

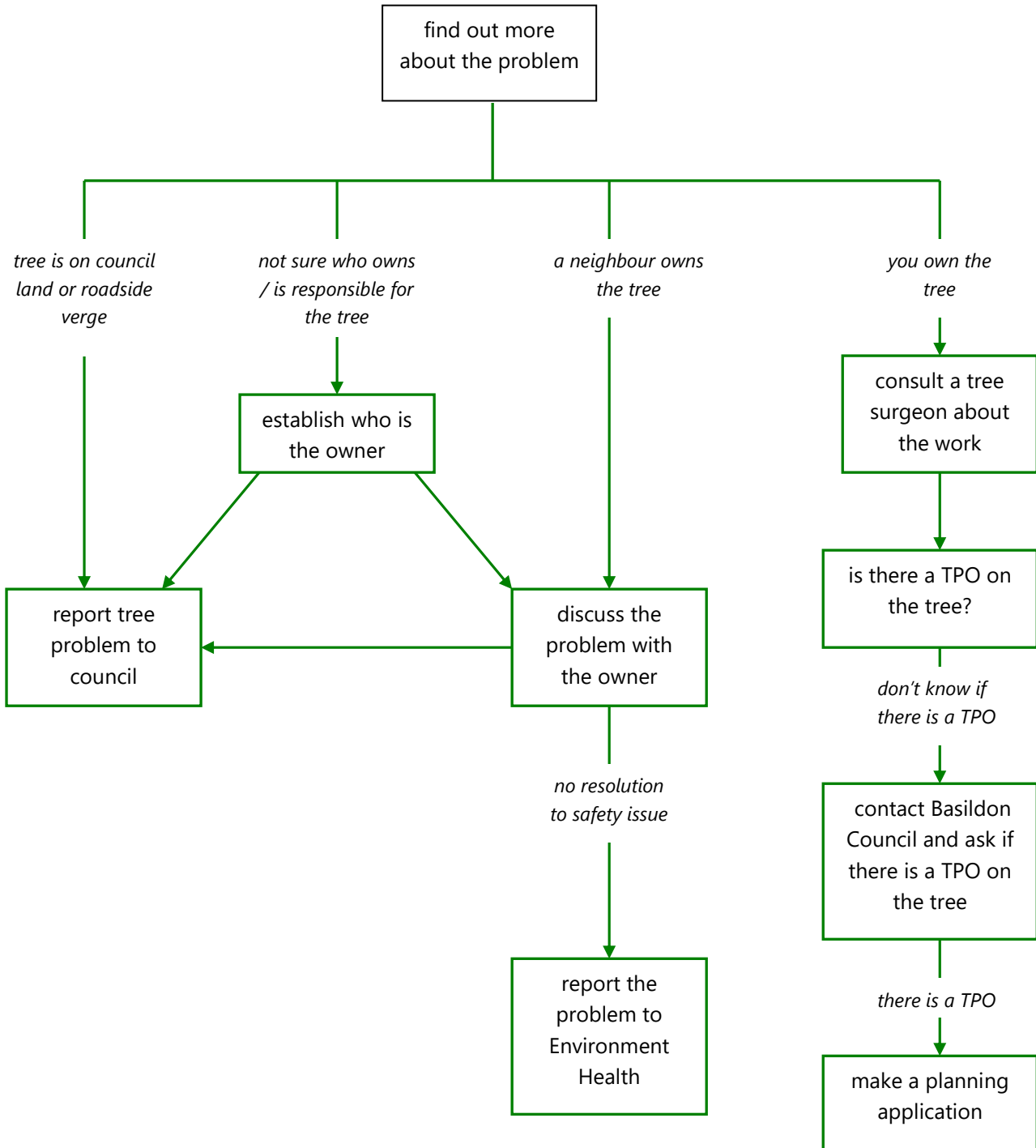


Is a tree causing a problem ?



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This information is for you if you are worried about a tree in your local area being a problem, for example, it could be a Health and Safety risk



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Trees are vital to our health and environment as well as being a highly desirable part of our local amenity. However, trees change over time, they grow and parts of them may decay and this can cause problems including risk of damage to person or property.

A tree may be perceived as being a problem or it may be a genuine issue. A tree may appear at risk of collapse because it is old and has large amounts of dead wood; there may be extending branches or parts of the crown that could drop off, especially in high winds. Parts of the tree may be covered in ivy. Ivy is a natural part of the ecosystem, good for wildlife and does not kill a tree but the added weight can make it more vulnerable to collapse. An inspection by a professional tree surgeon or council tree officer will tell you if the tree needs urgent work on it.

Trees can cause subsidence in nearby walls of a building or a boundary wall. If structural cracks appear this needs the advice of a structural engineer. Felling the tree may make the problem worse as, when the roots rot, this could cause further movement of the building. Sometimes management by a professional tree surgeon can curtail the root growth.

Trees are often perceived as a nuisance because they are 'blocking light'. In planning law, the right to light only applies if it is light that was enjoyed for the previous 20 years, so this would only apply to a large fast-growing evergreen hedge. A tree casting shade into a garden may help to regulate temperature in the house, saving energy on heating or air conditioning. Leaves in autumn can be a slight nuisance but they make good compost and there are many local services which clear them from gutters.

If you decide that there is a problem with a tree, what you do next depends on who owns the tree and whether or not it is protected.

On choosing a Tree Surgeon -

Accredited/professional tree surgeons should have qualifications for example City and Guilds or Arb-approved. Their charges will cover insurance and if necessary they will contact the local authority to stop public access whilst the work is conducted. Professional tree surgeons will not work on a tree with a TPO unless permission is given. They will recommend the best time of year to conduct the work to ensure the tree's longevity and avoid disturbing nesting birds. Some casual garden maintenance workers may act as tree surgeons and do work outside the law or even as a scam.

A professional tree surgeon can be found through personal recommendations or local information online.

- If you own the tree and there is no Tree Preservation Order (TPO) on it, and it is not in a Conservation Area, you are within your rights to get work done on the tree.
To find out if there is a TPO email planning@basildon.gov.uk giving as much information as possible: road and house number nearby and a postcode. You can also contact the Tree Wardens who have some records of the TPOs but not all.
- If there is a TPO on the tree you will need to apply to Basildon Council before the work is done. (Working on a tree with a TPO without permission carries a hefty fine.)
- If the problem tree is on council land, report it on www5.basildon.gov.uk/report/treemanagement. If you are unsure of the ownership of a tree you can find out by asking local people or making an online enquiry to the Land Registry, or the council may know, for example if it is a verge or small piece of land between houses. Every piece of land has an owner although some pockets of land may be unregistered.
- If a neighbour owns the tree then you should raise the problem with them in the first instance. If you cannot agree then you could try mediation. If you believe that the tree is a health and safety risk and you cannot get the neighbour to take action then you could try and email Environmental Health: ehs@basildon.gov.uk

Further information:

www.problemneighbours.co.uk/problems-with-neighbouring-trees-action-guide.html
www.gov.uk/how-to-resolve-neighbour-disputes/use-a-mediation-service
tree-degrees.co.uk/tips.html