



**canons
park
estate
association**

CPEA Tree Policy

(Reviewed and endorsed by the London Borough of Harrow)

December 2007

Also including notes on:

Care of CPEA Verges

Placement of Refuse Bins

Contractors' Obligations

CANONS PARK ESTATE ASSOCIATION

TREE POLICY

- (i) The historic grass verge along Canons Drive, the Basin, the Seven Acre Lake, the white pillars at the entrance to Canons Drive and the remnant of land adjacent to the entrance are all owned by Surplus Lands (Canons) Limited on behalf of the members of the Canons Park Estate Association ("the Association").
- (ii) The Association has a duty of care to maintain the trees in the historic grass verge along Canons Drive as well as those around the Basin and the Seven Acre Lake.
- (iii) The Canons Park Estate is a designated conservation area and all trees within the conservation area, whether or not they belong to the Association (and including privately owned trees in the front and back gardens of residents), are protected. In addition, many of the trees on Canons Drive, Cavendish Drive, Dorset Drive and in and around the Basin are subject to individual Tree Preservation Orders (TPOs).
- (iv) Any works to the trees must be approved in writing by the Planning Arboricultural Officer of Harrow Council and, (in the case of trees owned by Surplus Lands (Canons) Limited), by the Association.
- (v) The Council has the right to take enforcement action against any resident who undertakes tree work without consent (within the Conservation Area) or permission (where the tree is subject to a TPO) and can impose a fine of up to £20,000 (in 2007). If successful, the prosecution carries with it a criminal record.
- (vi) Any householder or resident who fells, prunes or has works carried out on any of the Association's trees (both above and below ground) without permission or who causes any damage to any of the Association's trees or shrubs can be required by the Association to replace the tree or shrub affected and may also be reported to the Council for enforcement action if deemed necessary.
- (vii) All the trees belonging to Surplus Lands (Canons) Limited are subject to a ground based Tree Survey that is carried out by a suitably qualified arboricultural expert on a regular basis. The aim of the survey is to identify all trees that are dead, dying or damaged and where remedial work is required. The report assigns priorities to all the maintenance work identified and the Association then agrees a programme of works based on the tree expert's report. Copies of the report are provided to the Planning Arboricultural Officer of Harrow Council.
- (viii) In view of the limited nature of the Association's budget, the programme of works agreed with the tree expert can only deal with those tree works where remedial work is required as specified in the report. The Association does not have sufficient financial resources to undertake tree work that is purely cosmetic in nature.
- (ix) The Association has to budget each year for emergency tree works that become necessary due, for example, to storm damage. In those circumstances, where branches become loose or hanging and could present a potential hazard to the public, the Association will arrange for the necessary works to be undertaken as a matter of urgency.
- (x) If a resident is particularly concerned about the appearance of a tree outside their property and wants to see that tree pruned, the Association may agree to those works being carried out at the resident's expense, as long as (a) the nature of the proposed pruning is consistent with the long term programme of routine maintenance works identified in the inspection report, (b) prior written consent or permission for the proposed work is granted by Harrow Council, (c) the work is carried out in accordance with BS 3998 by an appropriately qualified tree surgeon (see attached list of qualified contractors as provided by the Council for the guidance of residents) and (d) the resident concerned contracts directly with the tree surgeon.

- (xi) The Association strongly advises all residents not to use tree contractors who solicit for business on the doorstep or by leaflet distribution as they are unlikely to be qualified and they may not be insured. It is also unlikely that the work they carry out would be in accordance with BS 3998.

Please also see attached a summary of Frequently Asked Questions about Protected Trees that has been reproduced by kind permission of the London Borough of Harrow.

CARE OF THE GRASS VERGES IN CANONS DRIVE

The CPEA owns the grass verges and the Wellingtonia (or similar) trees along Canons Drive. The grass verges extend from the front boundary, fence or wall of a property down to the pavement. Because the Association does not have the funds to maintain this amount of land, it has long been an unspoken obligation of all residents to mow and generally care for the entire grass verge outside each of their homes. If for any reason a resident is unable to locate a gardener, the Association will be happy to recommend one. Nothing may be attached to any tree belonging to the Association, including decorative lights, junction boxes, signs, bird feeders etc.

May we also remind all residents of the following points, which are contained in the CPEA Book of Rules:

- (i) Vehicles and bicycles may not be parked, driven or ridden on the verges.
- (ii) Builders' materials, skips and suchlike may not be placed on the verges without the consent of the Committee.
- (iii) Notices, such as Estate Agents' boards, builders' or architects' signs may not be placed on the land or attached to any tree on the land.
- (iv) Drives and paths across the verges may not be widened or otherwise modified without permission from the Committee and obtaining planning consent. The land may not be planted with flowers, shrubs or trees, or otherwise cultivated.

