

Useful contacts

Arboricultural Advisory and Information Service (AAIS)

(A registered charity that carries out research and disseminates information to the arboricultural and forestry industries on behalf of the Government)

Alice Holt Lodge, Wrecclesham, Farnham, Surrey GU10 4LH

Tel: 01420 22022 – Fax: 01420 22000

Tree Help line: 09065 161147 (calls charged at £1.50 per minute).

Arboricultural Association

(A registered charity concerned with raising the standards of tree care in the UK)

Ullenwood Court, Ullenwood, Cheltenham, Gloucester GL53 9QS

Tel: 01242 522152 – Fax: 01242 577766

E-mail: admin@trees.org.uk

Website: www.trees.org.uk

Borough of Basingstoke and Deane

Environmental Care (Council trees/Misc Prov Act 1976)

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH

Telephone: (01256) 844844

Fax: (01256) 845200

Website: www.basingstoke.gov.uk/services/envhealth/trees

Borough of Basingstoke and Deane

Neighbourhood Development (Protected trees)

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH

Telephone: (01256) 844844

Fax: (01256) 845200

Website: www.basingstoke.gov.uk

E-mail: neighbourhood.dev@basingstoke.gov.uk



*Basingstoke
and Deane*

Guide to dead, dying or dangerous trees



Who is responsible for my tree?

Responsibility lies with the owner of the land on which the tree is growing. For the purpose of this leaflet, a tree owner is the owner of the land on which the tree is 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.

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?

As trees are living and growing their condition can change over time. A tree owner should therefore visually inspect their trees twice a year; in winter to look at the structure of the tree and summer to assess health and vigour.

What makes a tree dead, dying or dangerous?

It is usually fairly obvious if a tree is dead or dying. A dangerous tree 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 dangerous.

What happens if a protected tree is dead, dying 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, dying 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, dying 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 record. There is also a duty to plant a replacement tree for each dead, dying 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, dying 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, dying or dangerous?

You should call the council on 01256 844844.

Will a council officer come to visit the tree?

If the tree is protected then a council 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, dying or dangerous tree is received. The council does not undertake pre-application site visits, if you consider that the tree falls under the dead, dying 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.