

TREE MANAGEMENT POLICY



Contents

Introduction	3
Trees on Housing land	4
Overhanging trees and Common Law rights	4
Trees damaging property	5
Trees touching property	5
Blocked drains	6
Light and shade.....	6
Blocking views	6
Leaves	7
Sticky sap	7
Blossom	8
Tree pollen.....	8
Bird droppings	8
Falling fruit / berries / nuts.....	9
Poisonous berries or foliage	9
TV and satellite reception.....	9
Solar panels	9
Insects.....	10
Footpath obstruction.....	10
Carriageway obstruction	10
Road sight lines – obstruction	11
Traffic signal and street sign obstruction	11
Street light obstruction.....	11
Trip hazards	12
Crime and anti-social behaviour.....	12
Vandalism and damage to trees	13
Dangerous trees requiring immediate action	13
Trees requiring action but presenting no imminent danger	14
Tree too large or too tall.....	14
Tree (private) – nuisance to third parties.....	14
Tree (private) – danger to highway	15
Tree (private) – danger to third party land other than highway.....	15
Why was a tree cut down?	15
Why are tree stumps sometimes left after tree removal?.....	16
Tree planting.....	16
Applications for vehicle crossovers	16

Introduction

This policy gives guidance to residents on some of the commonly asked questions about trees growing on the public highway, on housing land and in parks and cemeteries.

Our trees team forms part of the Environment Division within Neighbourhoods and Growth. If you would like to find out more about our tree management services, our contact details are:

Trees web enquiry form: <https://www.lambeth.gov.uk/forms/trees-form>

Trees webpage: <https://www.lambeth.gov.uk/planning-and-building-control/trees>

Phone: 020 7926 9000 (Monday-Friday 9am-5pm)

Emergency phone: 020 7926 1000 (all other times)

These contact details can be used for all issues covered in this document, unless otherwise stated.

Trees provide a multitude of benefits within our urban environment including positive impacts on health and wellbeing; reducing the urban heat island effect; trapping dust, particulates and other pollutants; absorbing carbon dioxide; producing oxygen, enhancing biodiversity and reducing traffic speeds. Our approach to managing our trees aims to balance maximising these benefits with proactive maintenance to reduce the potential for damage to property.

Trees on Housing land

We will not carry out pruning, removal or general maintenance of trees in gardens of individual tenants or leaseholders, unless there are significant extenuating circumstances. We will carry out a three year maintenance programme of trees on communal land. This programme will include an inspection of all trees and follow-up pruning works for those where it is needed for reasons of tree health or overall safety.

Customer Advice:

- We expect tenants and leaseholders to ensure that they abate any nuisance caused by trees in their gardens. Nuisance is defined as dangerous or potentially dangerous trees or parts of trees; or trees causing actual damage to property, such as direct damage by branches or roots.
- We will reserve the right to issue injunction proceedings or to have work carried out and to charge for the cost of work carried out if there is a failure on behalf of individual tenants or leaseholders to maintain trees which are deemed to be causing a nuisance.
- We will undertake works on trees in communal areas for the following reasons:
 - Where our tree officers have confirmed a tree is dead, dying or dangerous (and cannot be saved through pruning) it will be removed.
 - Where our tree officers have confirmed a branch is dangerous, for example as a result of disease, it will be removed or reduced to a safe point.
 - To improve the overall health or life expectancy of a tree.
 - Where it has been demonstrated that a tree is causing damage to property. This will normally be in the form of an independent report produced as part of an insurance claim and officers will act only on the advice of our Risk and Insurance team.

Overhanging trees and Common Law rights

You have a legal right under Common Law to deal with the nuisance associated with trees overhanging your property. This would be the case whether the trees are Council owned or in private ownership. Where the overhang is from a Council owned tree, we will not carry out pruning simply because a branch is overhanging, however we may deal with the overhang as part of our routine pruning programme.

Customer Advice:

The following advice is given for situations where there is a wish to exercise the right to Common Law with respect to encroaching trees:

- a. Remove only those parts of the tree from the point where they cross the boundary of your property. There is no legal right to cut or remove any part of a tree that does not overhang the property. You may be liable for prosecution by the tree owner if any action you take leads to the death of the tree.
- b. It is strongly advised that a professional tree surgeon is consulted for guidance on how best to prune back encroaching trees, unless the works are trivial (meaning that works could be carried out with hand secateurs or similar).

