



# Tree Advice & Guidance

## **Common complaints and enquiries regarding protected trees**

1. Birds, insects and mammals in trees
2. Falling leaves, fruit and sap
3. Trees restricting light
4. Trees considered too large
5. Trees, digital TV reception and solar panels
6. Trees interfering with phone/electrical lines
7. Overhanging branches
8. Trees and allergies
9. Dead, dying, diseased or dangerous trees
10. Subsidence damage to properties
11. Damage to drainage systems
12. Damage to wearing surfaces
13. Trees interfering with roads and footpaths

## 1. Birds and mammals in trees

The Council will not approve the excessive pruning or removal of a protected tree to prevent or reduce bird droppings or the use by mammals such as squirrels. The removal of bird droppings from private property is the sole responsibility of the landowner.

### **Customer Advice:**

- Bird droppings and insects may be a nuisance, but the problem is not legally considered a sufficient reason to prune or remove a tree. Warm soapy water will usually be sufficient to remove the bird droppings.
- The Council encourages people not to feed feral pigeons following concerns of increasing numbers.
- Over recent years there has been a marked increase in the number of feral (wild) Pigeons. Feral pigeons have thrived by adapting to life; learning to roost and breed within our urban environment making use of man-made structures i.e. ledges, trees and parapets. A large number of roosting pigeons can also give rise to odour and noise complaints.
- Even when trees are pruned they are still inhabited by wildlife. Healthy and attractive trees are an asset to the environment and bird fouling is not sufficient justification for the tree to be removed.
- Where fouling presents a nuisance, there are proprietary systems available to prevent or limit roosting. The use of nylon “bird spikes” on the upper surfaces of overhanging branches are easily applied and secured with silicon adhesive and typically at the time of management works such as removal of dead wood.
- If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see **Overhanging Branches** at Section 7.

### **Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

## 2. Falling leaves, fruit and insects

The Council will not approve the excessive pruning or removal of a protected tree to mitigate or reduce the nuisance of tree sap (honeydew), falling leaves, seeds or fruits from either the homeowners or third party land.

### **Customer Advice:**

- Honeydew (often described as tree sap) is caused by aphid infestation waste on some species of tree and can be an issue in respect of vehicles, glazing and paved surfaces. Honey dew is sugary water which the aphids extract from the tree. Its effects may be avoided by keeping soft ground directly underneath the crown spread of the tree. Where honey dew does fall onto

smooth or high quality hard surfaces and vehicle parking areas, it can be removed with warm soapy water.

- Trees such as Lime and Sycamore are susceptible to aphid infestations, however these species of tree provide a positive benefit to the environment, as the sticky leaves collect and trap dust and harmful particles and so help to reduce airborne pollution. Aphids are also an important source of food for birds and other wildlife.
- Aphids and the resulting honeydew are not something that the Council can control. They are a nuisance, but not something that we are legally required to consider pruning or felling a tree for.
- Although they can be an inconvenience, falling leaves & debris are not regarded as a 'nuisance' in law and a tree owner therefore has no obligation to clear them from third party property – it is normally up to the landowner whether they own a tree or not to undertake their own 'property maintenance' if for example, they need to clear paths, lawns, driveways or gutters.
- If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see ***Overhanging Branches*** at Section 7.

#### **Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

### **3. Trees blocking light**

The Council will not approve the excessive pruning or removal of a protected tree to improve natural light in a property or garden.

#### ***Customer Advice:***

- There is no "right to light" concerning trees. The only right to light [historic light] may be earned under the Prescriptions Act 1832, by which a person must have enjoyed light to a window in their dwelling for 20 years before the obstruction appeared. Redress must then have been sought in court within 12 months of the light being blocked or the right will be forfeited. The Prescriptions Act 1832, only normally applies to buildings and or structures that are built which block light directly and not trees.
- Notwithstanding the above, where light restriction from a hedge made up of all or a majority of evergreen or semi-evergreen species, over 2 metres (6.5 feet) in height and formed of a line of two or more trees or shrubs, the High Hedges Regulations 2005 may apply. [View further information and guidance on High Hedges on Gov.uk](#)
- If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see ***Overhanging Branches*** at Section 7.

