



**MID SUSSEX**  
**DISTRICT COUNCIL**

## **Tree Management Policies**

**This document allows the Council's stakeholders to understand our direction whilst providing answers to common questions. It is also a practical working document designed to guide the Council's Officers to ensure appropriate management of the Council's tree stock.**

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# Introduction

Trees are essential to the environment and long-term sustainability of our planet. Mid Sussex is highly wooded when compared nationally and sub regionally; and is the tenth most wooded local authority area in the South East. Latest estimates suggest Mid Sussex District Council owns up to 50,000 trees some of which are individual specimens in parks and open spaces, and others of which are in the 70 hectares of Council-owned woodland. There are over 2,000 trees protected by TPOs in the District.

## Council Tree Maintenance

### Maintenance Regime

**The Council manages its trees so that they make a positive contribution to the local environment while reducing the risk of damage to property or persons. The Council regularly inspects its tree stock in line with most recent best practice and recommends works to ensure the continued health of the tree and/or ensure the safety of those who might be living, working or using facilities in the area surrounding the tree.**

Trees in parks and open spaces (including closed burial grounds) are managed to reflect the circumstances of the site and the type, age and condition of the tree. Ongoing maintenance includes the removal of dead wood, formative pruning, coppicing, removing low branches from pathways, works to woodland understory and the removal and replacement of trees when they come to the end of their safe and useful life.

**All newly planted Council owned trees are subject to a three-year maintenance programme to ensure they have the best chance of becoming established. This includes watering and formative pruning.**

The Council tries to keep newly planted trees watered for the first two to three years after planting, but some trees may be missed or some trees, because of local conditions, might need more water than others. If you see a tree suffering clear signs of drought then contact the Council with the exact location.

The Council encourages residents to occasionally water newly planted trees to give them the greatest chance of survival. Clean water should always be used.

### Tree Safety Inspections

**Trees in Council ownership are inspected for safety on a cycle no greater than four years according to the level of public use in the area immediately surrounding the tree and the health of the tree.**

Trees are inspected by a qualified arboriculturalist to check on their condition and to identify whether any works are necessary or not depending on defects noted or otherwise, the problem and the relative value of the tree.

The cycle of re-inspection is determined by the location (its proximity to people and/or property) and health of the tree but will be no more than four years.

## **Tree Felling**

**The Council regularly inspects its tree stock and recommends works to ensure the continued health of the tree and/or ensure the safety of those who might be living, working or using facilities in the area surrounding the tree. Tree removal is regrettable; any trees considered, during the course of inspections, to present an imminent danger to the safety of the public or property and requiring felling to alleviate the hazard will be removed.**

Tree removal is regrettable but under several circumstances may be necessary. The Council will endeavour not to remove trees unnecessarily and most trees that are felled are removed because the tree has become unsafe and there is no cost-effective solution to otherwise retain the tree. Other reasons for the removal of trees include where planning approval has been granted.

## **Tree Planting**

**The Council's aim is to maintain and increase the tree cover across the District. On occasion the replacement of trees in the same location cannot be carried out if that location is not appropriate for replanting.**

**Where possible the Council will seek to secure additional tree planting and appropriate aftercare through the planning process.**

It is estimated the Council owns approximately 50,000 trees and 29% of the District is wooded.

The Council wishes to maintain and increase the high level of tree cover across the District and when a decision is made to remove a Council owned tree a qualified arboriculturalist will determine whether it is appropriate to replant a tree in the same location or close by. Trees for replanting will be selected to complement and enhance the chosen location.

It is not always appropriate to replace trees in the same location- in some locations trees detract from the overall enjoyment of a site because they are too numerous, they are the wrong species or are in the wrong place.

Where a replacement tree is agreed to be suitable planting will take place during the first tree planting season following removal (November to March).

Once a tree is planted, the Council encourages residents to occasionally water the newly planted tree to give them the greatest chance of survival. Clean water should always be used.

## **Tree Pruning**

**The Council regularly inspects its tree stock and recommends works to ensure the continued health of the tree and/or ensure the safety of those who might be living, working or using facilities in the area surrounding the tree. Any trees considered, during the course of inspections, to require remedial pruning will be dealt with.**

Trees are pruned for a variety of reasons including the removal of damaged or poorly formed branches, to reduce the likelihood of failure.

Where it benefits tree health and public safety, some trees are also maintained on a cyclical programme where regular re-pollarding takes place.