- c. We advise that the owner of the tree(s) is informed of any plan to carry out work.
- d. Before carrying out works to trees, you must check whether the trees in question are protected by a Tree Preservation Order or if they are in a Conservation Area. If either of the above applies, consent is required by making an application to the Planning Department at the Council, either online, or by downloading and completing a form. Felling without permission could make you liable for a £20,000 fine. [Click here](#) to access the relevant webpage. You may also require a felling licence from the Forestry Commission – full information can be obtained by accessing the Gov.uk website [here](#).
- e. It is advisable to enter into discussions with neighbours where there is an intention to prune back encroaching branches. Legally the branches are the property of the tree owner and should therefore be offered back to the tree owner, but in general you should make arrangements for disposal. If the encroachment is due to a council-owned tree then any cuttings must be disposed of and not returned to Lambeth Council land as this could cause an obstruction. Throwing cut material over your fence without permission from the neighbouring landowner constitutes fly-tipping which is a criminal offence.

Trees damaging property

The council has active tree management systems in place to avoid damage being caused to buildings and other structures as a result of the action of council-owned trees. We examine each claim rigorously, in order to identify any that may be bogus or false.

Customer Advice:

Where there is a genuine concern that a property is suffering possible damage from subsidence due to the action of trees in council ownership, the property insurer should be consulted in the first instance. Where the alleged damage relates to boundary walls, garden footpaths, driveways and other light structures, claims for damage can be made directly to the Council. The Council does not automatically admit liability in the first instance, but recommends that any claims are made through the Council's Risk and Insurance section. For information on making a claim please visit the:

[Lambeth Council Risk and Insurance webpage](#)

Trees touching property

If a tree in Council ownership is touching a property (dwelling house, boundary wall, garage etc.) we will take action to remove the nuisance.

Customer Advice:

In most cases, the solution will be for us to prune the tree. Where pruning is appropriate we will undertake works to deal with the nuisance.

If you would like to report a problem with a tree touching property please complete the trees webform, which can be accessed by [clicking here](#).

Blocked drains

We will not prune, fell or cut the roots of a Council-owned tree to prevent roots entering a drain that is already broken or damaged.

Customer Advice:

Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company. Householders are usually responsible for the maintenance of drains within their property boundary. Often, once any root blockage is cleared, the installation of a plastic sleeve within the existing clay pipe will usually prevent a re-occurrence of the problem.

Light and shade

We will not prune or fell a Council-owned tree to improve natural light to a property.

Customer Advice:

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. If these conditions are met then the owner of the building is 'entitled' to such access of light as will leave their premises adequately lit for all purposes for which they may reasonably expect to be used.

If natural light is being blocked by the growth of a hedge then action may be taken to reduce the problem under Part 8 of the Anti-Social Behaviour Act 2003. For further information please [click here](#) to access the Government advice regarding High Hedges.

Blocking views

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

Customer Advice:

In law there is no right to a 'view'.

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:

- The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
- 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, gutter guards may be fitted by the property owner to provide a low maintenance solution.
- For roads and pavements additional resources are brought in by the Council each autumn to clear fallen leaves on those roads with the highest densities of street trees.
- All highways gully drains are cleaned out by our contractor at least once a year.
- In parks and green spaces, paths or areas of hard-standing are regularly cleared of fallen leaves, but leaves on grass and shrub beds are generally left until the majority of leaves have fallen. However, we will remove leaves sooner if they are damaging grass. The leafing period in parks lasts until March.
- For information on street cleaning in Lambeth, please [click here](#) to access our webpage. You are able to check when your street will next be litter-picked and swept

Sticky sap

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

Customer Advice:

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. Unfortunately, there is little that can be done to remove the aphids which cause the problem; and pruning the tree will generally only offer temporary relief. 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 species that are less likely to cause this problem. For honeydew residue left on cars, it can usually be removed with warm soapy water.

Blossom

We will not prune or fell a Council-owned tree to remove or reduce blossom from trees; or remove fallen blossom from private land.

Customer Advice:

- Tree blossom usually heralds the start of spring. Blossom is a natural occurrence which cannot be avoided by pruning.
- Roads, streets and highways are swept of excessive blossom as part of routine street cleaning operations. Similarly, paths through parks and green spaces will be swept of blossom as part of normal cleaning cycles.
- For information on street cleaning in Lambeth, please [click here](#) to access our webpage.

Tree pollen

We will not prune or fell a Council-owned tree to remove or reduce the release of pollen.

Customer Advice:

In general, the benefits trees provide towards improved health far outweigh any negative effects from pollen. Tree pollen is ever-present during certain times of year with many billions of spores carried in the air. The removal of a small number of trees will therefore offer no noticeable improvement to tree pollen sufferers.

Bird droppings

We will not prune or fell a Council-owned tree to remove or reduce incidences of bird droppings from trees; or remove bird droppings from private land.

