



# Horley Town Council-Owned Tree Management Policy

## 1. Purpose of Policy Guidance

For the purpose of this policy, Horley Town Council is referred to as 'the Council'. The policy guidance are intended to demonstrate in a transparent manner how the Council acts in caring for its own trees. The Council's approach to tree management is described in broad terms in situations where it is likely to consider pruning, felling or other forms of appropriate arboricultural (tree) management.\*

*\* The cultivation and management of trees and shrubs for amenity value with consideration to wildlife, aesthetics, risk management and legal constraints.*

## 2. Introduction

Arboricultural work to trees is carried out to ensure they are maintained in an acceptable and attractive condition as possible. The guidance identifies typical situations where the different types of arboricultural work are applicable, although each tree will always be assessed on its merits by a qualified arboriculturist. Work to the Council's trees will be carried out by an approved specialist arboricultural contractor.

## 3. Cycle of Inspections and Arboricultural Works

In general terms, most sites will be inspected on a three-year cycle. It should be noted that not every tree will require work and that, due to limited resources, safety related works will take priority over non-urgent works. If a member of the public has a genuine concern about a Council-owned tree that they believe requires immediate action (within 48 hours) as it is situated by high value target area such as a children's play area or highway, then they should contact us on 01293 784765 with the details of the issue, precise location of tree and contact details of person reporting the matter, in case further details are required to clarify matters. If it is outside of normal office hours, details of emergency numbers will be supplied on the message. Requests from residents for non-safety related arboricultural works will only be investigated when due as part of the cycle of inspection. Requests to remove trees to improve natural light in a property or for solar panels will not be acted on.

## 4. Requests for work to Council-owned trees

To find out if trees you have a query about are owned by the Council, please contact:

**Horley Town Council, 92 Albert Road, Horley, Surrey RH6 7HZ, Tel: 01293 784765,**

**Email: [info@horleysurrey-tc.gov.uk](mailto:info@horleysurrey-tc.gov.uk)**

## 5. Anti-Social Behaviour/Criminal Activity

**Directive:** Anti- social behaviour and/or criminal activity associated with Council-owned tree(s) will be assessed on a site-by-site basis and appropriate measures considered.

**Our response to this enquiry:** A site inspection will be carried out within 14 days of receipt, and the enquirer will be informed of the inspection findings and what action is considered appropriate by the inspecting officer.

**Resident Advice:**

- When a Council-owned tree is associated with anti-social behaviour and/or criminal activity, tackling the issue may involve co-ordination with other agencies, such as the police and may take time to resolve.
- It should be noted that pruning or felling is not always the answer to these types of problems. Well maintained trees and vegetation can enhance an area including areas left as wildlife habitat. However, litter filled neglected spaces and overgrown trees can encourage anti-social behaviour and / or criminal activity.
- The public is not allowed to remove limbs or fell trees from the parks and open spaces. On some sites, it may be a by law offence which carries financial penalties. If you see someone who appears to be unauthorised (e.g. not a regular tree contractor) please contact the Council on 01293 784765 with descriptions of the individuals and location.
- The Council works in partnership with a number of voluntary groups which carry out planned works across the town.

## 6. Bird Droppings

**Directive:** We will not prune or fell a tree to remove or reduce bird droppings from trees or remove bird droppings from private land.

**Our response to this enquiry:** A site inspection will not be carried out in this instance.

**Customer advice:**

- a. Nesting birds are protected under the Wildlife and Countryside Act and other wildlife-related laws.
- b. Bird droppings can usually be removed with warm soapy water.
- c. Whilst a nuisance, bird droppings are not considered a sufficient reason to prune or remove a tree.

## 7. Common Law Rights (overhanging limbs)

**Directive:** We do not prune back over hanging limbs.

**Our response to this enquiry:** A site inspection will not be carried out immediately in this instance but noted for the next inspection cycle where the inspecting arborist will assess what arboricultural justifiable works are required or not as the case may be.

**Customer Advice:**

- a. We simply do not have the resources to deal with every tree that we receive a complaint against.
- b. The tree(s) will be inspected during the routine inspection cycle and assessed against available resources and arboricultural justification.
- c. A tree owner is not legally obliged to cut back overhanging branches, but the person whose property is overhung can, under common law precedent and subject to Conservation Areas and Tree Preservation Orders, cut back to the boundary but not beyond it from their land. However, there is no legal precedent for the person who is overhung to recover the expense incurred in disposing of the residues, or indeed, the

cost of carrying out the pruning from the tree owner. If you decide you wish to carry out such work, we recommend that pruning of trees should be proportionate to the level of encroachment and the size of the tree, especially for trees directly adjacent to boundaries, to leave the tree with as balanced a canopy as possible.

## 8. Dangerous Tree requiring Immediate Action

**Directive:** If a Council-owned tree is found to be in such poor condition by an arboricultural inspector that it presents a very high risk to persons or property and the inspecting officer deems it an emergency, instruction will be given to the arboricultural contractor to attend site and make the tree safe.