### **Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

#### **4. Trees considered too large**

The Council will not approve the excessive pruning or removal of a protected tree because it is considered to be 'too big' or 'too tall'.

#### ***Customer Advice:***

- A tree is not dangerous just because it may be considered too big for its surroundings. Trees are self-optimising organisms that grow and develop in tune with their immediate environment.
- The Council recommends that all tree owners consider having their trees inspected on a regular basis by a professionally qualified Arboriculturist. This will assist with the early detection of pests, disease or structural defects and allow for the long term management of trees and their retention in a safe and healthy condition. This is not a service provided by the Council.
- If you have a cause for concern regarding the stability or structural integrity of trees within your ownership, you are advised to engage a Consulting Arboriculturist who will be able assess the health, safety and long term management of trees within your responsibility.
- An application to remove a protected tree will require the evidential assessment, opinion and recommendation of a professionally qualified Arboriculturist.

### **Our response to this tree-related enquiry:**

The entire removal of protected trees would only be considered if proven to be dead, dying, diseased or dangerous and if no other remedial or management works would be appropriate. A list of local consulting Arboriculturists is available on the Council website

#### **5. Trees blocking TV reception or solar panels**

The Council will not approve the excessive pruning or removal of a protected tree to prevent interference with TV and satellite reception or solar panels.

#### ***Customer Advice:***

- It maybe that your satellite, TV or solar panel provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish/panels or a means to boost the signal/light ingress.

- If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see **Overhanging Branches** at Section 7.

**Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

**6. Trees interfering with telephone/electrical cables**

The Council will not approve the excessive pruning or removal of a protected tree to remove or reduce interference with telephone or electrical wires.

**Customer Advice:**

- It maybe that your telephone service provider will be able to suggest an alternative solution to the problem.
- If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see **Overhanging Branches** at Section 7.

**Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

**7. Overhanging branches**

The Council will not approve the excessive pruning or removal of a protected tree to alleviate the nuisance of overhanging branches where such works would leave the tree unbalanced.

**Customer Advice:**

- 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 access, 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) You are strongly advised to liaise with the owner of the trees and discuss what you plan to do. You can find out if the trees are owned by the council by calling the contact centre on 01276 707100.

d) You are strongly advised to find out if the trees you wish to prune are covered by a tree preservation order [TPO] or are within a conservation area [CA]. If they are you will need to seek permission from the Arboricultural Officer in the planning department. You can find further information on this issue by following the link <http://www.surreyheath.gov.uk/>

### **Our response to this tree-related enquiry:**

An application for tree works based on the above complaint would need to consider the tree as a whole and not just boundary overhang and you are advised to seek the advice and guidance of a specialist Arboriculturist as to the appropriate management works. A list of local contractors is available on the Council website.

## **8. Trees and allergies**

The Council will not approve the excessive pruning or removal of a protected tree because a tree is perceived as causing or exacerbating a personal medical condition.

### ***Customer Advice:***

- Since pollens and spores are ubiquitous in the atmosphere, felling trees will not stop allergies and removes the environmental benefits trees provide, including improvements to air quality. Allergies would not be considered a viable justification for the removal of trees either within Council ownership or subject to statutory controls such as Tree Preservation Orders or Conservation Areas.
- If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see ***Overhanging Branches*** at Section 7.

### **Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

If you have concerns about trees and an allergy, take advice from a medical professional. Additional sources of useful information can be obtained from the following:

National Pollen and Aerobiology Research Centre - [www.pollenuk.co.uk](http://www.pollenuk.co.uk)  
Allergy UK – [www.allergyuk.org](http://www.allergyuk.org)

## **9. Dead, dying, diseased or potentially dangerous trees**

The Council will consider approval for the pruning or removal of a protected tree if it is identified as dead, dying diseased or dangerous if an application is supported by the evidential assessment of a qualified Arboriculturist.

Any decisions to take action will be based on the risk to the public, property, the site usage and the pathogens or pests present or if the tree has been structurally compromised.