Customer Advice:

Bird droppings can be a nuisance. However, they are naturally occurring in urban environments and it would not therefore be considered a realistic option to prune or remove a tree for this reason. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife laws). Warm soapy water will usually be sufficient to remove bird droppings.

Falling 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. This matter is largely seasonal and persists mainly over the autumn when additional resources are employed for footpath cleansing operations.

Customer Advice:

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 potential source of free food. When considering which tree species to plant, our current policy is to plant fruit bearing trees in green spaces rather than in residential footways.

Poisonous berries or foliage

We have no general policy to remove trees bearing poisonous fruit / foliage. Lambeth Council has very few trees of this nature and it is considered that the risk of harm is extremely low. We do not plant trees bearing poisonous fruit or foliage.

TV and satellite reception

We will not prune or fell a Council-owned tree to prevent interference with TV or satellite reception or to assist with the installation of aerials, satellite dishes or related equipment.

Customer Advice:

Your satellite or TV provider may be able to suggest an alternative solution to the problem, for example: relocating the aerial/dish, boosting the signal, or installing the aerial on a longer pole.

Solar panels

We will not prune or fell a Council-owned tree to prevent the shading of solar panels or to facilitate their installation.

Customer Advice:

Your solar panel provider may be able to suggest an alternative solution to the problem, for example relocating the panels to a more suitable location.

Insects

We will not prune or fell a Council-owned tree to remove or reduce incidence of perceived insect pests such as mites, bees or wasps; or any other wildlife.

Customer Advice:

Bees are a desirable species which provide many environmental benefits. The Council will endeavour to protect bees wherever possible by either using warning signs and barriers or re-locating nests. The Council will only destroy a bees' nest as a last resort if there is no other reasonable option to protect the public. For information on our pest control services, please [click here](#) to access our webpages.

Footpath obstruction

We will undertake work to a Council-owned tree to maintain a minimum (where reasonably feasible) 2.5 metres height clearance over a footpath associated with a public street, road or highway.

Customer Advice:

If privately owned trees or bushes are causing an obstruction to a footpath associated with the highway, powers exist under Section 154 of the Highways Act 1980 to make the owner of the tree or shrub remove the obstruction. If they do not, the Council may do this work and re-charge the owner. To report trees or bushes that are causing a footpath obstruction, please use the online reporting page below:

[Report a highways issue](#)

Carriageway obstruction

We will undertake work to a tree in Council ownership to maintain a minimum (where reasonably feasible) 5.5 metres height clearance over the carriageway (associated with a public street, road or highway).

Customer Advice:

If a privately owned tree is causing an obstruction to a road or carriageway within a public highway, powers exist under Section 154 of the Highways Act 1980, to make the owner of the tree remove the obstruction. If they do not, the council will do this work and recharge the owner. To report trees that are obstructing the highway please use the online reporting page:

[Report a highways issue](#)

Road sight lines – obstruction

We will undertake work to a tree in Council ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street, road or highway).

Customer Advice:

- Standards for visibility vary according to the road classification and speed limit in force.
- If a privately owned tree is causing an obstruction to the visibility at a road junction (sight line), powers exist under the Highways Act to make the owner of the tree remove the obstruction. If they do not, the Council will do the work and recharge the owner.
- The shoots that grow from the base of some trees in Council ownership, such as lime trees, are removed as part of our tree maintenance programme. This is usually done once a year for trees growing in the street. There is no active programme to remove basal shoots from trees in parks and green spaces, unless these interfere with footpaths or the visibility at road junctions (sight lines). Otherwise, the removal of basal shoots for aesthetic reasons is done as and when funds allow or when it is necessary to inspect the base of a tree.

Traffic signal and street sign obstruction

We will undertake work to a tree in council ownership to maintain clear sight lines (where reasonably feasible) for traffic signals and street signs (associated with a street, road or highway).

Customer Advice:

If a privately owned tree is causing an obstruction to a traffic signal or street sign, powers exist under the Highways Act to make the owner remove the obstruction. If they do not, the council may do the work and recharge the owner.

Street light obstruction

We will undertake work to a tree in Council ownership to ensure that street lights can perform to their design specification without being unduly blocked by the presence of trees.

Customer Advice:

If a privately owned tree is causing an obstruction to a street light, powers exist under the Highways Act to request the owner to remove the obstruction. If they do not, the council will do the work and recharge the owner.

When the council puts in new street lighting or wishes to move a lighting column, consideration is given to the impact on existing trees. Similarly, when new trees are being planted, these are located so they do not cause problems to existing street lights.

Trip hazards

We will undertake measures to make safe any potential trip hazard considered unacceptable in streets and roads or the highway, caused by the growth of a Council-owned tree.

