



Tree Advice Guide

Common complaints and enquiries regarding council owned trees

-	Birds or insects causing nuisance	2
-	Tree sap, falling leaves, seeds or fruit	3
-	Trees blocking light	4
-	Trees considered too large	5
-	Trees blocking TV reception or solar panels	6
-	Trees interfering with phone/electrical lines	7
-	Overhanging branches	8
-	Trees perceived to be causing medical issues	9
-	Dead, dying or diseased trees	10
-	Trees considered dangerous	11
-	Damage to property	12
-	Trees interfering with roads and footpaths	13

Birds or insects causing a nuisance

We will not prune or fell a council tree to remove or reduce bird droppings from trees, or remove bird droppings from private or public land.

Customer Advice:

1. Bird droppings and insects may be a nuisance, but the problem is not legally considered a sufficient reason to prune or remove a tree. Warm soapy water will usually be sufficient to remove the bird droppings.
2. Nesting birds are protected under the Wildlife and Countryside Act (and other related wildlife law).
3. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Overhanging Branches.

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on Oxford City Council's tree policy.

Tree sap (honeydew), falling leaves, blossom, seeds or fruit

We will not prune or fell a council owned tree to remove or reduce the nuisance of tree sap (honeydew), falling leaves or seeds or fruits, or remove such fallen items from private land.

Customer Advice:

1. Honeydew (often described as tree sap) is caused by aphid infestations on some species of tree and can be an issue in respect of vehicles, glazing and paved surfaces. Honey dew is sugary water which the aphids extract from the tree. Its effects may be avoided by keeping soft ground directly underneath the crown spread of the tree. Where honey dew does fall onto smooth or high quality hard surfaces and vehicle parking areas, it can be easily removed with warm soapy water.

Trees such as Lime and Sycamore are susceptible to aphid infestations, however these species of tree provide a positive benefit to the environment, as the sticky leaves collect and trap dust and harmful particles and so help to reduce airborne pollution. Aphids are also an important source of food for birds and other wildlife.

2. Aphids and the resulting honeydew are not something that Oxford City Council can control. They are a nuisance, but not something that we are legally required to prune or fell a tree for.
3. Falling leaves, blossom, seeds or fruit are not the responsibility of Oxford City Council once they have fallen from the tree and are therefore not a sufficient reason to prune or fell a tree.

Roads and streets are swept of excessive leaves, blossom and fruit as necessary. If you would like to report a road, street or highway that needs to be cleaned then please contact the customer services centre on – 01865 249811

4. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Overhanging Branches.

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on Oxford City Council's tree policy.

Trees blocking light

We will not prune or fell a council owned tree to improve natural light in a property or garden.

Customer Advice:

1. There is no such thing as a right to light concerning trees. The only right to light may be earned under the Prescriptions Act 1832, by which a person must have enjoyed light to a window in the dwelling for 20 years before the obstruction appeared. Redress must then have been sought in court within 12 months of the light being blocked or the right will be forfeited. If successful then an easement may be granted (that is, the granting of a right over a piece of land as a legal privilege) allowing the free, unimpeded, access to light.

The Prescriptions Act 1832, only normally applies to buildings and or structures that are built which block light directly.

2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see [Overhanging Branches](#).

Our response to this tree-related enquiry:

- [This enquiry will not require a site inspection.](#)

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Trees considered too large

We will not prune or fell a council owned tree because it is considered to be 'too big' or 'too tall'.

Customer Advice:

1. A tree is not dangerous just because it may be considered too big for its surroundings. Trees are self-optimising organisms that grow and develop in tune with their environment, they can react to stress and strains by adding new layers of fibres down to areas needing it. This is not to say that trees are completely resistant to damage or failure.

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection.
- However, if the tree is potentially dangerous as explained in 'Trees considered dangerous' please select the tree as dangerous and fill out the relevant details or call the customer services centre on – 01865 249811

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Trees blocking TV reception or solar panels

We will not prune or fell a council owned tree to prevent interference with TV / satellite installation / reception or solar panels.

Customer Advice

1. It maybe that your satellite, TV or solar panel provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish/panels or means to boost the signal/light ingress.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Overhanging Branches.

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Trees interfering with phone/electrical lines

We will not prune or fell a council owned tree to remove or reduce interference with telephone or electrical wires.

Customer Advice

1. It maybe that your telephone service provider may be able to suggest an alternative solution to the problem.
2. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Overhanging Branches.

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Overhanging branches

We will not prune or fell a tree in council ownership to alleviate the nuisance of overhanging branches.

Customer Advice

1. Common Law Right - You have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto your property. The following advice is given if you wish to exercise your Common Law right with respect to encroaching trees:
 - a) 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 access, cut or remove any part of a tree that does not overhang your property;
 - b) You are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are trivial meaning you could do the works with hand secateurs or similar;
 - c) You are strongly advised to tell the owner of the trees what you plan to do. You can find out if the trees are owned by the council by contacting the parks department tree team at trees@oxford.gov.uk.
 - d) You are strongly advised to find out if the trees you wish to prune are covered by a tree preservation order or are within a conservation order. If they are you will need to seek permission from the tree officer in the planning department. You can find this information by following the link below – www.oxford.gov.uk/tpo

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Trees perceived to be causing medical issues

It is not Oxford City Council policy to prune or fell a council owned tree where a request has been made to do so because a tree is perceived to be causing or exacerbating a personal medical condition.