The aim of these rules is to keep the beautiful and much-admired green verges that are one of the most outstanding aspects of Canons Drive, in good condition:

REFUSE BINS

The Association advises that refuse bins should **at no time** be left on the grass verges in **Canons Drive** – even on collection day – as this leads to erosion of the grass during the collection process and fading during the hot summer months. Harrow Council have consented to collect bins from the driveways of residents' properties along Canons Drive from **14th December 2007** onwards, so bins no longer need to be left on verges or the pavement. Instead, they should be left in the driveway, above the level of the pavement.

We would remind residents in all other streets and closes on the Estate that the council will not tolerate refuse bins being left on the pavement **at any time** as they constitute a hazard and are regarded as trespassing on council land. The correct place for your bin on collection day is on the edge of your property, inside your drive.

CONTRACTORS' OBLIGATIONS

Residents are requested to ensure that building and garden contractors treat the grass verges, the lake areas and the general fabric of the Estate with care. Dumping of garden waste and building refuse on Association land will not be tolerated and those responsible will be reported to the police and Harrow Council.

A number of garden contractors and Residents are still blowing leaves and garden refuse out into the street. Since council maintenance has been severely cut back, this debris remains in the street for weeks and often blows into neighbours' gardens. You should also be aware that leaves become extremely slippery when wet and present a potentially dangerous hazard to anyone walking on them.

Please instruct garden contractors to put leaves and garden debris in your brown bins and tell building contractors to take all packaging and other rubbish away with them.

Protected Trees in the London Borough of Harrow

Frequently Asked Questions

The Benefits of Trees

Trees play an important role in the environment. They:

- provide screening and contrast to buildings.
- provide visual emphasis to vehicle and pedestrian routes.
- help to delineate site boundaries.
- help to reduce noise and atmospheric pollution.
- provide a valuable habitat for a wide range of wildlife.
- can increase property values.

For more information on the benefits of trees visit: <http://www.treesaregood.com>

Listed below are the frequently asked questions on protected trees.

For more detailed information on the legislation please visit the Office for the Deputy Prime Minister web site: www.odpm.gov.uk/treesandhedges

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Tree Preservation Orders (TPOs)

1. What is a TPO?

Councils (often also known as the Local Planning Authority) can use TPOs to protect trees as individuals, groups, areas or woodlands if these make a significant visual impact on their local surroundings.

A TPO prohibits the pruning and felling of protected trees without written Council approval. In this way, the Council can:

- (a) Agree the pruning treatment and amount thereby maintaining the tree's visual amenity.
- (b) Identify visually important trees within the Borough for retention.

In addition, all trees in Conservation Areas (if they are over 7.5cm diameter, measured at 1.5m high on the stem/trunk) are similarly protected whether or not they are covered by a TPO.

It is important to note that the tree protection applies to the below ground portions (i.e. roots) as well as the above ground portion of the tree (i.e. trunk and branches).

2. What type of tree can be covered by a TPO?

All types/species, including trees in hedgerows, may be protected. The TPO can cover anything from a single tree, to a group or woodland. Hedges, bushes or shrubs are exempt.

3. How can I find out if a tree is covered by a TPO?

Details of TPOs are available from the Harrow Council Planning Arboricultural Officer based in Forward Planning (Urban Living Directorate). Direct Telephone: 0208 736 6092.

4. How can I get permission to carry out works on my TPO'd trees?

Placing a TPO on a tree does not mean that it cannot be pruned. However, permission must be given by the Council before such works can be undertaken. The Council's Planning Arboricultural Officer (see phone number above) can make a visit to discuss any issues that you have with your trees and the relevant pruning options. See *Appendix 1 – Tree Pruning*.

The Council has 8 weeks to process your application to do works to protected trees. If this time period elapses you should consider that your request to carry out works has been rejected. See *Question 19*.

5. By how much can I prune my tree?

When you receive written permission to prune a protected tree, a percentage* for the pruning treatment will be given. Pruning more than this percentage is a legal offence. This could result in a prosecution against you as the tree owner and the tree surgeon that you commission to carry out these unauthorised works.

A reputable tree surgeon will be able to prune your trees to the required percentage. Please call the Council Arboricultural Officer to obtain a *Tree Surgeons List*. Please note that the list is for your information and guidance only and must not be considered as a recommendation by Harrow Council.

You may also obtain information on additional companies via the Arboricultural Association (Tel: 01794 368717 / www.trees.org.uk) and their List of Approved Arboricultural Contractors.