## **Tree Stumps and Chippings**

**When a tree is felled it might not always be possible to remove the stump at the same time; or if replanting is planned a tree stump can serve as a temporary location marker. Sometimes the stump may be left in perpetuity.**

**Where a tree is felled, or maintenance works undertaken the Council would seek, as far as possible, to use the chippings locally.**

Stumps are usually left around half a metre tall and the tops have rough edges removed.

Stumps or monoliths/ standing deadwood are sometimes left (depending on location) as they provide good habitats and promote biodiversity.

Chippings of felled trees or trees which have undergone maintenance can be used for mulch, spread on woodland pathways or on the woodland floor to decay naturally and increase soil biodiversity.

## Trees and the Law

### Common Law Rights

The Council have no legal obligation to remove branches back to the point at which they cross boundaries. Property owners have a Common Law Right to remove (abate) a nuisance associated with trees encroaching onto their property. The following advice is given should you wish to exercise your Common Law Right with respect to encroaching trees.

1. 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 cut or remove any part of a tree that does not overhang your property.
2. The Council advises you to contact the owner of the tree to discuss your intention to prune branches.
3. Where branches are likely to cause an imminent risk of structural damage they may be treated in the same way as branches causing actual physical damage. Similarly, where pruning may cause an unacceptable risk to tree health or form a more beneficial solution will be sought.
4. You are strongly advised to consult a suitably qualified arboriculture professional for guidance on how best to prune back encroaching trees. Companies are listed online: [www.trees.org.uk/ARB-Approved-Contractor-Directory](http://www.trees.org.uk/ARB-Approved-Contractor-Directory)
5. All works should be undertaken in line with British Standard 3998 'Recommendations for Tree Work'.
6. Before undertaking any works, you should find out if the tree(s) are protected by a Tree Preservation Order or are within a Conservation Area. If the tree(s) are protected, you will need to submit a formal application to the Council.
7. If the encroachment relates to a tree owned by Mid Sussex District Council or West Sussex County Council any cuttings should be disposed of appropriately and not returned to the relevant Council.

### High Hedge

**Local authorities have powers under section 8 of the Anti-Social Behaviour Act 2003 to become involved in disputes between neighbours relating to high hedges.**

**The Council will maintain its own hedges with reference to the High Hedges Act.**

Guidance notes on making a complaint about a high hedge can be found on the Council's website (<https://www.midsussex.gov.uk/media/3279/high-hedges-complaint-form-guidance-notes.pdf>)

The high hedges complaint form can be found on the Council's website (<https://www.midsussex.gov.uk/media/3278/high-hedges-complaint-form.pdf>)

### **Miscellaneous Provisions Act**

**If a tree in private ownership is shown to be an imminent danger to non-highway land the landowner will be contacted and instructed to make the tree safe under the Local Government Miscellaneous Provisions Act 1976. If it is necessary, the Council undertake may this work and charge the owner in full for the Council's costs.**

All reasonable attempts should be made to contact the owner of the tree. Land searches can be undertaken at: <https://onlinelandregistry.org.uk/>

The powers given in the Local Government Miscellaneous Provisions Act to require a private individual or for the Council to make safe a private tree are discretionary and will only be used if there is an evidenced and imminent threat to public safety.

The Council can intervene under the Local Government Miscellaneous Provisions Act if an owner of such trees fails to act within a reasonable timescale and will seek to recover all costs from the landowner or where a landowner cannot be traced the person who notified the Council of the dangerous tree may be liable for the Council's reasonable costs.

In this instance a person who wishes to notify the Council of a dangerous tree where there is an imminent threat to public safety is expected to make the formal notification in writing.

### **Tree Protection- Preservation Orders and Conservation Areas**

**Works to trees protected by a Tree Preservation Order (TPO) must be applied for in a formal manner by submitting an application. Works cannot be undertaken until consent has been given by the Council.**

**Anyone proposing to undertake work to a tree located in a Conservation Area (which is not protected by a TPO) is required to give six weeks' notice to the Council before beginning works.**

**The Council and its partners will be required to submit formal applications for trees covered by TPOs or those within a Conservation Area.**

Check if a tree is protected by a TPO online at: <https://www.midsussex.gov.uk/planning-building/trees-and-hedgerows/tree-preservation-order-tpo-map/>

It is an offence for anyone to contravene the provisions of a TPO.

