

Trees on council land

Like all local authorities, the Council faces tough financial challenges as government austerity measures continue. The reduction in available resources will mean fewer services with a focus on our core activities, and a more efficient council which seeks better value for money.

Meeting our legal obligations as a tree owner around tree safety and property damage, as well as our other statutory responsibilities and policies as Local Highways Authority and Local Planning Authority is important to the Council.

We aim to increase value for money through reasonable risk management, by moving towards a defensible proactive tree risk management program of inspection.

After considering each case carefully, we will undertake works to our own trees only if they are dead, dying, diseased or dangerous, and will carry out such work according to good arboricultural practice.

Question

1. Will the Council prune overhanging branches?

Answer

We **DO NOT** prune or remove a council owned tree to stop the nuisance of overhanging branches.

Tree owners have no legal obligation to prune back any vegetation overhanging neighbouring properties and this also applies to Local Authorities. We will prune back overhang to abate an 'actionable' nuisance – a nuisance in legal, not common usage i.e. where actual damage to property is occurring. If a council owned tree is touching a property (house, boundary wall, garage etc.) we will take action to remove the problem.

Question

2. Can I prune branches myself?

Answer

You have a Common Law right to remove a nuisance associated with trees. The following advice is given if you wish to exercise your Common Law right:

A) You can **ONLY** consider removing those parts of the tree from the point where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property.

B) You are strongly advised to consult a competent and fully insured Tree Surgeon for guidance on how best to prune back encroaching trees (details available upon request), unless the works are small enough to do with hand secateurs or similar.

C) Before you consider doing any works to a tree(s) you should find out if it is protected by a Tree Preservation Order or are within a Conservation Area.

If the trees are protected, you will need to gain consent by making an application / give notice to the council.

D) You are advised to discuss with your neighbour your intention to prune overhanging branches. Legally you do not own the overhanging branches and you should offer these to your neighbour. But, in all likelihood, you should consider disposing of the cuttings yourself. If the overhanging branch is from a council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.

To find out if the tree(s) is protected and for guidance on how to apply for works, please use the following link:

[Tree preservation orders | BETA - South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/tree-preservation-orders)

For a list of council approved contractors please use the following link:

[Tree surgeons- contractor list.pdf \(sharepoint.com\)](https://www.southglos.gov.uk/tree-surgeons-contractor-list)

Question

3. Will the Council prune a tree that's shading my property?

Answer

The Council **WILL NOT** fell or prune trees to increase light levels to a property, reduce shade to a garden, or increase light levels to solar panels.

There is no automatic right to light as far as broadleaved trees are concerned, as they are slow growing and therefore do not make an instant impact on light loss.

Question

4. What if the tree is too big/too tall?

Answer

The Council **WILL NOT** prune or fell any tree owned or managed by the Council because it is considered to be 'too big' or 'too tall' or 'overgrown'.

A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be present for the Council to consider it to be dangerous.

Question

5. What if I think a tree is interfering with TV or satellite reception?

Answer

The Council **WILL NOT** fell or prune trees because they are interfering with television or satellite signals.

Pruning in the short term may help improve television reception. However, in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases, the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a Booster.

Residents are advised to contact their satellite or TV provider for specialist advice.

Question

6. What if the tree is causing subsidence?

Answer

If you believe that your property is suffering subsidence damage due to the action of tree owned by the Council, you are advised to contact your property insurer in the first instance.

Should you, or those acting on your behalf, wish to make a claim for damages against the Council, alleging that a Council owned/managed tree is causing subsidence damage, then you will be required to submit an independent report to our Legal Service Department using the following address: rmandins@southglos.gov.uk

Question

7. Will the Council prune for leaf fall/fruit fall/bird droppings?

Answer

We **WILL NOT** fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees.

Examples of such problems are:

- falling leaves, twigs, sap, blossom, fruit, nuts, bird and insect droppings.
- insects associated with trees (spiders, wasps, flies etc) or other wildlife (squirrels)
- reduction or increase of moisture to gardens.
- suckers or germinating seedlings in gardens.
- leaves falling into gutters, drains or onto flat roofs.
- the build-up of algae on fences, paths, or other structure

It is considered that many of these issues fall under the homeowners' responsibilities to maintain their property.

Question

8. What if the tree is blocking a road or footpath?

Answer

The Council's duty to ensure that trees do not interfere with pedestrians or road users is carried out under the Highways Act 1980. South Gloucestershire Council is the Highways Authority for the district with a duty to maintain the highways infrastructure in a safe and useable condition by removing danger and managing use, as well as minimising disruption caused to traffic by works on the highway.

- For pedestrians, a minimum vertical headroom of 2.3m
- For a carriageway and a distance of 0.5m, immediately adjacent to it, a minimum vertical headroom of 5.4m.

Question

9. What if the tree roots are growing in my garden?

Answer

Before carrying out any root pruning work please ensure that the tree is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

The owner/occupier of a neighbouring property may cut the roots of the trees back so far as they are on their side of the boundary. It should be borne in mind, however, that removal of roots of a tree up to the boundary may lead to the tree being unstable. Any work carried out should be done so with reasonable care as if the work is not carried out competently it may lead to tree decay and/or tree instability. If the owner of the tree is required to carry out any further works due to damage to the tree, then it may be possible for the tree owner to recover the cost of these further works from the person who has removed the encroaching roots.

It is, therefore, unwise to carry out works to cut back roots other than at a trivial level without first taking professional advice from an arboriculturist.

Question

10. What if the tree is protected by a TPO or is in a Conservation Area?

Answer

If you intend to carry out any works to protected trees, you must apply for consent from the council first. If you do not own the tree, you must obtain the owner's permission before carrying out the works.

For information on protected trees and how to apply for work please use the following link:

[Tree preservation orders | BETA - South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/council-services/conservation-and-environmental-services/tree-preservation-orders)

Tree Maintenance

Tree maintenance is currently mostly 'reactive' in nature and conducted in response to reports received by the council concerning specific trees.

The following categories will be used when prioritising tree works:

Priority	Response
Priority 1: Urgent Public Safety (emergency)	From within 24 hours depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable	Other works at officers' discretion
Non-priority	No action proposed

Priority 1 (emergency)

A tree could warrant immediate attention if, for example:

- it has snapped or blown over
- it is rocking (roots are damaged)
- it is uprooted but held up by another tree or building
- a large branch has broken off or is hanging off the tree
- it or its branch is blocking the road or footway / public right of way
- it or its branch is blocking access to property
- it has fallen on to property, such as a building or car

Priority 2

A tree may be a risk to people or property but does not require immediate attention if, for example:

- it is dead.
- it is dying (few leaves in summer or dieback in the crown)
- it is diseased.
- it is causing minor damage to property.

For further information is available on South Gloucestershire Councils Tree Asset Management Plan website which can be found using the following link:

[Tree Asset Management Plan | South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/tree-asset-management-plan)