusion process of the wound.
- We encourage the reporting of incidence of vandalism and where witnesses are prepared to come forward we will endeavour to take legal action where possible.

20. Views obstructed by trees / Protection of privacy

Directive: We will not prune or fell council owned trees to improve the view from private properties. Nor are we duty bound to maintain privacy offered by trees situated on council owned land.

Our response to this tree related enquiry: A site inspection will not be carried out in this instance. If a tree is removed for what ever reason we are not obliged to replace it in order to maintain privacy to neighbouring properties.

Customer advice:

- There is no legal right to view.
- If the limbs encroaches your property you may wish to exercise your common law right – see common law rights in this document.
- A tree owner is not duty bound to maintain the privacy of neighbouring property.
- Residents with concerns about privacy should address the issue on their land.

End.