**Our response to this enquiry:** Our arboricultural contractor will be instructed to attend site within the contractual timescale of receiving instruction and start the process of making the tree safe. In severe weather conditions with a number of trees to deal with or if conditions are operationally dangerous, then minimal works will be carried out to make the tree(s) safe. Further works may be required at a later date to tidy the site or conclude the matter by removing the tree if the deemed necessary by the inspecting officer.

**Customer Advice:**

- a. If a tree is obstructing the highway and the customer is unsure as to its ownership, Surrey County Highways should be contacted on 0300 200 1003 to report the matter. The emergency out-of-hours contact for SCC Highways is 08701 266060.
- b. If the customer knows that the tree belongs to Reigate and Banstead Borough Council, they should contact Customer Services on 01737 276000 in office hours or out-of- hours on 07699 391689.
- c. If the customer knows that the tree belongs Raven Housing Trust (former council owned properties), they should contact Raven Housing Trust on 0300 1233 399 during office hours, out of hours on 0845 0613905 or email [raven@ravenht.org.uk](mailto:raven@ravenht.org.uk).

## 9. Dealing with Ivy

**Directive:** Where possible, ivy will be retained due to its wildlife benefits.

**Our response to this enquiry:** A site inspection will not be carried out immediately in this instance but noted for the next inspection cycle. Should the arboricultural inspector deem that the amount of ivy within a crown of a tree located next to a high value target, such as a children's play area or it impedes an arboricultural inspection, then steps may be taken to reduce or remove the ivy as appropriate.

**Customer Advice:**

Common ivy is a native evergreen climber that has many wildlife conservation benefits, such as shelter for a wide range of birds and, in some instances, bats. Ivy is a valuable source of winter nectar for wildlife and ground cover can be effective in protecting the woodland flora and fauna from hard frosts and allowing foraging birds to continue feeding. Ivy is phototropic, meaning that it grows towards the light. As such, if it does not have a suitable means of supporting itself, it will use structures such as trees and buildings to reach the light. Ivy tends to be more noticeable when trees are in decline due to other factors, such as fungal pathogen attack. Naturally, if a tree is stressed and has a reduced leaf density, more light can penetrate the crown, thus allowing the opportunity for ivy to benefit and prosper. It is normally at this point that people notice the declining tree and healthy ivy and automatically assume that the ivy may be to blame for the tree's demise. We are not aware of any scientific

evidence or qualitative research that supports the common urban myth that ivy is responsible for killing trees. However, it is recognised that when ivy is present in large quantities, it can increase the 'sail' area of the crown system of the tree, thus increasing the wind loading on the structure of the tree, which can lead to branch failure and in extreme conditions could result in the total collapse of the tree. In addition, the type of tree species has a part to play in the likelihood of limb failure, as some species are more prone to failure than others, such as horse chestnut or poplar.

## **10. Leaves, Blossoms and Small Tree Debris**

**Directive:** We will not prune or fell trees to reduce the nuisance of leaves, blossom drop or small tree debris.

**Our response to this enquiry:** Site inspection not required.

**Customer Advice:**

- a. A tree owner is not legally required to clear their tree's leaves from neighbouring land and has no control over wind direction or strength.
- b. The loss of leaves, blossom and small tree debris is part of the natural cycle and cannot be avoided by pruning.
- c. Although they can cause a lot of inconvenience, falling leaves and debris such as cones or twigs are not regarded as a 'nuisance' in the legal sense and a tree owner (private, council or otherwise) has no obligation to clear them. Nature does not respect human defined boundaries and leaf fall is a seasonal occurrence over which a tree owner has no control.
- d. Leaves, flowers or fruits covering a neighbour's lawn or filling their gutters may be a nuisance but clearing them from their property is part of general maintenance, the same as, for example, removing moss from the gutters.
- e. Severe inappropriate pruning work is more likely to encourage further leaf growth as the tree tries to replace its loss of leaf area that is used to produce its food / energy.
- f. Customers are strongly advised to check for TPO and conservation areas before carrying out any works.

## **11. Issues with Light**

**Directive:** We will not prune or fell trees to improve natural light to neighbouring properties.

**Our response to this enquiry:** A site inspection will not be carried out in this instance.

**Customer advice:**

- a. There is no absolute right to light in respect of trees.
- b. A tree owner is not legally bound to ensure the light enters neighbouring land uninterrupted.
- c. If natural light is being blocked by the growth of a hedge then action may be taken under the High Hedges Act, Part 8 of the Anti-Social Behaviour Act 2003. See RBBC website [http://www.reigate-banstead.gov.uk/planning/planning\\_enforcement/high\\_hedges/index.asp](http://www.reigate-banstead.gov.uk/planning/planning_enforcement/high_hedges/index.asp)

## **12. Tree Felling**

Requests for felling trees from the public will not be considered. In general terms the reason for the felling of a tree or trees will be for one or a combination of the following;

- a. Dead, dying or dangerous such as a fungal pathogen that compromises tree stability.
- b. Pest and disease control.
- c. Good arboricultural /silvicultural practice - thinning woodland or glade creation
- d. Biodiversity works - heathland or chalk grassland restoration. Coppicing for flora such as native bluebells.
- e. Invasive alien species- not in keeping with the location or site management objectives.
- f. Tree(s) implicated in a subsidence insurance claim where technical evidence has been produced to support the claim.
- g. Subsidence management strategy in area with a history of claims and clay soil that may lead to further claims.

