



## 54. Whitchurch Town Council

### Council Owned Trees - Guidelines

#### **Trees are of vital importance to the world for many reasons.**

Amongst other things they screen eyesores, frame views and form landscapes. Trees have significant environmental value, produce a habitat for many species and help provide us with cleaner, filtered air, shade in the summer and warmth in the winter.

Whitchurch Town Council's contractors carry out such work as pruning, planting or felling of trees that are planted on any land managed by us. Also, the Council has a similar level of responsibility when managing the trees it owns to any private land owner or neighbour. In the first instance contact the Civic Centre Community Hub 01948 665761, however this Council has guidelines for works relating to the trees it owns.

#### **Work the Council will or will not do to Council owned trees**

Work the Council **WILL** do on Council owned trees:

- Remove dead, dying or dangerous trees
- Remove dangerous limbs
- Remove limbs which are obscuring highways signs, traffic lights or lamp columns
- Inspect and, if necessary, repair trip hazards caused by Council owned trees
- Inspect trees causing daylight obstructions to the South or South West of the property. Work may proceed after this inspection, an exception to this is in the case of established woodland predating the house construction.
- Thin groups of trees to improve form and condition of remaining trees.

Work the Council **WILL NOT** do on Council owned trees:

- Cut back branches overhanging private property. (The private property owner has the legal right to cut back those branches on a tree which is not subject to a Tree Preservation Order.)
- 'Top' trees or remove branches to increase daylight or decrease height in relation to property.
- Remove branches or trees affecting views or interfering with TV reception
- Remove branches or trees to prevent falling leaves, honeydew from aphids or other minor debris
- Remove roots from gardens
- Remove roots from drains or repair damage to structures where the tree has not been clearly demonstrated to be the principal cause
- Remove branches or trees to prevent potential root damage to structures
- Remove branches nearly touching buildings, walls, roofs, fences, etc
- Remove branches or trees to prevent access to squirrels or birds
- Remove branches or trees affecting BT lines (see notes relating to BT lines)

#### **Proximity to Buildings**

All trees are to be maintained at a minimum of 2 metres away from any housing structures.

#### **British Telecom Lines**

Whitchurch Town Council will not carry out any remedial works on trees relating to British Telecom (BT) lines. If there is a concern about your connection, our advice is to report the project to BT Openreach. They adhere to the Terms and Conditions of paragraph 19 of The Telecommunications (Electronic Communications) code with refers to Tree Lopping. This states that where Trees are obstructing or interfering with BT apparatus (as determined by BT) they can notice the relevant party that the trees must

be lopped. Generally speaking, this is done by BT and in most cases BT will pay. BT strongly advise that neither private landowners, nor councils undertake to lop trees affecting apparatus without first consulting BT. If this occurs, BT will not agree to pay the costs and indeed will charge if BT apparatus is damaged.

## **What do I do now?**

If the works you would like Whitchurch Town Council to carry out are listed in the **Will Do** list please contact us in the Civic Centre via phone from 10am until 4pm Monday to Friday and 10am until 1pm on Saturdays. Alternatively, please email [info@whitchurchcouncil.uk](mailto:info@whitchurchcouncil.uk). When contacting Whitchurch Town Council please provided as much accurate information as possible.

If the works you are requesting are listed on the **Will Not Do**, unfortunately the Council will not be able to carry out works on your behalf. If you believe that there is a tree issue that has not been highlighted and it poses a health and safety risk, the Council will consider your request.

## **What happens next?**

When contacting Whitchurch Town Council please provide as much accurate information as possible.

If you are unsure whether the tree is on Council land and is therefore a Council tree, please let us know and we will endeavour to assist you with your enquiry. Whitchurch Town Council can only tell you if the tree is managed by us or whether it is privately owned, we will not be able to find out who any private landowner is for you.

Once we have received your application, we will reply within 10 working days, preferably via email, confirming whether or not Whitchurch Town Council can carry out the work. If Whitchurch Town Council are to carry out the work we aim to instruct a contractor within a period of 6 weeks. If, after assessment, we decide the work is not appropriate then you will be notified in writing. We will have assessed your request against the list of work we are willing to do. However, under certain circumstances you are still entitled to arrange for the work to be carried out by a private tree surgeon which is detailed below.

## **If the Council are unable to do the work, can I get it done myself?**

In common law, a property owner can cut back overhanging branches to the boundary of their property. Whitchurch Town Council will usually have no objection to property owners carrying out tree work or engaging a contractor at their own expense, provided that:

- Access is not gained onto the neighbouring land or to a tree within that land. If access to our land or to a tree on that land is required, our permission must be sought.
- The tree is not in a Conservation Area or protected by a Tree Preservation Order.

## **Contact details:**

Whitchurch Town Council  
Civic Centre  
High Street  
Whitchurch SY13 1AX

Email: [info@whitchurchcouncil.uk](mailto:info@whitchurchcouncil.uk)

Phone: 01948 665761

# **FREQUENTLY ASKED QUESTIONS (FAQs)**

## **A tree is overhanging my property, can I cut it back?**

Only cut it back to the boundary line and no further. Do not trespass on neighbouring property. Offer cuttings back to the owner. If they don't want them, it is your responsibility to dispose of them. Ensure that any pruning you do doesn't result in the tree becoming unsafe. Before any work is undertaken, ensure that the tree is not covered by a Tree Preservation Order (TPO) or is in a Conservation Area. These rules also apply if a council tree is overhanging your property. Residents may prune branches back to their boundaries only. Please note that if you choose to prune back a tree that is not on your property, it is your responsibility to dispose of the green waste.

## **There is a council owned tree blocking out sunlight. Can it be pruned or removed?**

Unfortunately, residents have no legal right to light blocked by trees. The Council inspects its trees regularly to ensure that they are maintained safely. Tree works are not carried out solely to alleviate light restriction or overhanging. Seasonal inconveniences like shade, leaf fall and sticky honeydew do not justify felling a tree. We must also consider the amenity value that would be lost and the expense of the works.

## **Can I appeal against the Council's decision if my application to carry out tree work is refused?**

If the tree is council owned and after assessment, we decide the work is not appropriate then you will be notified in writing. We will have assessed your application against the list of what the Council is or is not willing to do. However, under certain circumstances you are entitled to arrange for work to be carried out by a private tree surgeon.

## **A tree has fungus growing on it. Does this make the tree unsafe?**

Not necessarily. There are many types of fungi that live happily on trees. However, if the fungal growth is close to the base of the tree or from the stem or branches, this may suggest wood decay. Removing fungal fruiting bodies from trees will not get rid of the fungus since by this stage it is well established. If you believe that a tree on council owned land is diseased that it is unsafe, please report this to us on 01948 665761. If the tree is on your own property and you are unsure if its condition is making it unsafe, you are advised to contact a tree surgeon for a professional opinion.

## **There is a tree outside my property that is tall and moving in the wind. Is it dangerous?**

Tall trees are not necessarily dangerous. Healthy trees produce enough wood to remain upright. The action of swaying, allows the tree to withstand normal weather conditions and even strong winds. If the tree is on council land and you believe it to be dangerous please report it to us on 01948 665761.