



TREE MANAGEMENT GUIDANCE NOTES AND INFORMATION



Information below is a brief guide regarding trees and tree management and the most frequently asked questions regarding tree maintenance and responsibilities. Please note that trees are dynamic organisms subject to change.

Pruning/Cutting back Growth

Common Law Right

You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:

- 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 professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are trivial meaning you could do the works with hand secateurs or similar;

- c) To find out if the trees are owned by the council contact:

Richmondshire District Council
Mercury House, Station Road, Richmond
North Yorkshire DL10 4JX

Tel: **01748 829100**



- d) Before you consider doing any works to tree/trees you should find out if they are protected by a Tree Preservation Order (TPO) or you 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. To find out if the trees are protected and guidance on how to apply for works if they are protected contact (address above and ask to speak to the duty planning officer)
- e) You are advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should offer these to your neighbour. But in all likelihood, you should consider disposing the arising's yourself. If the encroachment relates to a council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.

- f) Site inspection not normally required regarding issues outlined. Customers will be informed within 12 working days of receipt of an enquiry. However, customers can receive an immediate response by searching for the relevant information on the Council web site (Tree Management Guidance Notes and information) along with a link to Planning and Development management

richmondshire.gov.uk/planning/development-management/1011-tree-regulation-services link to tree preservation orders –

<http://data.gov.uk/dataset/tree-preservation-orders-polygons2>

Bird Droppings

We will not prune or fell a council tree to remove or reduce the effects of bird droppings from trees, or remove bird droppings from private land.

Customer Advice:

1. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act (and other related wildlife law). Warm soapy water will usually be sufficient to remove bird droppings.
2. If you would like to report a problem with a tree or have a general enquiry then please contact the Council on the above address and contact number.



Sap

We will not prune or fell a council owned tree to remove or reduce honeydew or other sticky residue from trees.

Customer Advice:

1. Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black.
2. Unfortunately, there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Some trees, such as limes, are more prone to attack by greenfly and in some years greenfly are more common especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.
3. If you would like to report a problem with a tree or have a general enquiry then please contact Richmondshire District Council.

Blossom & Pollen

We will not prune or fell a council owned tree or remove or reduce blossom from trees or remove fallen blossom from private land.

Customer Advice:

1. Tree blossom usually heralds the start of spring. Blossom is a natural occurrence, which cannot be avoided by pruning.
2. Roads, streets or the highway are swept of excessive blossom as necessary. Similarly paths through parks and green spaces will be swept of blossom as part of normal cleaning cycles.
3. If you would like to report road, street or highway that needs to be cleaned please contact our Street Scene Service,(on the number above).
4. If you would like to report a park or green space that needs to be cleaned or have a general tree enquiry contact Customer Services.

Fruit/Berries/Nuts

We will not prune or fell a council owned tree to remove or reduce the nuisance of fruit, berries or nuts, or remove such fallen fruit from private land. However, where fallen fruit is leading to a significant anti-social behaviour problems we will consider measures to reduce the problem including whether a phased removal and replacement with alternative species is reasonable.

Customer Advice:

1. Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. But, there are some locations where fruit trees are less desirable, for example where soft fruit would make the pavement slippery or where anti-social behaviour problems could encourage fruit being thrown at houses or cars. When considering what tree to plant we take account of the likelihood of such problems. Equally, where fruit trees are established but there is a significant anti-social behaviour problem we may consider phased removal and replacement.
2. If you would like to report a road, street or highway that needs to be cleaned please contact out Street Scene Service.
3. If you would like to report a park or green space that needs to be cleaned or if you would like to report a problem with a tree or have a general enquiry then please contact Richmondshire District Council.



Leaves

We will not prune or fell a council owned tree to remove or reduce leaf fall or remove fallen leaves from private property.

Customer Advice:

1. The loss of leaves from the trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
2. The maintenance of gutters is the responsibility of the landowner and the council is not obliged to remove leaves that may have fallen from council owned trees. Where gutters are regularly blocked by fallen leaves the owner may wish to install gutter guards to provide a low maintenance solution.
3. For roads, streets or the highway the council's street scene service endeavour to work effectively in the autumn to clear fallen leaves.
4. In parks and green spaces paths or areas of hard standing are regularly cleared of fallen leaves, but leaves on grass/shrub beds are generally left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass in which case the accumulated leaves would be removed sooner).
5. Leaves are generally sent for composting.
6. If you would like to report a road, street or highway that needs to be cleaned please contact our Customer Services or Street Scene Service (on the number of above).
7. If you would like to report a park or green space that needs to be cleaned or would like to report a problem with a tree or have a general enquiry please contact Customer Service or Open Space and Amenities Service.



Light

We will not prune or fell a council owned tree to improve natural light in a property.

Customer Advice:

1. In law there is no general right to light. Any right to light would need to be established via a specific grant (rare) or by prescription, which can only occur where the right has been enjoyed uninterrupted for a minimum of 20 years. Following this, a legal right to light can only be enjoyed in relation to a specific opening (such as a window) in a building; there is no right to light in connection with open land, such as a garden. Further, if these conditions are met then an owner of the building is entitled to such access of light as will leave his premises adequately lit for all purposes for which they may reasonably expect to be used
2. If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Anti-social Behaviour Act, 2003. For further information refer to the council's web page on High Hedges
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees – see Common Law Right
4. If you would like to report a problem with a tree or have a general enquiry then please contact Richmondshire District Council.

View

We will not prune or fell a council owned tree to improve the view from a private/Council property.

Customer Advice:

1. There is no legal right to a 'view'
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees – see Common Law Right
3. If you would like to report a problem with a tree or have a general enquiry then please contact Richmondshire District Council.

Telephone Wires and TV/satellite reception

We will not prune or fell a council owned tree to prevent interference with telephone wires or TV/satellite installation/reception.

Customer Advice:

1. It maybe that your telephone service provider may be able to suggest an alternative solution to the problem
2. It maybe that your satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal
3. If you would like to report a problem with a tree or have a general enquiry then please contact Richmondshire District Council at the above.

Hazard / Dangerous Tree

What is a hazard/dangerous tree:- trees with cracking on the stem a tree that has hanging branches overhanging the public highway or properties, cracking of the ground around the base possible root - plate movement or wind – rock, trees leaning at an acute angel, tree that has fallen and causing an obstruction, tree with fruiting bodies of fungi associated with brittle decay.

Who is responsible:-

Where a tree is hazardous because of decay or structural weakness and shows external signs of being in such a condition, the occupier of the land on which the tree is standing is normally liable under UK Law.

This liability arises from possession by which the occupier has common duty of care to others who enter the land or its vicinity.

The occupier is defined as the person “Occupying or having control of the premises”, and effectively means whoever has possession of the control of the land.

The liability is governed by the Occupiers Liability Act (1957) and (1984) acts.

Action to be taken

- 1.0 - To verify if the tree is owned or maintained by the Council
- 2.0 - If Council owned and maintained the tree, the tree to be inspected within five working days, depending on nature of hazard/risk
- 3.0 - Customer to be informed within 12 days for the inspection
- 4.0 - Works to make safe the tree within five days of inspection depending on the nature of the hazard/risk
- 5.0 - If a tree has a Tree Preservation Order (TPO) or within a Conservation Area, Planning Service must be informed prior to undertaken any arboricultural works
- 6.0 - If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees – see Common Law Right.

**This information is available in
alternative formats and languages**



Richmondshire District Council

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Richmond DL10 4JX

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