



Dead and dangerous trees



Declining Oak tree, wildlife habitat

The responsibility for trees rests with the owner(s) of the land on which they are growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people or property. This 'duty of care' falls under the Occupiers Liability Acts of 1957 and 1984.

What if my tree is protected?

If a tree is protected either by a tree preservation order or by virtue of growing within a conservation area, the duty of care still remains with the tree owner. In most situations there will be a requirement to obtain formal consent from the council to prune or remove a protected tree.

How often should I inspect my tree?

Trees are living and growing organisms and their condition can change over time. It would therefore be considered prudent for a tree owner to visually inspect their trees twice a year; in winter to look at the structure of the tree and summer to assess health and vigour. If they have concerns, it is advised that they contact an arboricultural specialist to provide advice and carry out a visual tree assessment.

What makes a tree dead or dangerous?

It is usually fairly obvious if a tree is dead, what makes a tree dangerous is much harder to ascertain. When you visually inspect your tree look out for fungal fruiting bodies, unnatural leans, swellings, cracks, cavities, weak forks, loose bark, damaged roots or crown dieback. These are possible indicators that all may not be well with the tree. If anything arouses your suspicions as to a tree's health and condition then further advice should be sought from a competent arborist (tree work contractor) or an arboricultural consultant. Roots lifting paving slabs or falling acorns and leaves in autumn may be overcome by reasonable household maintenance and do not necessarily make the tree[s] dangerous.

What happens if a protected tree is dead or dangerous?

One of the exemptions from the requirement to obtain formal consent to work on a protected tree, is where the work is required to deal with a dead, or dangerous tree, which may involve pruning or complete removal. Please be aware that the burden of proof rests with the tree owner to prove that the tree is dead or dangerous. If you are at all unsure, you are advised to contact a competent arborist or an arboricultural consultant. Unless the danger is imminent, for example the tree is about to fall across a road, you should give the council five days notice before undertaking any work. It would be prudent to take photographs beforehand as a



Declining Ash tree left as habitat for wildlife

record. There is also a duty to plant a replacement tree for each dead or dangerous tree removed although the council may dispense with this duty if a written request is made.

What if I think that my neighbour's tree is dead or dangerous?

The council has some limited discretionary powers under the Miscellaneous Provisions Act 1976 to require owners to deal with trees in private ownership that pose an imminent threat to people or property. If such a request is received, a site visit will be made to assess the health, condition and structural integrity of the tree in question. Where a landowner is required to make a dangerous tree safe, but fails to carry out the necessary work, the council may undertake the work itself and recover reasonable costs. Trees in private ownership that are merely causing a nuisance, for example by shading or dropping leaves, fall outside the scope of this act and remain a private issue. Contact details may be found at the back of this leaflet.



What if I think that a council owned tree is dead or dangerous?

If you feel that a council owned tree is dead, dying or dangerous call the customer service team in the first instance, details may be found at the back of this leaflet.

Will a council Tree officer come to visit the tree?

If the tree is protected then a Council Tree officer will come to inspect the tree upon receipt of a tree work application. A site visit is also usually made if a five day notice to deal with a dead or dangerous tree is received. The council does not undertake pre-application site visits, so if you feel that the tree falls under the dead or dangerous exemption and does not require a formal application, it would be prudent to seek advice from a competent arborist or an arboricultural consultant. If the tree is in a neighbouring property and you feel it is imminently dangerous the council may undertake a site visit to confirm whether there is any action that can be taken under the Miscellaneous Provisions Act 1976.

Will the Council take responsibility for my tree?

No, the tree always remains the responsibility of the landowner. However, in the case of protected trees, if damage occurs as a direct consequence of the refusal to grant an application there may be a case for compensation. This will depend on what damage has occurred and on the type of tree preservation order that was served.

What about wildlife protection?

A dead tree however may provide a habitat for wildlife and plants and these may even be protected under the Wildlife and Countryside Act 1981 (as amended). Trees with hollows or crevices, for example, provide important natural sites for many protected species. Anyone proposing to carry out works to trees containing protected plants and wildlife should first consult with the appropriate ecologist or specialist or Natural England.



'My Test Valley' allows residents to report issues such as missed bins, overgrown shrubs and hedges and fly-tips, quickly and easily.

You can attach useful information including photographs and videos, as well as pin point where the problem is on the interactive map. Once you click Submit, the report will be sent to Test Valley Borough Council to look into.

The app also includes links to useful information on the Council's website.

What issues can you report?

- Report a Missed Bin Collection
- Report a Missed Garden Waste Collection
- Report Fly Tipping
- Report an issue with a Hedge/ Shrub
- Report a Pothole to Hampshire County Council
- Report faulty Street Lights to Hampshire CC

Features

- Submit a report about a problem

- Receive information about your submitted report
- View your submitted reports
- Add notes to existing reports
- Access council news and events
- Set up/update your contact details

How do you submit a report?

- Select the category which best describes the problem
- Answer the questions and attach evidence such as a photograph or video
- Enter the location of the problem, either manually or by using your mobile device mapping software
- Submit the report to the Council

What happens next?

Your report will be sent to the Council to look into and you will receive an e-mail giving details of your service request number. Once your issue has been resolved, you will receive an email confirming the incident as closed.

Contact us

customerservices@testvalley.gov.uk



For additional advice on trees:

Tree Health Diagnostic and Advisory Service Forest Research, Alice Holt Lodge, Farnham, Surrey, GU10 4LH, England.
Tel. 01420 23000
e-mail: ddas.ah@forestry.gsi.gov.uk
www.forestry.gov.uk/fr/INFD-5UWEY6

Bats: General advice
Bat Conservation Trust 0345 1300 228

Natural England
Tel 0300 060 3900 or enquiries@naturalengland.org.uk
County Hall, Spetchley Road, Worcester, WR5 2NP

Useful contacts and references:

If you have any concerns regarding trees managed by Test Valley Borough Council - often land in public open spaces and parks - please contact Customer Services who will firstly confirm whether the land is indeed managed by the council.

Telephone 01264 368000 or 01794 527700 / Minicom 01264 368052

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ www.testvalley.gov.uk

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