



Complaints and queries



Urban Woodland Management series

This guide is one of a series produced by the Woodland Trust, the UK's leading woodland conservation charity, as a resource for managers creating or managing urban woods. These *Urban Woodland Management Guides* are based on the Trust's many years of experience of managing such sites across the UK and have been written by experienced urban woodland site managers.

From a management perspective, 'urban' woods are probably best defined as those that suffer a high level of public use and misuse. These pressures are often no different to those in any other wood with public access. However the key difference between urban sites and those in a more rural situation is both the sheer scale of pressure and public's expectations of site management.

Woods can be used not only for informal recreation but also as children's playgrounds and through routes to shops, work or school. Due to their proximity to housing, minor encroachments, garden dumping, vandalism and complaints about weeds can become commonplace. This can result in high workloads and loss of motivation for site managers and high management costs merely to maintain the *status quo*. These guides outline strategies that the Woodland Trust has implemented to deal with such problems with both proactive and reactive approaches.

The Trust welcomes feedback on these guides, including different tactics you or your organisation may have tried, so that the contents remain as relevant and up to date as possible. Please e-mail the Trust at:

urbanwoodland@woodland-trust.org.uk

Copies of this guide and others in the series can be downloaded from the Trust's website: **www.woodland-trust.org.uk**

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Introduction

The way an organisation deals with complaints or queries has a major implications for its public image. A query or complaint dealt with professionally and efficiently can save the organisation money by nipping the problem in the bud before it escalates. It can also help increase public support and understanding. A complaint dealt with badly can quickly result in a relatively minor issue developing into a major situation with its subsequent bad press and loss of support. Do not forget that those complaining often care about their locality and can sometimes be turned into excellent local contacts.

The principles of dealing with complaints associated with urban woodland are similar to those received for rural woods. The main differences are:

- The sheer number and scale of complaints received. Urban woods tend to have many more neighbours and visitors than rural sites, and so there are simply more people likely to complain.
- People's expectations of urban sites tend to differ from rural sites. While rural communities usually accept 'natural' looking woods and paths, those in urban areas tend to expect a more park-like appearance and may perceive the presence of brambles and 'weeds' as a sign of neglect rather than positive wildlife management. Concerns about personal security also tend to be raised more frequently.

This guide suggests possible responses to the more common complaints received.

The front line

When someone calls an organisation to make a complaint, the first person they will usually speak to is the receptionist or telephone operator. The caller may be angry, upset, concerned or all three. While the issue may seem relatively minor to the organisation, it is not so for the caller, and the way the call is dealt with at this initial stage can set the tone for the rest of the dialogue. It is therefore essential that the first point of contact is well briefed and trained in dealing with such conversations and immediately takes 'ownership' of the call. We all know how frustrating it is to be passed from person to person, only to get an answering machine when you finally reach the relevant staff member who can deal with your complaint.

The following are some suggestions for dealing with such calls for front-line staff:

- Take ownership of the call immediately. Give your own name, then explain that you do not have direct knowledge of the site/issue but will pass on their complaint to the person concerned (give their name if possible) and that they will contact them. Do not pass them on to someone else or give them the site manager's phone number (unless the caller insists); they may only get another answerphone message, which will make them even more frustrated.
- If a caller is angry or upset, your personal skills are extremely important. Ensure you give the caller your full attention (if they hear you dealing with interruptions or typing, it will inflame the situation). Ensure your voice remains calm and well paced.
- Do not promise when the site manager will contact them, unless you are a hundred per cent certain that the 'deadline' can be achieved. Although the site manager may appear to be available, they may be busy dealing with matters of higher priority. Likewise, even if you know the site manager is in the area concerned, do not inform the caller. They will expect the manager to deal with the issue immediately and there may not be time.
- Take the caller's name, address, phone number, convenient times to contact them (if they are out during the day, ask for a work number and confirm it is all right to contact them there if necessary) and brief details on the nature of the complaint. Other notes may be useful, such as 'This is the third time they have called'. This will forewarn the site manager and allow them to have the necessary information to hand when they return the call. Inform the caller that the site manager will phone back as soon as they are available. If you know that the site manager is unavailable for a few days, let the caller know that they will not be contacted until the manager returns. However remember that after a period away, colleagues may need a couple of days to catch up and may not have time to return the call on their first day back. Urgent matters, such as public safety issues, must be dealt with immediately

and cover needs to be provided when the site manager is away. If in any doubt, inform the site manager's line manager.

- Do not promise how the organisation will deal with the complaint. A tree that is leaning over a greenhouse may sound unsafe but it may not be. You should re-assure the caller that public safety is taken very seriously and the matter will be investigated.
- Do not accept abusive language from a caller. Be courteous but firm; tell them to moderate their language or you may be forced to put the phone down. Do not hesitate to do so if they do not comply, they will usually call back a few minutes later after they have calmed down.
- Pass on details of the complaint to the site manager as soon as possible. If the complaint appears urgent (ie a safety issue), phone them. If you know that the site manager happens to be in the vicinity of the site, try their mobile. They may be able to inspect and/or deal with the issue while they are there.
- If the site manager is away for a reasonable length of time – on a holiday, training, sickness – pass on the complaint to whoever is providing cover or their line manager.

I've got nothing against trees but . . .

Some suggested responses to complaints and queries that regularly occur when managing urban woodland are given below. Different organisations will have different policies when dealing with certain issues, but it is important to be consistent within an organisation and throughout a geographical area. If not, someone will always point out that 'your colleague dealt with this differently down the road.' It is also useful to be aware of the policies of other organisations, such as local authorities, on similar matters and for them to know of yours.