### 13. Tree Perceived as being too big or too tall

**Directive:** We will not prune or fell a tree because it is considered to be too big or too tall by the enquirer.

**Our response to this enquiry:** A site inspection will not be carried out in this instance.

**Resident Advice:**

- a. Other factors such as splits, cracks and other such structural defects are of more significance than purely the size of the tree.
- b. The size of a tree does not automatically make it dangerous.

### 14. Tree Planting

From time to time, it may be necessary to carry out tree planting where trees have been lost to pest and disease or continuity of tree cover is desirable to maintain the character of the site or maintain screening. **PLEASE NOTE THAT WE DO NOT ACCEPT TREE DONATIONS FROM HOME GROWN TREES.** This is due to pest and disease issues and poor quality stock that may be spread from an unknown / untraceable source. Our trees are acquired through reputable suppliers who comply with the relevant legislation and codes of practice and can trace back the source of the supplied tree should the need arise. In woodland areas, natural regeneration will be the primary means of restocking unless stocking levels require a boost in density or diversification of species by grant schemes.

### 15. Tree related Subsidence to Property

**Directive:** The Council's proactive approach to tree management assists in reducing the likelihood of subsidence-related claims.

**Our response to this enquiry:** Concerns relating to alleged subsidence will be acknowledged within 14 days of receipt. Enquirers will be advised to contact their insurance company to agree an appropriate course of action with them. In addition, the enquirer will be advised to contact us again should they or their insurer wish to formally notify us of their concerns about future damage. We will then follow the London Tree Officers Association (LTOA) Joint Mitigation Protocol and request the appropriate technical evidence to assess the claim. Please note that the onus of proof lies with the claimant.

### 16. Telephone Wires and Tree Limbs

**Directive:** We will not prune or fell a Council-owned tree specifically for the benefit of the

reduction in the interference telephone wires.

**Our response to this enquiry:** A site inspection will not be carried out in this instance for requested works.

**Resident Advice:**

- a. If the Council-owned tree overhangs your boundary and affects your telephone wire(s), you may wish to exercise your common law right to remove the encroaching limbs. See advice in common law right.
- b. Contact your telephone service provider as they may be able to suggest an alternative solution to pruning, such as relocating the wire.

## 17. TV / Satellite Reception and Trees

**Directive:** We will not prune or fell a Council-owned tree for the direct benefit of TV / satellite reception.

**Our response to this enquiry:** A site inspection will not be carried out in this instance.

**Resident Advice:**

- a. The TV licence is a permit to operate a television receiver; it does not guarantee any reception. Therefore, it follows that there is no legal right to reception and, furthermore, a tree owner is not legally obliged to maintain a signal to your set.
- b. The issue may be dealt with by exercising your common law right. See common law right.
- c. Your service provider may be able to provide an alternative solution by means of boosting the signal or relocating the receiving equipment.

## 18. Vandalism to Trees

**Directive:** We will investigate any reports of vandalism to Council-owned trees and endeavour to correct the damage where possible from current arboricultural practice.

**Our response to this enquiry:** A site inspection will be undertaken. Enquirers will be informed of what action is considered appropriate and estimated timescales.

**Resident Advice:**

- a. Unfortunately, vandalism is unpredictable and can, in some cases, be persistent.
- b. Due to cost, it may not always be possible to replace vandalised tree(s).
- c. The treating of wounds with “tree paint” has proven to be ineffective and we will not carry out such dubious practice. Where possible, wounds will either be left as is or pruned to just outside the branch collar to facilitate the natural occlusion process of the wound.
- d. We encourage the reporting of incidence of vandalism and will report this to the police.

## 19. Views obstructed by Trees / Protection of Privacy

**Directive:** We will not prune or fell Council-owned trees to improve the view from private properties, nor are we duty-bound to maintain privacy offered by trees situated on Council-owned land.

**Our response to this enquiry:** A site inspection will not be carried out in this instance. If a tree is removed for whatever reason, we are not obliged to replace it in order to maintain privacy to neighbouring properties.

**Resident Advice:**

- a. There is no legal right to view.
- b. If the limbs encroach your property, you may wish to exercise your common law right - see common law rights in this document.
- c. A tree owner is not duty-bound to maintain the privacy of neighbouring property.
- d. Residents with concerns about privacy should address the issue on their land.

***This policy was adopted by Horley Town Council at its Full Council meeting held on 17 March 2026.***

***Review Date: 2027***