### ***Customer Advice:***

- Signs to look for which may mean that a tree is in such condition to warrant swift action include:
  - a) Tree is snapped or blown over
  - b) Tree has uprooted but is held up by another tree or building
  - c) A large branch has broken off or is hanging off the tree
  - d) Tree or branch is blocking the road or footpath
  - e) Tree or branch is blocking access to property
  - f) Tree may, or has fallen onto house or car
  
- Signs to look out for which may mean that a tree is dead, dying or diseased are as follows:
  - a) Tree is dead (no leaves present throughout all seasons)
  - b) Tree is dying - few leaves in summer or dieback in the crown
  - c) Bark is loose and falling off
  - d) Mushrooms or fungi growing on or near the tree
  - e) Old splits and cracks in the trunk or large branches
  - f) Smaller branches or twigs falling from the tree

### **Our response to this tree-related enquiry:**

An application for tree works based on the above complaint would be considered by the Council and you are advised to seek the guidance of a specialist Arboriculturist as to appropriate remedial or management works. A list of local contractors is available on the Council website and many would make any necessary application on your behalf and present the required information.

## **10. Subsidence Damage to property**

The Council will consider an application if supported by the evidential assessment of a qualified Arboriculturist and a structural engineer together with appropriate geotechnical information.

**Customer Advice:**

If you believe that your property is suffering subsidence damage due to the action of trees in your ownership (or indeed a neighbour's tree) then you should contact your property insurer at the earliest opportunity. Failure to notify your insurer may invalidate your cover.

**Our response to this tree-related enquiry:**

An application for tree works based on the above complaint would normally be made subsequent to a claim to insurers which was considered valid, investigated and assessed. The Council would need the evidential assessment of the investigations before considering a decision.

**11. Damage to drainage systems.**

The Council will not approve the excessive pruning or removal of a protected tree due to drainage issues.

**Customer Advice:**

- Tree roots rarely cause physical damage to drainage systems and associated pipe work. However, tree roots will often exploit the breakdown of a system and if an old clay pipe with poor joints is leaking into the surrounding soil this will attract roots which may penetrate and cause a partial or complete blockage.
- Drainage investigations will often confirm the presence of roots and blame directed at nearby trees. However, relining of old clay systems or replacement of faulty drains/pipes with modern materials will eliminate leaks and prevent such from reoccurring.
- Remedial works to the drainage system will be required whether an adjacent tree is removed or retained.

**Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved.

The evidence of our tree inspection will be passed to the Council's own insurer to process any claim. The insurer may require the evidential assessment of a chartered engineer of alleged damage. Only when this information is presented can a decision be made on the outcome of any action to reduce or remove the nuisance.

If the enquiry is concerning branches impacting on your property, an inspection will identify appropriate works. A schedule to carry out works will then be planned with a timescale that relates to the potential of damage occurring or being caused.

## **12. Damage to wearing surfaces**

The Council will not approve the excessive pruning or removal of a protected tree due to disruption of drives, paths, shed bases etc. [Root pruning may be a consideration].

### ***Customer Advice:***

- Disruption to shed bases, patios and the wearing surfaces of footpaths and drives by the root activity of trees and shrubs is not a consideration with regards to vegetation subject to Statutory Control.
- Such structures, especially block pavers, are typically laid on insufficient and stable prepared foundation materials. In the instance of pavers, this amounts to little more than sharp sand or grit which is over time washed out by percolating rainwater, which in turn attracts roots to the surface with additional disruption occurring.
- The surfaces will require repair or replacement irrespective of the vegetation remaining or being removed
- Surface roots in grassed areas can be ameliorated by the use of top dressing and/or root pruning in accordance with the recommendations of a tree specialist.
- Any root pruning will require the consent of the Local Planning Authority.

### **Our response to this tree-related enquiry:**

An application for tree works based solely on the above complaint would not be approved. Root pruning may be appropriate and would be considered in certain circumstances.

## **13. Trees interfering with roads and footpaths**

Some trees on Highway land are subject to Statutory Control.

### ***Customer Advice:***

- Surrey County Council manages trees within adopted highway land.
- The Highways Act advises “adequate clearance” over roads as 5.2 metres.
- The Highways Act advises “adequate clearance” over footpaths is 2.4 metres.

### **Our response to this tree-related enquiry:**

This enquiry would need to be referred to the Surrey County Council Highways Department who would assess the issues and liaise with the Local Planning Authority as necessary.