



# Arboriculture Service

**This leaflet provides information relating to trees within the urban environment and sets out standards for the Arboricultural service**

## Basildon Borough Council

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## **Introduction**

The treescape of Basildon, Billericay and Wickford is an important asset to the borough. Trees provide visual amenity and create a landscape feature to the urban environment. They help filter pollutants, provide shade, and help the borough's economy by making it a more pleasant place to work, live and play. In fact, trees have a major role to play in the quality of life for all local people.

At Basildon Council the Arboricultural Service seeks to maintain the vitality of the trees for everybody who lives, works and visits Basildon borough. We are aware that sometimes trees need attention to avoid conflict with people's health and safety or damage to their property. However, Basildon would be a poorer place without trees.

## **Service Standards**

The Arboricultural Service will inspect all trees reported to them, once inspected, the enquirer will be notified of the outcome either in person, email or telephone. The Council will not undertake works to trees if, in their opinion, they feel these works are not warranted. When the service is at full capacity a tree inspection may take up to 6 weeks to undertake and up to a further 12 weeks for any works which are recommended.

## **Dealing with emergency issues**

Examples of emergencies are trees or large branches that have fallen on the highway or property. Also branches that are snapped out and hanging within the tree and if they fall will cause a hazard. If the tree is causing an obstruction or is a danger to public safety, please tick the box "Are they hazardous" when using the council's reporting tool.

During periods of high winds the service monitors the council's reporting tool. It is possible to upload a photograph with the report, this can assist when the work is allocated. High priority is given to issues such as trees that have fallen and are blocking roads, the aim is to make safe within 24 hours or less, if the tree has fallen on a green space that is not effecting access to homes or pavement this would be cleared within three weeks.

## **Specific Tree Related Issues**

### **Trees covering street lights**

The service will clear street lights affected by trees.

### **Low hanging branches over carriageways and footways**

The service will endeavour to keep footways and highways clear in accordance with the Highways Act (1980).



### **Trees causing shading/obstruction**

Under current legislation there is no 'right to light'. This means that it is unlikely that trees will be pruned for reasons just involving the obstruction of light to a property or obstructing the receipt of television signal. However, every inspection is based on the merits of the individual case and a decision to prune for light or signal may be necessary.

### **Seasonal nuisance – leaf fall, seed drop, fruit drop, honeydew deposits or bird and animal droppings**

The Council does not accept responsibility for injury or damage to property caused by these natural occurrences.

### **High Hedges Legislation**

If a resident has an enquiry involving an evergreen hedge, then the service will provide advice and information on their rights under the Anti-Social Behaviour Act 2003.

### **Overhang to boundary**

Due to the proximity of some trees to properties there may be times when the tree overhangs a boundary fence or building. Under common law a householder may cut back to the boundary of their property, but not beyond. This law relates to those trees which are not subject to a Tree Preservation Order (TPO). Anyone wanting to remove the overhang from their property should check with Planning Services as to whether the tree is subject of a TPO. Under this common law the householder should offer the cuttings back to the owner, If the owner does not want them, they should dispose of the cuttings themselves. **It is not acceptable to throw the cuttings over the boundary on to the owner's land.** This is classed as fly tipping which carries a fixed penalty notice.

### **Tree Preservation Orders (TPO)**

A TPO is a legal document issued and administered by the Planning Services which protects individual and groups of trees. Any tree of any size, age or species can be covered by an Order which may be located on either private or public land. Anyone wishing to undertake works to a tree is required to check with the Planning Services to see whether a tree/s are covered by a TPO. If the tree/s are preserved then written consent is required before any works can be under taken. The Arboricultural Service will provide advice on preserved trees. This can take up to 8 weeks to determine an application once registered.

### **Trees within a Conservation Area**

There are four Conservation Areas in the Borough which were established to protect specific Characteristics in those locations. Anyone wishing to undertake tree works to trees within a Conservation Area are required to contact the Planning Service at the Basildon Centre. This can take up to 6 weeks to determine once registered. It is an offence to carry out works to trees within a Conservation Area without giving prior notification to the Planning Service.

**Advice about trees on private land.**

The Arboricultural Service does offer advice to the private landowners for trees, once an enquiry is received. However this does not infer that the Council has any financial liability interest in these trees.

**Highway Trees**

Essex County Council own and are responsible for all highway trees, which are the trees that line the public highways and footways of the Borough. In addition, trees in education facilities are the responsibility of the school or college, which are generally managed by Essex County Council.

Once a problem with a tree on a footpath, road or verge is reported, Basildon Borough Council will prune trees to ensure that essential fixtures and services situated within the public highway are fit for purpose and to eliminate any unreasonable obstruction. It should be noted that this work is completed under instruction from Essex County Council and the responsibility for damage or injury caused by such trees is the responsibility of Essex County Council as owners of the land.

**Structural damage to property.**

A standard buildings insurance policy will provide cover for damage to an insured property and its perimeter walls (but not fences) by falling tree's and branches. Cover is also provided for subsidence and heave, should the insured property sustain damage caused by the roots of nearby trees.

If you have concerns about tree related subsidence to your property, where the tree is council owned, you are advised to initially contact your insurer provider for advice as they will provide more immediate cover for any damage or to contact the Insurance Team direct if you wish to make a formal claim for damage against the council, by e-mailing [insurance@basildon.gov.uk](mailto:insurance@basildon.gov.uk).

When damage occurs to a property and a tree is nearby, it is often perceived that the tree is the cause, however this is not always the case. Should the Arboricultural Service become involved they will provide an opinion based on the evidence available, although this process may take some time to reach a conclusion because of the potential complexity of the issues involved, particularly if subject to an insurance claim.

Click here to raise a report [Reporting Tree Issues \(basildon.gov.uk\)](https://basildon.gov.uk)

If you require this document in a different format (e.g. different language, Braille, large font etc.), please contact the Council on 01268 533333