Details of Conservation Areas within the Mid Sussex District are online at: <https://www.midsussex.gov.uk/media/3710/conservation-areas-in-mid-sussex.pdf>

It is an offence not to notify the Council of works planned to trees located in a Conservation Area.

### **Wildlife and Countryside Act and Conservation of Habitat and Species Regulations**

**Many birds and animals associated with trees are protected under the Wildlife and Countryside Act 1981 or the Conservation of Habitat and Species Regulations 2017 whilst they are nesting or roosting. Trees should be thoroughly checked prior to works being carried out.**

The Council will not knowingly start work on a tree where birds or animals are nesting or roosting unless the works are considered vital to the on-going health of the tree or to public safety.

It is the responsibility of the Police to enforce the Wildlife and Countryside Act 1981.

### **Theft of Timber and/or Wood**

**The Council will investigate reports of theft of Council owned timber and/or wood and prosecute where possible.**

The Council encourage local communities to report incidents of vandalism or illegal felling of Council trees and prosecution will be considered where witnesses come forward.

No-one can remove wood (or other parts of a tree) from parks or other public open spaces without consent. The Council will either remove cut timber from site or leave it in place as a wildlife habitat. In some cases, burning is permitted (with written permission from the Council).

Unauthorised persons are not allowed to use a chainsaw or other tools and equipment in parks or public open spaces.

If you see someone removing wood without consent or using a chainsaw or other tools and equipment (without a relevant sign-written vehicle and/or without clothing that clearly identifies who they are) please inform the Council or the local Police on their non-emergency number 101.

# **Dead, Dying, Diseased and Dangerous Trees**

## **Dead and Dying Trees**

**Trees have a limited lifespan and it is important that dead, decaying and structurally unstable trees are removed.**

Trees in parks and open spaces (including closed burial grounds) are managed to reflect the circumstances of the site and the type, age and condition of the tree. Ongoing maintenance includes the removal of dead wood, formative pruning, removing low branches from pathways and the removal and replacement of trees when they come to the end of their safe and useful life.

Trees tend to decline at the end of their lives and the Council care for dying specimens as far as is practicable. However, works can only delay, rather than prevent the inevitable removal of the tree once it is dead.

Dying trees can often appear perfectly healthy but an inspection by a qualified Arboriculturalist can reveal problems that are not obvious to the untrained eye.

## **Diseased Trees**

Trees and hedges may be affected by a range of diseases. To read more about these please visit the Forestry Commission website (<https://www.gov.uk/government/organisations/forestry-commission>)



**Ash Dieback Policy: The Council is actively surveying its tree stock for signs of Ash dieback (*Hymenoscyphus fraxinus*). Works to trees displaying symptoms of ash dieback will be undertaken to preserve the health of the tree and those of other trees in the vicinity and with regard to public safety.**

Ash dieback is a fungal pathogen which causes Ash trees to 'die back' by blocking the tree's water transport system. It usually leads to the death of the tree; although some have been noted to have substantial resistance. There is no cure and very few trees are showing signs of long-term resistance.

The fungus is spread when the fruiting bodies release spores. The spores can travel for many miles and infect trees some distance away from the host tree.

Up to 75% of the UK's ash population may be lost as a result of the disease.

Dealing with infected trees is problematic. Ash trees are found in many areas where public safety is a priority and preventing the spread of the disease is also important. Works will therefore be recommended to preserve the health of a tree, or the trees around it, and maintain public safety.

To avoid the spread of disease, infected tree chippings, branches or leaves may not be disposed of using the Council's rubbish and recycling collection services. Please contact us for up to date advice on disposal.

**Oak Processionary Moth Policy: The Council is actively surveying its tree stock for Oak Processionary Moth (OPM). Works to trees with OPM will be undertaken to preserve the health of the tree and those of other trees in the vicinity and with regard to public safety.**

OPM is a defoliating pest found in many species of oak trees. It gets its common name from its caterpillars that form lines (processions) in trees. These caterpillars have irritating hairs that carry a toxin which can cause irritation to humans and animals.

**You must not attempt to handle the OPM caterpillars yourself or disturb their nests.**

**If you observe OPM in the Mid Sussex District, please advise the Council as soon as practically possible.**

All action taken on trees with OPM on Council-owned land will be in line with the most up to date advice from the Forestry Commission (<https://www.gov.uk/government/organisations/forestry-commission>).