**This percentage is based on the British Standard for pruning: "BS: 3998 Recommendations for Tree Work (1989)".*

6. Where can I get details of Tree Surgeons to carry out works to my protected trees?

You may try the list provided by the Council: see above or the Arboricultural Association (AA) Approved Contractors. The AA can be contacted on telephone 01794 368717 or www.trees.org.uk Professional Tree Surgeons use recognised pruning techniques (for example, crown reduction and thinning: see Appendix 1) to manage trees. Please be cautious about *any* tree surgeon that talks about **lopping** and **topping** trees. These pruning 'treatments' are not recognised by the tree care profession, they involve excessive 'pruning' and they can **seriously harm** trees.

Figure 1 (top left). The tree has been disfigured after lopping and topping. Although it may be said that the tree appears 'neat & tidy', main branches have been removed creating large cuts that could very easily be infected with fungus/bacteria. Also all the leaves have been removed. Leaves are a tree's 'food factory' so their removal will have serious health consequences for the affected tree.

Figure 2 (bottom left). The lopped and topped tree is now in a state of biological stress and has produced a dense mass of 'emergency shoots' to try and re-grow its canopy. This is often mistaken for increased vigour but in fact the tree is reacting due to acute stress. It may survive for a few more years but due to increasing stress and fungal/bacterial infection, the tree will very likely decline and die.

7. My insurance company has said that the trees near my property should be pruned or felled – what should I do?

If your trees are protected, you must contact the Council's Planning Arboricultural Officer before you consider any tree works. Letters from

your insurance company do not remove the need to obtain written permission from Harrow Council to carry out works to or fell protected trees.

8. What can I do if my TPO'd tree is causing a nuisance?

The duty of care, or responsibility, for dealing with nuisance rests with the tree owner of the land on which the tree is growing.

Dropping of leaves or fruit, shading of light, blocking a view and/or bird droppings would not normally be regarded as a *legal nuisance*.

9. I'm worried about roots from a protected tree getting under the house and damaging foundations, what should I do?

If you think that tree roots are affecting your property you should first obtain a structural survey (via your buildings insurance company). As a starting point for any claim, live tree roots from the implicated tree must be found below affected house foundations. A tree cannot be implicated simply because it is growing close to a building. Any survey reports should then be sent to the Council's Planning Arboricultural Officer for consideration.

10. If the branches from a protected tree are hanging over my property can I cut them back?



No. A TPO placed on a tree requires that written consent to prune over hanging branches must be obtained from the Council. Likewise, if you live in a Conservation Area, you should contact the Council to advise of your intent to carry out these works. Additionally, in both cases, it is *recommended* that the tree owner's consent is obtained before pruning their trees. Any branches or other arisings should be offered back to the tree owner, but they do not have to accept them.

11. A protected tree is blocking a view or light into my property. What can I do?

Whilst residents have a right to reasonably enjoy their garden, there is no absolute legal right to a view or light blocked by trees. You may wish to seek private legal advice.

12. If I see work being carried out on a protected tree, how can I find out if the owner has permission?

Check with the Council's Planning Arboricultural Officer. The Council has a register of applications and consents for tree pruning or felling works. Any cases of unauthorised tree pruning or felling works will be investigated.

13. There is a tree that I think should be protected. What can I do?

Contact the Council's Planning Arboricultural Officer giving details of the tree, it's location and the reasons why you think it should be protected.

14. How will I know when the Council has made a TPO?

The Council will write to the tree owner and their immediate neighbours enclosing a copy of the TPO.

15. How can I object to or express support for a new TPO?

You should write to us – within 28 days – giving details of your objections or support*. Any objections will be taken into account when deciding to confirm the TPO.

* Harrow Council, Community & Environment, Planning Department, PO Box 37 Civic Centre, Station Road, HA1 2UY.

16. Does Harrow Council become responsible for looking after trees once they are TPO'd?

No. The owner remains responsible for the tree. Please also see question 8.

17. What happens if I carry out, or allow someone to carry out, work on a protected tree without written Council permission?

If a protected tree is pruned, felled or deliberately damaged, the owner and the tree surgeon commissioned to do the work could be fined, in court, up to £20,000.

18. What if my application to carry out work on a protected tree is refused or I object to the conditions imposed by the Council?

You can appeal to the First Secretary of State for the Office of the Deputy Prime Minister (ODPM) in writing within 28 days of receiving the decision or after the 8 weeks period has lapsed. Appeals are normally made in writing followed by a site visit by an inspector from the Government Office for London. For more information visit www.odpm.gov.uk/treesandhedges section: "TPO Appeals: How the Process Works".