Customer Advice:

- Pavements associated with classified roads (A and B roads), are inspected every month. Those associated with all other roads are inspected at least twice a year. If you notify us of a trip hazard using the online reporting page below, one of our highways officers will inspect it within 10 working days and decide what action to take unless it is considered to be an emergency, in which case it will be attended to within 24 hours. Emergencies will be responded to within 2 hours.
- Trip hazards will be repaired if they have a vertical step greater than 25mm.
- There are a number of ways the Council can repair a pavement damaged by tree roots. In most cases we will remove any paving slabs and overlay the affected area in tarmac which provides a more flexible surface, less prone to cause trip hazards in the future. If we can do so without affecting the stability of the tree we will prune roots near the surface; and for high value trees we will consider installing a root barrier. We will only remove a tree that is damaging the footway if it is in poor condition, is of low value and can easily be replaced with a species less prone to damage the footway.
- All of the above applies even if the pavement is being damaged by the roots from a tree on private property, in which case we do seek to recover the costs from the property owners.

[Report a highways issue](#)

Crime and anti-social behaviour

Where a Council-owned tree is associated with criminal activity and / or anti-social behaviour, measures to reduce the problem will be considered on a site by site basis.

Customer Advice:

- Where a tree is associated with criminal activity and / or anti-social behaviour, steps to reduce the problem will typically require the coordination of a number of agencies, including the Police. Just pruning or felling a tree is not always the answer to the problem. Some research shows that areas with lots of trees actually help to make places safer.
- You are not allowed to remove wood (or other parts of a tree) from parks or open spaces without consent. Generally, we either remove cut timber from site to be used as mulch in one of the Council's open spaces, or it is left in place as a wildlife habitat. Unauthorised persons are not allowed to use a chainsaw of any type in parks or green spaces. If you see someone who may be removing wood without consent (person not associated with a relevant sign written vehicle and / or without clothing that clearly identifies who they are) or they are using a chainsaw, then please call 101 for the Police non-emergency service.
- Where a tree is reported as obscuring CCTV cameras, pruning work will be scheduled to take place as soon as possible, providing that this can be undertaken without causing major damage to the tree.

Vandalism and damage to trees

We will look into any reports of vandalism to a Council-owned tree and try to repair any damage where we can. The Council has a zero tolerance attitude towards vandalism and will gather any evidence necessary to prosecute offenders.

Customer Advice:

- Where there is a genuine risk of vandalism, the Council can take measures to protect trees, such as using metal guarding which can be removed once the tree has become established. We welcome the involvement of local residents and communities to care for the trees in their neighbourhood. We encourage local communities to report incidents of vandalism and we will take legal action where necessary to address vandalism to our trees.
- If a tree has been damaged by a vehicle, once we are aware we will take the appropriate action to deal with damage or arrange felling if necessary. Wherever we have the appropriate details we claim damages against the driver's insurers or employer as appropriate.

Dangerous trees requiring immediate action

If a Council-owned tree is in such a condition that it poses a very high risk to people or property and is considered to be an emergency situation, instruction will be given to our tree contractor to make the tree safe within 24 hours.

Customer Advice:

- If a tree poses an immediate and present danger it will be made safe within 24 hours. If the level of risk is lower the tree will be made safe as soon as is practically possible and according to the recommendations of the visiting tree officer.
- Signs to look for which may mean that a tree is in such condition to warrant immediate action include:
 - tree or large broken branch is overhanging the road, footpath or blocking access to property or vehicle
 - tree has recently started leaning heavily.
- Trees can be made safe via pruning or felling. Typically we would employ the most cost effective approach. But, for certain high value trees we would consider other options to reduce risk to an acceptable level, including options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

Trees requiring action but presenting no imminent danger

If a tree is identified as requiring action, but the risk to the public is not immediate, then the tree will be made safe depending on the degree of risk identified at the time of inspection.

Customer Advice:

Signs to look out for which may mean that a tree is a risk to people or property but may not require an emergency response:

- tree is dead
- tree is snapped or blown over
- tree is rocking - roots are damaged
- tree is uprooted but held up by another tree or building
- the tree is dying - few leaves in summer or dieback in the crown
- bark is loose and falling off
- mushrooms or fungi growing on or near the tree
- old splits and cracks in the trunk or large branches
- smaller branches falling from the tree.

If the tree is so dangerous to the public or property as to pose an emergency it will be made safe within 24 hours following inspection, otherwise works to the tree will be prioritised according to the level of risk identified. Photographic evidence may be required in the first instance to verify the level of risk.