To avoid the spread of disease, infected tree chippings, branches or leaves may not be disposed of using the Council's rubbish and recycling collection services. Please contact us for up to date advice on disposal.

### **Dangerous Trees- Immediate Danger**

**If a Council owned tree is in such a condition that it poses a very high risk to people or property and is an emergency situation, urgent action will be taken to make the tree safe.**

If an emergency arises, urgent action will be taken to make the situation safe. An emergency is defined as a tree that is in immediate danger of collapse or causing an obstruction requiring urgent attention.

Once a tree has been identified for works in an emergency the decision will not be reversed.

If a tree's condition could be described as any of the following, it may warrant urgent attention:

- Snapped or blown over
- Rocking at its base (an indicator of damaged roots)
- Uprooted but held up by another tree or building
- Large branch has broken off and is hanging or hung up within the tree
- Completely blocking road, footpath or access to property
- Fallen into property

Signs that a tree is a risk to people or property, but does not require emergency response include a tree which is:

- Dead
- Dying- few leaves in summer or dieback in the crown
- Losing bark
- Affected by mushrooms or other fungi growing on or near the tree
- Affected by old splits and cracks in the trunk or branches
- Losing smaller branches which are falling from the tree.

Trees can be made safe by pruning or felling and the Council employs the approach that is the most cost effective. But, for trees of particularly high value, the Council would consider reducing the risk to an acceptable level to reduce the likelihood of:

- The tree or tree parts falling
- Persons being close to the tree if it did fall.

### **Dangerous Trees- Requiring Action**

**If a Council owned tree is identified as dangerous, but the risk to people or property is not high, then the tree will be made safe depending on the degree of risk identified at the time of the inspection.**

If it is not an emergency those reporting the matter will be notified of the recommended actions within 10 working days.

Once a dangerous tree has been identified for works the decision will not be reversed.

## **Concerns Relating to Trees**

### **Bird Droppings**

**The Council would not prune or fell a Council owned tree to remove or reduce bird droppings or remove or reduce bird droppings onto private land.**

Nesting birds are protected under the Wildlife and Countryside Act 1981 and the Council will not interfere with the habitat of nesting birds to prevent bird droppings.

If the tree is privately owned the owner should be contacted to discuss the matter.

Suggestions for abating the problem are:

- Placing false birds of prey near the tree
- Using wind chimes to deter birds.

## **Blossom**

**The Council would not prune or fell a Council owned tree to remove or reduce blossom from trees or remove fallen blossom from private land.**

Tree blossom is a natural occurrence, which cannot be avoided by pruning at the start of Spring.

Roads, streets and the highway are swept of excessive blossom as necessary. Similarly, paths through parks and open spaces will be swept of blossom as part of the normal sweeping cycles.

If the tree is privately owned the owner should be contacted to discuss the matter.

## **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.**

**Pruning of trees obstructing CCTV cameras will only be considered where it will not cause significant harm to tree health and amenity and where specific funding for the work is provided. Where new cameras are to be sited that could affect Council owned trees, it is essential that those responsible involve the Council as early as possible in the schemes design.**

Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem may require the coordination of several different organisations.

Pruning or felling a tree is not always the answer to this type of problem. Tree work will only be undertaken if clear evidence exists of a problem, and that some form of tree management would provide a tangible improvement. It is imperative that any such action is carried out as part of a wider partnership approach.

## **Drains**

**The Council would not usually prune, fell or cut the roots of Council owned trees to prevent roots from entering a drain.**

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 in drains are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of any drain you are advised to contact your water or sewerage company.

## **Fruit, Berries and Nuts**

**The Council would not prune or fell a Council owned tree to remove or reduce the nuisance of fruit, berries or nuts, or remove fallen fruit, berries or nuts from private land.**

**The Council will not remove trees bearing poisonous fruit or foliage. However, where it is claimed or known that unsupervised young children or livestock are likely to be exposed to poisonous berries or foliage, such cases will be investigated, and appropriate action considered.**

Fruit trees are a good source of free food and are also good for wildlife.

There are some locations where fruit trees are less desirable (for example, where soft fruit would make the pavement slippery). When considering what trees to plant the Council takes into account the likelihood of such problems.

Where fruit trees are established but there is a significant anti-social behaviour problem we may consider phased removal and replacement on a case by case basis.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees see [Common Law Right](#).