Trees in Conservation Areas

19. What is a Conservation Area (CA)?

A CA is an area of special architectural or historical interest where it is desirable to preserve or enhance the special character of that area. This includes the contribution made by trees. Any tree over 7.5cm diameter, measured at 1.5m high on the stem/trunk, is automatically protected under the CA designation.

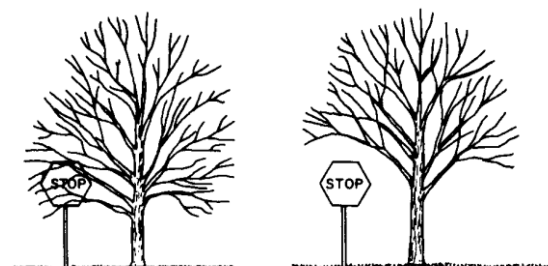
20. How can I carry out tree works in a Conservation Area?

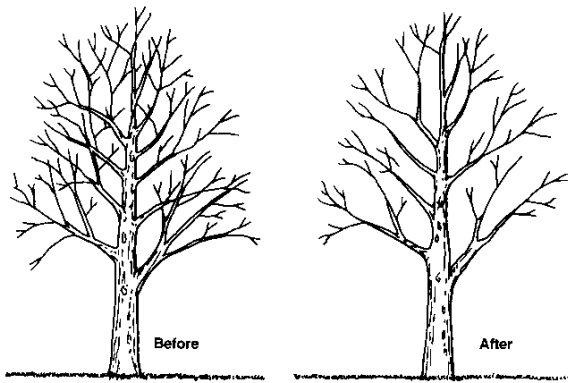
Anyone proposing to cut down or prune a tree in a CA is required to give the Council prior written notice detailing the proposed tree works. If you have not heard from the Council after six weeks, the specified work you proposed can be carried out. Please note: only the tree work specified in your letter to the Council may be carried out. Excessive pruning or undisclosed felling may result in a substantial fine.

Appendix 1 – Tree Pruning

When deciding how your tree should be pruned, it is useful to know the following terms and what they achieve:

Crown Lifting: Removal of low branches back to the main trunk or parts of branches to allow access, views or daylight beneath the tree's crown. Please note that the removal of many low branches from around the trunk may lead to a column of decay forming within the tree.





Crown Thinning: Selective removal of branches or parts of branches, evenly throughout the crown, by up to 30%. This allows more light to filter through the tree and may reduce its wind resistance. This treatment does not markedly alter the tree's shape, crown size or appearance.

Crown Cleaning. Involves the removal of dead, diseased, broken and/or rubbing branches within the crown. This pruning treatment is similar to Crown Thinning.



Crown Reduction: Shortening of branches to a suitable growth point (i.e. branchlet) to reduce both the height and spread of the tree's crown by up to 30%. This treatment allows more light to pass over and around the tree.

The Forestry Authority Research Division advise that Crown Reduction may cause branches to die back in many trees, notably beech, birch, cherry, conifers and horse chestnut.

Deadwooding: Removal of dead branches. When removing these branches, cuts should not be made into living wood or bark, as this may injure the tree.

Drawings reproduced with permission from the International Society of Arboriculture www.isa-arbor.com

Appendix 2 - Removal of ivy

Ivy can add important wildlife value to trees in woods and rural gardens. However, in urban gardens, ivy within tree canopies can increase the shading effect of trees. Moreover, it can hide any structural defects that trees may develop making visual tree inspections more difficult. To remove it, the ivy can be cut above and below to leave a gap between the stems (see photos) or carefully removed by hand using secateurs taking care not to damage the tree bark.



Appendix 3 - Trees and Biodiversity

Bats

Today there are fewer bats in the UK than even just a few years ago. Now all British bats and their roost sites – frequently trees - are protected by law. It is illegal to harm or disturb bats, or deliberately alter their roost sites – call the Bat Conservation Trust Helpline (0845 1300 228) or visit www.bats.org.uk Additionally, with certain exceptions, all wild birds and their nests are protected.

Decaying Wood

Standing deadwood (including tree trunks: monoliths) and fallen/stacked timber contribute to one of our most important habitats for biodiversity. This valuable resource supports a wide range of flora and fauna such as small mammals, fungi, lichens, hoverflies, beetles, birds and bats. Decaying wood in the UK is home to almost 1,800 invertebrate species*.

Large logs (10-50cm diameter) of hardwood (e.g. beech, sycamore or ash), with bark still attached, sunken about 60cm into the ground, in partially shaded areas can provide a valuable habitat for Stag Beetles: a threatened species in Britain & mainland Europe.