Customer Advice

1. If you wish to exercise your Common Law right to remove (abate) the nuisance associated with encroaching trees - see Overhanging Branches.

Our response to this tree-related enquiry:

- This enquiry will not require a site inspection. But will require supporting evidence from a medical professional.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Dead, dying or diseased trees

Oxford City Council will prune or fell a council owned tree if it is identified as dead, dying or diseased by a member of council staff with an arboricultural qualification.

Any decisions to take action will be based on the risk to the public, the site usage and the pathogens or pests present on the particular species. If deemed high risk then the tree will be made safe, the timeframe given for action will depend on the degree of risk to people and property identified at the time of inspection.

Customer Advice

Signs to look for which may mean that a tree is in such condition to warrant swift action include:

- a) Tree is snapped or blown over
- b) Tree has uprooted but is held up by another tree or building
- c) A large branch has broken off or is hanging off the tree
- d) Tree or branch is blocking the road or footpath
- e) Tree or branch is blocking access to property
- f) Tree may, or has fallen onto house or car

Signs to look out for which may mean that a tree is dead, dying or diseased are as follows:

- a) Tree is dead (no leaves present throughout all seasons)
- b) Tree is dying - few leaves in summer or dieback in the crown
- c) Bark is loose and falling off
- d) Mushrooms or fungi growing on or near the tree
- e) Old splits and cracks in the trunk or large branches
- f) Smaller branches or twigs falling from the tree

Our response to this tree-related enquiry:

- This enquiry will require a site inspection by a council employed arboriculturalist.

By entering the details of the tree, the identified issue and the location plotted on a map, an inspection of the tree will be booked in as soon as possible after consideration of the risk to the public in relation to its position.

An assessment can then be made to determine the best action and identify possible tree works and assign a priority to these works taking place.

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 considered dangerous

We will prune or fell a council owned tree if it is identified as dangerous by a member of council staff with an arboricultural qualification.

This will be decided based on the risk to the public, the site usage and the particular defect if present. If deemed high risk then the tree will be made safe, the timeframe given for action will depend on the degree of risk to people and property identified at the time of inspection.

Customer Advice

1. Signs to look for which may mean that a tree is in such condition to warrant swift action include:
 - a) Tree is snapped or blown over
 - b) Tree has uprooted but is held up by another tree or building
 - c) A large branch has broken off or is hanging off the tree
 - d) Tree or branch is blocking the road or footpath
 - e) Tree or branch is blocking access to property
 - f) Tree may, or has fallen onto house or car

Signs to look out for which may mean that a tree is dead, dying or diseased are as follows:

- a) Tree is dead (no leaves present throughout all seasons)
- b) Tree is dying - few leaves in summer or dieback in the crown
- c) Bark is loose and falling off
- d) Mushrooms or fungi growing on or near the tree
- e) Old splits and cracks in the trunk or large branches
- f) Smaller branches or twigs falling from the tree

Our response to this tree-related enquiry:

- This enquiry will require a site inspection by a council employed arboriculturalist.

By entering the details of the tree, the identified issue and the location plotted on a map, an inspection of the tree will be booked in as soon as possible after consideration of the risk to the public in relation to its position.

An assessment can then be made to determine the best action and identify possible tree works and assign a priority to these works taking place.

Trees can be made safe via pruning or felling. Typically we would employ the most cost effective approach balancing the needs of the tree and the enquirer. 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.

Damage to property

We will take appropriate action to remove the nuisance for the following reasons:

- a) A tree in council ownership is touching your property (dwelling house, garage etc.) and damage is proven.
- b) Proven incidences of subsidence backed up by accurate factual evidence on behalf of house owner's home insurance supplier, details of evidence will need to be supplied when submitting the claim.

We will not prune or fell a tree for the following reasons:

- a) To prevent roots entering a drain that is already damaged on a private property.
- b) Unproven accusations of damage caused to a private property.

Customer Advice

1. If you believe that your property is suffering subsidence damage due to the action of trees in council ownership (or that you are concerned about potential damage) then we will respond by advising that you should contact your property insurer. You should discuss your concerns with your property insurer to agree an appropriate course of action.

Our response to this tree-related enquiry:

- This enquiry will require a site inspection by a council employed arboriculturalist.

The evidence of our tree inspection will be passed to our insurer to process your claim. The insurer may require third party evidence of the damage caused relating to structural issues. Only when this information is presented can a decision be made on the outcome of any action to reduce or remove the nuisance.

If the enquiry is concerning branches impacting on your property, an inspection will identify appropriate works. A schedule to carry out works will then be planned with a timescale that relates to the potential of damage occurring or being caused.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.

Trees interfering with roads and footpaths

We will prune or fell a council owned tree if it is identified as interfering with roads and footpaths managed by Oxford City Council.

Customer Advice

1. Oxford City Council manages minor roads in Oxford City only.
2. Major trunk roads are managed by Oxfordshire County Council and they are found below.
 - http://www.oxford.gov.uk/downloads/file/1939/roads_managed_by_oxfordshire_county_council
3. The statutory clearance height for roads is 5.2 metres.
4. The statutory clearance height for footpaths is 2.4 metres.

Our response to this tree-related enquiry:

- This enquiry will require a site inspection by a council employed arboriculturalist.
- Once an inspection has taken place a priority will be determined in terms of expediency and tree works will be undertaken within 3-6 months.

You will be informed of council policy on receipt of the enquiry.

You can receive an immediate response by searching for the relevant stated policy on the council's tree policy.