When considering which species of tree to plant; the Council will ensure trees are suitable to the location.

### **Ivy and Climbing Plants**

**The Council will not prune or remove ivy or any other species of climbing plant from a tree to abate a nuisance (e.g. bird nesting, pollen, fruit or for the purposes of light). The control of plants climbing on or over trees is not a routine aspect of crown maintenance.**

Whilst the control of plants climbing on or over trees is not a routine aspect of crown maintenance there may be cause to remove or cut back in the following potential circumstances:

- The plant is hindering the visual inspection of a tree that could be posing a risk to people or property because of suspected presence of weakened tree structures in areas of high footfall.
- The plant is growing high into the crown of the tree, so as to increase its resistance to wind.
- The plant is significantly weighing down a branch or a leaning tree.
- The tree is otherwise likely to be smothered especially if it is old and therefore unlikely to outgrow the climbing plant.
- There is potential for dead stems of the plant to become a hazard.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

### **Leaves**

**The Council will not prune or fell a Council owned tree to remove or reduce leaf fall or remove fallen leaves from private property.**

The loss of leaves from trees in autumn is part of the natural cycle and cannot be avoided by pruning.

The Council provides a subscription-based garden waste collection service for the correct disposal of leaves. Alternatively, leaves can be stored in gardens to create mulch.

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, the occupant may wish to consider gutter guards to provide a low maintenance solution.

Additional street cleansing teams are provided in the autumn period to clear fallen leaves from the public highway. Roads and pavements are swept of excessive leaves as necessary to avoid them becoming unsafe for passage by pedestrians and vehicles.

In parks and open spaces paths or areas of hard standing are regularly cleared of fallen leaves as part of normal cleaning cycles but leaves on grass/ shrub beds are generally left until the majority of leaves have fallen before they are removed.

Leaves are generally sent for composting once collected from Council owned land.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

### **Light**

**The Council will not prune or fell a Council owned tree to improve natural light to a property.**

**The Council will not prune or fell a Council owned tree to allow light for new or existing solar panels.**

There is no general right to light. Any right to light would need to be established under the Prescription Act 1832, provided the light has been uninterrupted for at least 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 natural light is blocked by a high hedge then action may be taken to reduce the problem under the High Hedges Act, Part 8 of the Anti-social Behaviour Act, 2003. See [High Hedges](#).

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

### **Memorial Trees**

**The Council are focused on planting the right trees in the right places and cannot accommodate requests to plant memorial trees.**

Locations preferred by those wishing to plant and dedicate trees are not always suitable. This has historically led to the Council refusing to plant some trees but not others. This is inconsistent and gives an impression of unfairness.

Newly planted trees bring on-going maintenance implications for the Council and there is no guarantee the tree will survive into maturity.

When memorial trees require maintenance or removal getting in touch with friends and family can prove difficult- email addresses and telephone numbers change, and people move so the Council cannot always make contact. This can cause additional distress when friends and family subsequently visit the tree.

### **Nuisance to Third Parties- Private Trees**

**The Council will not, as a matter of course, intervene in a dispute about trees between neighbours.**

It is expected that private parties will take care of their own responsibilities and the Council should not be considered as the first point of contact in attempting to resolve concerns about the danger posed by trees in private ownership.

Please contact your neighbour first to resolve the issue.

Residents benefit from approaching a mediation service if the issue cannot be amicably resolved between neighbours.

Residents should take all reasonable steps to resolve the matter, without proceeding by way of complaint to the Council, and the resident should put their concerns in writing to the tree owner.

### **Personal circumstances**

**The Council would not usually prune or fell a Council owned tree where a request has been made to do so on the grounds of a medical condition or other personal circumstances.**

The Council may consider requests (on a case by case basis) on advice from a qualified medical practitioner.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees see [Common Law Right](#).

### **Pollen**

**The Council will not fell a Council owned tree to remove or reduce the release of pollen.**

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

### **Road Access and Sight Lines**

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

**The shoots that grow from the base of some trees in Council ownership are not held in priority work and may be done when time allows unless they are significantly obstructing pathways. Otherwise the removal of epicormic shoots is done when it is necessary to inspect the base of a tree.**

Standards for visibility vary according to the class of road and speed limit in force.

If a privately-owned tree or hedge 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. West Sussex County Council, as the Highways Authority, can be contacted about private trees causing an obstruction to the highway.

