



Malvern Hills Trust - Suburban Tree Management Policies

The following policies apply to trees in a suburban setting, for example, where land under the jurisdiction of the Malvern Hills Trust adjoins highways and private properties.

Management of trees and scrub on the open hills and commons are not included in this policy document and are covered by the Land Management Plan.

The Malvern Hills Trust recognises the values of trees and their environmental, social, and health benefits.

Environmental

- Trees absorb and store greenhouse gases such as carbon dioxide, helping to combat climate change
- Trees offer shade and protection from the sun and provide cool places for people to enjoy
- Trees intercept rainwater and help to prevent localised flooding
- Trees help to reduce noise pollution
- Trees are an important urban wildlife habitat. They provide nesting, foraging opportunities and cover for birds from predators. Trees provide roosts and foraging opportunities for bats and support many species of insect.

Social

- Trees provide a sense of place and community
- Trees provide an educational resource for local schools, Scout groups etc.
- Trees provide seasonal interest, flowers, source of fruit, autumn colour
- Trees are part of the history and culture of Malvern – lime and oak avenues
- Veteran trees are part of local history and culture
- Trees provide structure and interest for people to enjoy outside spaces on Malvern's Commons

Health

- Trees are essential for improving air quality as leaves absorb air pollutants such as ozone, carbon monoxide and sulphur dioxide.
- Trees have a positive effect upon our mental health and sense of wellbeing

This understanding will help the Malvern Hills Trust to safeguard the trees under its jurisdiction within the urban areas of Malvern.

The following are the policies relating to trees on land under the jurisdiction of the Malvern Hills Trust.



Common law right

The public have a Common Law right to remove 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:

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. 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.
3. To find out if a particular tree is on land under the jurisdiction of the Malvern Hills Trust contact:

Malvern Hills Trust
Manor House
Grange Road
Malvern
Worcestershire
WR14 3EY

Tel: 01684 892002 (Monday – Friday 9am – 5pm)

Email: info@malvern hills.org.uk
www.malvern hills.org.uk

4. Before you consider doing any works to a tree / trees you should find out if they are protected by a Tree Preservation Order or are within a Conservation Area. If the trees are protected in this manner, you will need to make an application / give notice to the relevant council. To find out if the trees are protected and for guidance on how to apply for works on protected trees contact:

Malvern Hills District Council
Tel: 01684 862151
Email: worcestershirehub@malvern hills.gov.uk
Website: www.malvern hills.gov.uk

Or:

Herefordshire Council
Tel: 01432 260386
Website: www.herefordshire.gov.uk

5. You are advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should offer these to your neighbour. But in all likelihood, you should consider disposing the arisings yourself. If the encroachment relates to a tree under the jurisdiction of the Malvern Hills Trust, any cutting must be disposed of appropriately and not returned to land under Malvern Hills Trust's jurisdiction.



Bird droppings

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce bird droppings from trees, or remove bird droppings from private land.

Advice:

1. Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Blossom

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce blossom from trees or remove fallen blossom from private land.

Advice:

1. Tree blossom is a natural occurrence which cannot be avoided by pruning.
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Dangerous trees (See Safety Inspections)

Policy: Should a tree be in a condition which poses a high risk to people and/or property, instruction will be given to Malvern Hills Trust Field Staff or qualified tree contractor to make the tree safe.

Advice:

1. If a tree poses an immediate and present danger it will be made safe as soon as possible (very high risk). If the level of risk is lower, the tree will be made safe within 6 months (medium risk) or 18 months (low risk).
2. Signs to look out for which indicate that the tree is in such condition to warrant immediate attention include a tree which is:
 - a) Snapped or blown over
 - b) Rocking at its base – roots are damaged, roots lifting above ground
 - c) Uprooted but held up by another tree or building
 - d) Large branch has broken off or is hanging off the tree
 - e) Blocking road, footpath or access to property
 - f) Fallen on to house or car.



3. Signs to look out for which may mean that a tree is a risk to people or property but the risk does not require an emergency response include a tree which is:
 - a) Dead
 - b) Dying – a 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 falling from the tree.
4. For more information please refer to the Malvern Hills Trust's Tree Safety Policy (2012).
5. Trees can be made safe via pruning or felling. Typically the Malvern Hills Trust would employ the most cost effective approach. However, for certain high value trees, we would consider other options to reduce the risk to an acceptable level which maintaining the wildlife and other environmental benefits of the tree.
6. If you think a tree is on a dangerous condition, please report it to the Malvern Hills Trust.

Drains

Policy: We will not prune, fell or cut the roots of a tree on land under the jurisdiction of the Malvern Hills Trust to prevent roots entering a drain that is already broken or damaged.