Tree too large or too tall

We will not prune or fell a Council-owned tree because it is considered to be 'too large' or 'too tall'.

Customer Advice:

A tree is not dangerous just because it is large or tall. Typically, trees or parts of trees will only fail if they have a structural or physiological condition which can lead to failure; or where there are particularly adverse weather conditions. In general, there are very few failures of large trees in comparison to the overall number of trees in the public realm. Lambeth's policy is to allow healthy trees to grow to full height and maturity unless there is a legal requirement obliging the Council otherwise.

Trees (private) – nuisance to third parties

The Council has no authority to intervene in a dispute between neighbours where trees are causing a nuisance or damage to property. However, if the problem is due to a 'high hedge', information can be found on the Gov.uk website, please [click here](#) to access the correct page.

Tree (private) – danger to highway

If a tree in private ownership is shown to be a danger to the highway then it will be identified for work to make it safe. The landowner will be contacted and instructed to make the tree safe under Section 154 of the Highways Act 1980. If it is necessary that the Council undertakes this work then the owner will be charged in full for the Council's costs. To report a danger to the highway, please inform us online via:

[Report a highways issue](#)

Tree (private) – danger to third party land other than highway

If a tree in private ownership is believed to be an imminent danger to non-highway land it is the responsibility of the landowner to make the tree safe (under the Local Government Miscellaneous Provisions Act 1976). The Council has powers under the Act to make the tree safe.

Customer Advice:

Under the Local Government Miscellaneous Provisions Act 1976, it is expected that tree owners will take full responsibility for the safety of trees on their land. The Council does have powers under the Act to intervene to resolve situations where trees in private ownership pose a danger to people and property. If a tree in private ownership is shown to be an imminent danger it will be identified for work to make it safe. The landowner will be contacted and instructed to make the tree safe. If it is necessary that the Council undertakes this work then the owner will be charged in full for the Council's costs.

Why was a tree cut down?

A response to the reasons why any specific tree was felled will be provided to any resident who requests this information. When a highway tree is felled, the footway will be made safe (which may include temporarily capping the pit), however the tree pit location will be retained indefinitely as a highway asset for possible tree planting at a future date and until such time that Lambeth Council decides to close the pit for operational reasons.

Customer Advice:

Tree removal is regrettable but is often necessary for a number of reasons and circumstances. The decision to remove a tree is not taken lightly. Most trees that need to be felled are done so because the tree has either become unsafe or could become unsafe in the near future and where there is no cost effective solution to otherwise retain the tree. Other reasons why trees may need to be removed include where a tree is causing damage to property, where it is impeding the growth of other more important trees as part of recognised arboricultural practices, or where planning approval has been granted.

Why are tree stumps sometimes left after tree removal?

When a tree growing in the pavement is felled it is not possible to remove the stump at the same time. This is because stump grinding requires specialist equipment which is shared across a number of contracts. Stumps are left at a height of approximately one metre, as if left close to ground level they would represent a trip hazard. Tree stumps are then removed when we have enough to justify bringing the equipment in. Our intention is always to re-plant into existing tree pits as a priority, subject to funding.

Customer Advice:

Stumps are typically left around one metre or so tall and the tops are chamfered to remove any rough edges. Stumps will be fully ground out at a later date as part of a larger operation. A stump is felled to ground level where it is felt that there is no potential trip hazard such as in amenity shrub belts.

Tree planting

We do not have a tree-planting budget, but look for external grant and capital funding opportunities to fund tree-planting schemes.

We also offer a sponsorship scheme for residents or businesses who would like to fund a new street tree, or to replace one lost because it was dead or dying. Subject to satisfactory checks for things like underground utilities, we will plant a new street tree for a donation of £430 (price valid until 31 March 2019). For further details, please visit the council's website:

[Tree Sponsorship Scheme](#)

Applications for vehicle crossovers

There is a general presumption to refuse applications for creating or extending a vehicle crossover where it will have a direct or indirect effect on a highway tree, other Council planting or grass verge.

Customer Advice:

A decision will be taken pending a response from the Council's Arboricultural Officer who will decide if the particular tree(s) warrant(s) retention or whether it can be established elsewhere.

If it is agreed by the Arboricultural Officer that a tree can be removed and/or a new tree established elsewhere, the cost of the tree/plant removal and the replacement(s), including initial maintenance, will be charged to the applicant as part of the crossover works.

Finding out more

If you would like further information about tree management services in Lambeth, please complete our [webform](#) or contact us using the details below.



020 7926 9000



**Trees team, Brockwell Hall, Brockwell Park, Brockwell Park
Gardens, SE24 9BJ**



www.lambeth.gov.uk