If a privately-owned tree is causing an obstruction to the access of a street, road or highway powers exist under the Highways Act to make the owner of the tree remove the obstruction. West Sussex County Council, as the Highways Authority, can be contacted about private trees causing an obstruction to the highway.

The Council requires unimpeded access for the provision of statutory rubbish and recycling collection services.

### **Roots**

**The Council will not prune, fell or cut the roots of a Council owned tree to prevent roots from damaging a property that is already broken or damaged. If the tree is privately owned and protected with a Tree Preservation Order or is within a Conservation Area,**

**an application should be submitted for any work and will be considered in the normal manner. All applications are considered on their own merits.**

Tree roots typically enter areas of property that are already broken or damaged. Trees themselves rarely break or damage property in the first place. Tree roots found near properties are usually symptomatic of an underlying problem requiring repair of previously damaged property. If you are concerned about the condition of your property, please contact your insurers.

### **Sap**

**The Council will not prune or fell a Council owned tree to reduce honeydew or other sticky residue from trees. The Council also do not see this as sufficient justification for works applied for within a TPO application.**

Honeydew is caused by greenfly (aphids) feeding on the tree, which would excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black.

There is little that can be done to remove the aphid which causes this issue and pruning the tree may only offer temporary relief and any re-growth is often more likely to be colonised by greenfly.

### **Service Providers**

**Service providers, such as Network Rail, UK Power Networks and British Gas, are exempt from the need to make formal applications for tree works even if the tree is under statutory protection.**

The service provider should follow best practice guidelines. If you are concerned about the practices involved, please contact the relevant service provider.

### **Street Light Obstruction**

**The Council will undertake work to a tree in Council ownership to ensure that trees do not unduly obstruct a streetlight.**

If a privately-owned tree is causing an obstruction to a street light, powers exist under the Highways Act to make the owner remove the obstruction. West Sussex County Council, as the Highways Authority, can be contacted about private trees causing an obstruction to the highway.

When new trees are being planted, their position is considered to avoid the obstruction of street lighting.

### **Telephone Wires and Utility Cables (Overhead Lines)**

**The Council may undertake work to a Council owned tree if the tree is causing significant damage to overhead powerlines, poles or other utility equipment.**

It may be that the telephone provider is able to suggest an alternative solution to the problem. Sometimes it is possible to redirect your telephone line to alleviate the issue.

The local utility provider undertakes clearance works on their overhead lines on a cyclical basis and should be contacted by the customer in the first instance.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

### **Traffic signal/ street sign obstruction**

**The Council will undertake work to a tree in Council ownership to maintain clear lines of sight for traffic signals and street signs (associated with a street, road or highway).**

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. West Sussex County Council, as the Highways Authority, can be contacted about private trees causing an obstruction to the highway.

### **Tree- Related Subsidence Damage to Properties**

**The Council has in place active tree management systems to avoid damage being caused to buildings and other structures as a result of the action of Council owned trees. The Council rigorously defends claims of tree-related subsidence damage and requires that the claimant and/ or their representatives supplies enough evidence to establish that the vegetation is responsible.**

All concerns about tree-related subsidence damage involving a Council owned tree will be acknowledged within 10 working days. In our response, the Council will advise the property owner to contact their home insurer. In addition, we will advise you that the burden of proof lies with the claimant and should you wish to make a formal claim for damages or to formally notify us of your concerns about future damage you will have to provide supporting evidence.

All claims or notice of claims against the Council relating to a Council owned tree will be acknowledged within 10 working days. In our response, we will tell you what evidence we require so that we may assess your claim.

If you believe that your property is suffering from subsidence damage due to the action of a Council owned tree (or that you are concerned about potential damage) then you should first contact your property insurer. You should discuss your concerns with your insurer and agree and appropriate course of action.

Should you, or those acting on your behalf, wish to make a claim for damages, or make formal representation of your concern about future damage, alleging that a Council owned tree is causing (or may cause) subsidence damage to your property then you should contact the Council. Mid Sussex District Council will manage your claim/ notice in accordance with the 'Joint Mitigation Protocol'. The Protocol details the management of alleged subsidence claims where trees are implicated as being the cause of building movement. The Protocol seeks to establish best practice in the processing and investigation of tree- induced building damage including agreed standards of evidence and working timescale. In response to your claim/ notice the Council will write to you (or your representative) and detail the level of evidence required to process your claim.

