



180 acres managed by a voluntary Board of Trustees

TREES ON BOUNDARIES: ADVICE TO PROPERTY OWNERS

Chislehurst Commons relies on voluntary subscriptions and limited support from the London Borough of Bromley and does not have the financial or practical resources to engage in extensive tree works on the boundaries of the Commons.

The Trustees do have a legal responsibility to make safe any tree that is located on the Commons side of a boundary that presents an immediate danger. These are the only circumstances under which the charity will be prepared to carry out any work on trees which are close to a boundary.

However, the Trustees do acknowledge the right of property holders, under Common Law, to cut back tree branches that overhang their property *provided this is done at the property owner's own expense*. Property owners who do intend to follow this course of action are strongly encouraged to discuss any proposed work with the Trustees to make sure that the integrity and aesthetics of the tree(s) are not undermined.

Property owners should also be advised of the following considerations:

- tree(s) must NOT be cut back further than the boundary.
- work on the tree(s) is likely to be subject to approval either because the tree has a Tree Preservation Order and/ or because the tree is within the Chislehurst Conservation Area. If any work is done on a tree without the necessary approvals an offence will be committed under the Town and Country Planning Act 1990. Property owners should contact the London Borough of Bromley's Tree Office on 020 8313 4515 to check the status of the tree(s) on which they propose to do work and to seek approval for any work which does fall under these controls. Approval will not be given for any work that is only concerned with reducing a nuisance from falling leaves or nuts etc.
- property owners have a Common Law Duty of Care under the Occupiers' Liability Acts 1957 and 1984 to employ competent people to work on their property and should only use fully qualified tree experts to carry out work on their tree(s). A list of qualified tree experts can be obtained from the Arboricultural Association directory
- property owners will only be allowed access to the tree(s) from the Commons side of the boundary to do any work if the work is to be carried out by a fully qualified tree expert from the Arboricultural Association's directory

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- branches which have been cut from a tree can be returned to the Commons. However, just throwing branches back over the boundary could constitute 'fly tipping'. The property owner should inform the Trustees of any intention to return any branches or debris to Commons land

7th April 2017