Advice:

1. 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 found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe. If you are concerned about the condition of your drains then you are advised to contact your water and sewerage company.
2. You must notify the Trust prior to any work taking place on land under the Trust's jurisdiction (where you have a wayleave or easement) or where work to a tree on land under the jurisdiction of the Trust is required to replace the drain
3. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Fruit / berries / nuts / seeds

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce the nuisance of fruit / berries / nuts or seeds, or remove such from private land.

**Advice:**

1. Trees which produce fruit, berries, nuts and seeds are important for wildlife and can provide a source of free food.
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Leaves

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce leaf fall or remove fallen leaves from private property.

Advice:

1. The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning.
2. The maintenance of gutters is the responsibility of the landowner and the Malvern Hills Trust is not obliged to remove leaves that may have fallen from tree on land under the jurisdiction of the Malvern Hills Trust. Where gutters are regularly blocked by fallen leaves, gutter guards may be fitted to provide a low maintenance solution.
3. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Light

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to improve natural light to a property.

Advice:

1. In law there is no general right to light.
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Nuisance to third parties – private tree

Policy: The Malvern Hills Trust has no authority to intervene in a dispute between neighbours or relating to trees not on land under the jurisdiction of the Malvern Hills Trust.

**Advice:**

1. You may need to contact Malvern Hills District Council or Herefordshire Council for information relating to trees not on land under the jurisdiction of the Malvern Hills Trust.

Personal medical complaint

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust where a request has been made to do so because of a personal medical condition.

Advice:

1. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
2. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Pollen

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce the release of pollen.

Advice:

1. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
2. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Poisonous berries

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce poisonous fruit or foliage. In extreme cases where unsupervised young children are likely to be exposed to such, the case will be investigated and action considered.

Advice:

1. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
2. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Road – sight line obstruction

Policy: We will undertake work to a tree on land under the jurisdiction of the Malvern Hills Trust to maintain clear sight lines (where reasonably feasible) at junctions and access points associated with a street, road or highway.

Advice:

1. Standards of visibility vary according to the class and speed limit in force.
2. Shoots that grow from the base of some trees under Malvern Hills Trust' jurisdiction such as lime tree are removed as part of ongoing tree



maintenance. This is usually done once a year. There is no action to remove basal shoots on trees unless they interfere with footpaths or visibility at road junctions. Otherwise, the removal of basal shoots will be done when it is necessary to inspect the base of the tree.

Roots / subsidence

Policy: We will not prune or fell a tree where the roots of a tree on land under the jurisdiction of the Malvern Hills Trust are encroaching onto a private property. Should there be a suspected incident of subsidence caused by roots of a tree on land under the jurisdiction of the Malvern Hills Trust, each case will be dealt with individually.

Advice:

1. Pruning or felling a tree will not affect the growth of roots.
2. Should you suspect subsidence caused by root growth, you should contact your property insurer. You should discuss your concerns with your property insurer to agree an appropriate course of action.
3. If you have evidence of subsidence caused by a tree on land under the jurisdiction of the Malvern Hills Trust, please contact the Trust to discuss the issue.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Safety inspections – trees (See Dangerous Trees)

Policy: Trees on land under the jurisdiction of the Malvern Hills Trust are inspected for safety every three years.

Advice:

1. Trees adjacent to properties and highways are inspected every three years by a qualified arboricultural consultant to check on their condition and to identify whether any works are necessary to make them reasonably safe. This may include pruning or removal of a tree depending on the problem and the relative value of the tree.
2. If you would like more information on the tree safety inspections please contact the Malvern Hills Trust.

Sap

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce honeydew or other sticky residue from trees.

Advice:

1. Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap.
2. Pruning the tree may only provide temporary relief and re-growth is likely to be colonised. Honeydew is a natural and seasonal problem. Warm soapy water will remove the substance from vehicles.



3. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Street light – obstruction

Policy: We will undertake work to a tree on land under the jurisdiction of the Malvern Hills Trust to ensure that trees do not unduly obstruct the streetlight.

Advice:

1. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Telephone wire

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce interference with telephone wires.

Advice:

1. As a wayleave it is the property owner's responsibility to maintain the lines with permission from the Malvern Hills Trust.
2. Your telephone service provider may be able to suggest an alternative solution to the problem.
3. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Traffic signal / street sign obstruction

Policy: We will undertake work to a tree on land under the jurisdiction of the Malvern Hills Trust to maintain clear sight lines (where reasonably feasible) for traffic signals and street signs associated with a street, road or highway.

Advice:

1. The Malvern Hills Trust have a legal duty to ensure that no obstruction is caused.
2. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Tree planting

Policy: Where a tree on land under the jurisdiction of the Malvern Hills Trust has been removed, tree replacement will be judged on a case by case basis by the Officers of the Board. The Malvern Hills Trust follows the principle of the right tree in the right place.