### **Tree and TV/ Satellite Reception**

**The Council will not prune or fell a Council owned tree to prevent interference with TV or satellite, telephone or broadband reception as there is no legal right to TV, satellite, telephone or broadband reception.**

It may be that the service provider will be able to suggest an alternative solution to the problem, for example relocating an aerial/ dish or a means to boost the signal.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).



### **Tree Size**

**The Council will not prune or fell a Council owned tree merely because it is considered to be 'too big' or 'too tall'.**

A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be shown for the Council to consider it to be dangerous.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

**The Council will inspect trees in Council ownership where branches are causing damage by touching a building.**

The Council will inspect the tree within 10 working days and the customer notified what action is considered appropriate.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

**The Council will seek help to prolong the life of Council owned Ancient, Veteran and High Amenity Value trees through inspection, protection and as a last resort, remedial works.**

Where Ancient, Veteran or High Amenity Value Specimen trees are in private ownership, the Council will offer advice to landowners who are the guardians of these trees.

Management of Ancient, Veteran or High Amenity Value trees is sometimes needed to ensure that the threats identified do not cause the loss of the tree.

### **Trip Hazard**

**The Council will undertake measures to make safe an unacceptable trip hazard in the street, road or highway caused by the growth of a Council owned tree.**

There are several ways the Council can repair a hard surface damaged by tree roots. Removal of the tree is usually considered the last resort.

### **Vandalism**

**The Council will review any reports of vandalism to a Council owned tree and correct any damage where possible.**

The Council will inspect the tree within 10 working days and the customer notified what action is considered appropriate.

### **Views**

**The Council will not prune or fell a Council owned tree to improve the view from a property.**

There is no legal right to a view.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

### **Wild Animal/ Insect Pest**

**The Council will not prune or fell a Council owned tree to remove or reduce incidence of perceived pests such as bees, wasps or wild animals.**

Disposal of individual pests may not control or eliminate the pest itself. It is important to note that some perceived 'pests' are vital. Bees, for example, are important to biodiversity and the ability to produce food.

If you wish to exercise your Common Law Right to remove (abate) the nuisance associated with encroaching trees, see [Common Law Right](#).

## Contact Information

### **Reporting a Problem**

#### **Reporting a dangerous public tree**

If you would like to report a problem with a Mid Sussex District Council owned tree or have a general enquiry then please contact us on 01444 458166 or email [parksopenspaces@midsussex.gov.uk](mailto:parksopenspaces@midsussex.gov.uk)

#### **Reporting an obstruction to the highway**

If you would like to report a problem with a Mid Sussex District Council owned tree or have a general enquiry then please contact us on 01444 458166 or email [parksopenspaces@midsussex.gov.uk](mailto:parksopenspaces@midsussex.gov.uk)

Trees located on the public highway are maintained by West Sussex County Council. If you would like to report a problem with a tree located on the highway then please contact West Sussex Council (<https://www.westsussex.gov.uk/contact-us/>) or report via the Love West Sussex smartphone app.

#### **Reporting a dangerous private tree**

If the tree is privately-owned, then please contact the owner of the tree as this is considered a private matter.

Land searches can be undertaken at: <https://onlinelandregistry.org.uk/>

For advice about your own trees please contact a suitably qualified arboriculture professional. Companies are listed online at: [www.trees.org.uk/ARB-Approved-Contractor-Directory](http://www.trees.org.uk/ARB-Approved-Contractor-Directory)

### **General Tree Enquiries**

#### **Council Tree Maintenance**

For information about when Council owned trees are next due to be inspected or works undertaken please contact us on 01444 458166 or email [parksopenspaces@midsussex.gov.uk](mailto:parksopenspaces@midsussex.gov.uk)

### **Trees with Protection and in Conservation Areas**

#### **Tree works application**

If you would like general advice on the application process or to inform us about works you would like to undertake please contact us on 01444 458166 or email [treenquiries@midsussex.gov.uk](mailto:treenquiries@midsussex.gov.uk)

### **Tree Protection Status**

To check the protection status of a tree or if it is located in a Conservation Area please visit <https://www.midsussex.gov.uk/planning-building/trees-and-hedgerows/tree-preservation-order-tpo-map/>

### **Response Times to Public Enquiries**

The Council will endeavour to respond to all public enquiries within 10 working days unless otherwise stated.