Visit The UK Habitat Action Plan for Lowland wood pasture and parkland on www.ukbap.org.uk/UKPlans.aspx?ID=5

* “Decaying Wood – managing a valuable wildlife habitat” (2005). Leaflet produced in partnership with the London Borough of Richmond, The Royal Parks, Richmond Biodiversity Group, Life and Sun.

Appendix 4 - Activities that may Damage or Destroy Trees

Where these occur near or under trees they include:

- Lighting fires.
- Digging trenches.
- Mechanical soil rotavation.
- Installing paved areas.
- Storing fuel oils and noxious chemicals.
- Raising or lowering soil levels.
- Storing soil or compost against the tree trunk.

Many of the above affect tree roots. Please remember that a tree's root system is typically concentrated within the uppermost 600mm of the soil and that it is vulnerable to damage.

If in any doubt about trees ask. The Council's Planning Arboricultural Officer is here to help. Tel: 0208 736 6092.

Appendix 5 – Tree Contractors List

The firms listed below have from time to time carried out arboricultural work on preserved trees in the London Borough of Harrow. This list of Contractors is for your information and guidance only and must not be considered as a recommendation by the London Borough of Harrow. www.treesaregood.com

Akers and Brown
7 Cemetery Road
Houghton Regis
Beds
LU5 5BZ
Tel: 01582 866576
Mob: 07958 719048

Arbormaster Tree Services
4a Whittington Way
Pinner
HA5 5JT
Tel: 020 8429 9273

The English Garden Company
The Meadows, Off Blanche Lane,
South Mimms, Potters Bar,
Herts. EN6 3PB
Tel: 01707 645069
Fax: 01707 649814
Mob: 07956 869986

Boward Tree Surgery Ltd.
St. Leonards Farm
New Year Green Lane
Harefield
Uxbridge, UB9 6LX
Tel: 01895 633226

IMS Ltd.
14 The Grange
Stevenage
Herts. SG1 3BG
Tel: 01438 727-252
Fax: 01438 351-335

Town & Country Tree Services
P.O. Box 55
Ruislip
Middx.
HA4 7FQ
Tel/Fax: 0800 056 1454

Treemenders Ltd
Cuttle Mill Nursery
Cuttle Mill Lane
Paulerspury
Nr. Towchester
NN12 7LZ
Tel: 01327 810087

Love & Stileman Ltd.
86 George Street
Berkhampsted
Hertfordshire
HP4 2EQ
Freephone: 0800 7315074
Fax: 01923 270614

Treecare
Oak Tree House
Rosebank Works
Rosebank Way
London W3 6TT
Tel: 020 8993 1443
Fax: 020 8993 2828

Orhan Kiran
Gem Tree Management
36 St. Georges Drive
Carpenders Park
Watford
Herts, WD19 5HB
Tel: 020 8421 4307

Nick Sutton
65 Old Linslade Road
Heath and Reach
Leighton Buzzard
Bedfordshire
LU7 0AU
Tel. 01525 237081
Mob. 07768030726

The Tree Company
Willow Works
Unit 9, Inwood Business Park
Whitton Road
Hounslow TW3 2EB
Tel: 020 8577 8118

J. Fletcher
Paradise Nursery
Park Lane
Cheshunt
Herts. EN7 6PX
Tel: 01992 628661
Fax: 01992 640296

Collen Treecare
528 Rayners Lane
Pinner
HA5 5DJ
Tel/Fax : 020 8869 9890
Mob. 07759226906

Complete Tree Care Ltd
Wyke Green Golf Club
Syon Lane
Isleworth
Middlesex TW7 5PT
Tel: 0870 240 8856

Urban Forestry
Bedmond Bungalow
Bedmond Road
ABBOTS LANGLEY
Herts WD5 0RP
Tel 01923268066
Mob. 07976829668

Bartlett Tree Experts
Shenley Lodge Farm
Ridge Hill, Shenley
Radlett
WD7 9BG
Tel: 01707 649 018
Fax: 01707 649 652

K. Weyman
16 Golf Close
Bushey
Watford, Herts.
WD2 2DF
Tel: 01923 236375

B. Harding
The Regann
Wood End Gardens
Greenford Middx.
Tel: 020 8422 0934

Southern Tree Surgeons
Woodlands Farm
Burnham Road
Beaconsfield, Bucks.
Tel: 01494 677889
Fax: 01494 677911

A. W. Wylam
27 Whitehall Park
London
N19 3TS
Tel: 020 7272 2689

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74a Marsh Road
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www.treesaregood.com