The following applies:

1. The planting of native species will be preferred. However, there may be cases where non-native trees make a contribution to the character of Malvern and surrounding areas. The species of trees in the surrounding



location should be taken into consideration in the selection of an appropriate replacement tree species.

2. We will endeavour to purchase native trees that are of local provenance.
3. The location of planting will be partly determined by local features including proximity to highways, terrain, location of overhead cables, location of drains, proximity to properties, etc. The Officers will determine whether it is appropriate to replant in the same location, close to the original location or not at all.
4. Priority for replacement should be given in the following situations:
 - a. Tree(s) forming part of an avenue;
 - b. Tree(s) in open and green spaces;
 - c. Tree(s) with Tree Preservation Orders;
 - d. Tree(s) within Conservation Areas.

Situations where it may not be appropriate for replacement include:

- e. Tree(s) removed as part of a thinning programme;
 - f. Tree(s) removed as part of grassland habitat restoration;
 - g. Tree(s) removed which are invasive and/or non-native.
5. Replanting will take place during the first season following removal (November – March). If resources are insufficient to allow this during the first season, the trees will be replaced as resources allow.
6. When considering replacing a tree that has been felled due to disease, we will not replant the same species in the same location.
7. Where possible, signs will be placed upon tree(s) subject to felling, and signage will indicate whether or not the tree is to be replaced.
8. Any external organisation that undertakes actions that result in the removal or deterioration in health of any tree (s) on land under the jurisdiction of the Malvern Hills Trust will fund the replacement and establishment of new trees that produce the same canopy cover when planted as that of the tree (s) that is being removed or compensate for the loss or damage to the tree(s) to the value as calculated by the Malvern Hills Trust or their agents.

Tree touching building

Policy: If a tree on land under the jurisdiction of the Malvern Hills Trust is touching your property (dwelling house, boundary wall, garage etc.) we will take action to remove the nuisance.

Advice:

1. Often the solution will be to prune the tree. In exceptional circumstances, it may be necessary to fell the tree.
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Tree overhanging property

Policy: We will not prune or fell a tree under the jurisdiction of the Malvern Hills Trust to alleviate the nuisance of overhanging branches.

**Advice:**

1. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
2. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Tree too big / too tall

Policy: We will not fell or prune a tree on land under the jurisdiction of the Malvern Hills Trust because it is considered to be 'too big' or 'too tall'.

Advice:

1. A tree is not dangerous because it may be considered too big for its surroundings. Any further problems with the tree which may indicate that it poses a risk will be identified in the Malvern Hills Trust routine tree safety inspection. See Dangerous Trees policy for more information.
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Tree and television / satellite reception

Policy: We will not prune or fell a tree under the jurisdiction of the Malvern Hills Trust to prevent interference with TV / satellite installation / reception.

Advice:

1. There is no legal right to TV / satellite signal.
2. Your TV or satellite provider may be able to suggest an alternative solution to the problem, for example relocating the aerial / dish, or boosting the signal.
3. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Veteran trees

Policy: We will prioritise the conservation value of veteran and ancient trees if requests for work are made. Veteran trees identified in routine tree safety inspections, will be examined and extra precaution will be taken to preserve the form, structure, and wildlife and cultural benefits of the tree. Where it is safe to do so, we will recommend that no work is done, or veteran trees will undergo sensitive management.

Advice:

1. Veteran trees have high wildlife, cultural and historical value within the landscape



2. Dead timber and dead standing trees provide a habitat for a number of species and should be retained where possible.
3. Dead or dying trees do not always indicate that there is a safety risk and other signs should be identified prior to tree management works (see Dangerous Trees).
4. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right. It should be noted that veteran trees may be protected by Tree preservation orders or Conservation Areas for which formal permissions must be sought, prior to works.
5. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

View

Policy: We will not prune or fell a tree under the jurisdiction of the Malvern Hills Trust to improve the view from a private property.

Advice:

1. There is no legal right to a 'view'
2. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
3. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Wild animal / insect pest

Policy: We will not prune or fell a tree on land under the jurisdiction of the Malvern Hills Trust to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals.

Advice:

1. Wild animals, bees and wasps are natural occurrences. Bees are protected species and advice should be taken considering their removal.
2. It may be possible for you to dispose of individual wasps but this will not control or eliminate the wasp nest. The Malvern Hills Trust may provide permissions to remove a nest where it poses a significant risk. The method will be agreed by the Trust and work should be undertaken by a pest control professional.
3. If you wish to exercise your Common Law right to remove the nuisance associated with encroaching trees, see Common Law right.
4. If you would like to report a problem with a tree or have a general enquiry, then please contact the Malvern Hills Trust.

Approved by the Board 2015