1. Trees are shading my garden/house



◁ Trees growing close to garden fences are a common cause for complaint.

Legal position

Under British law there is no general right to 'light'. It can be granted expressly through a contract, but it is not something a neighbour can necessarily expect. Equally there is no right to a 'view'.

In certain circumstances trees or woodland could be considered by a court to be the cause of a general nuisance, the interpretation of which can be complex. A landowner will have to show that there has been damage to their land or an interest in their land. This includes damage to the amenity of the land, such as persistent bad smells or loss of television signal. However, private civil action can be expensive even for the simplest case, and so the complainant would need to be very upset to pursue such a route.

Landowners do have the right to cut back anything that is growing across their legal boundary (including roots) to the line of the boundary. The cut material remains the property of the tree owner, who is also not obliged to remove branches or roots that are growing across a boundary. However, where they are seen to be unsafe and the owner had been alerted to the fact, they would be unwise not to attend to the problem.

Avoiding the problem

- When creating a new woodland or expanding an existing one, do not plant trees right up to garden fences or other boundaries. If space is limited, plant



◁ Low-growing shrubs or edge coppicing next to boundaries can reduce complaints and future safety costs and add to the biodiversity of the wood.

low-growing shrubs next to gardens instead of trees. This will lessen (but not eliminate) the problem of shading and future tree safety issues. It will also improve the wildlife value of the woodland by creating a more natural graded edge.

- If developers build right up to the edge of existing woodland, consider using thinning and felling operations as an opportunity to bring the woodland edge back from garden boundaries. If required, you could consider replacing trees removed from edges with low-growing native shrubs. It may make sense to establish a cyclical edge-coppicing regime such as cutting every 10–15 years. A managed cycle is better than a reactive response to vocal residents.
- Boundary inspections can raise potential issues before they become major problems. Some flexibility in estate maintenance and edge-coppicing contracts should be allowed to accommodate the unforeseen.

Suggested response

- Develop a clear, consistent policy for dealing with the issue. Generally (unless there is a safety issue) the Woodland Trust will not prune back branches from gardens. For complex urban sites there may be many kilometres of boundaries. By agreeing to cut back one boundary, you will soon have many requests to do the same elsewhere with potentially high and ongoing costs for little benefit to the woodland. In most urban situations, the Trust will allow neighbours to cut back branches and shrubs a further 1 metre into its property. However, if working on Trust land, they will only be insured if they use hand tools; it must be made clear that no one can use power tools or herbicides unless they can produce a valid competence certificate or employ an approved, certified and insured contractor.
- If time allows, the Woodland Trust site manager may offer to organise a contractor to do the work for the complainant, but it is important to explain that they will be expected to pay. If it is a regular issue along a particular boundary, the Trust may suggest that all neighbours contribute to the cost of an approved contractor trimming back the whole boundary.
- Your contractors should also be clear about your policy and how you want them to respond if approached by a neighbour. For example, do you want the contractor to pass on your phone number, inspect themselves and report back to you, take photographs or something else?
- Be aware of other local landowners' policies, particularly the local council's. You do not have to have the same policy but you should be able to respond to the often quoted: 'But the council always pruned back branches.' Make sure that it is a two-way process – that the council knows your position too. They may be able to help you avoid potential problems by informing people

of your own policy.

- Communicate your policy clearly to the community, possibly by a letter or leaflet to residents' associations, community/parish councils, other interest groups and as part of any management plan consultation.
- Be as sympathetic as possible but explain to the complainant the reasons why you may not prune or fell as a matter of course. For example 'We have x km of boundaries, if we made an exception in your case all your neighbours would be demanding the same' or 'To get more light into your garden we would have to fell a significant amount of woodland. This goes against our aims.'
- Explain that felling one or two trees is unlikely to significantly increase the amount of light reaching the garden. The remaining trees will quickly expand to fill any space created.
- You will undoubtedly be asked why you cannot simply 'top' the trees to a keep them at a particular height. This is fine if you want a hedge but it is an expensive operation that would have to be repeated every few years. It can also undermine the stability of some tree species, such as beech, thereby creating safety problems for the future.
- Explain that shading is, unfortunately, the price that has to be paid for all the benefits of living next to woodland. These include attracting birds and other wildlife to the garden, providing screening and privacy, noise and pollution absorption from roads. Mature woodland behind a house will usually also increase its sale value.

2. I am concerned that the tree is unsafe or is damaging my property



◁ It is essential to have a tree safety policy that includes regular inspections of high-risk zones.

Legal position

As an owner or occupier of land you may be held liable if a tree injures someone or damages their property by falling or losing a limb. It is therefore essential to hold adequate insurance to cover such incidents. In defence against a possible court action, you would have to demonstrate that reasonable measures had been taken to prevent such damage occurring or, at the very least, that your management actions were reasonable and that the damage or injury could not have been foreseen. It may be difficult to show that you have taken 'reasonable measures' but keeping detailed records of site visits and inspections is a good start. If you had taken no demonstrable action, you may find it difficult to fight a case.

Tree roots can occasionally cause direct physical damage by disturbing the brickwork of foundations, however the Woodland Trust has found that buildings are rarely undermined. The roots need to be fairly thick to cause such damage and therefore the tree has to be very close to the building.

Disruption by roots to drains and services is more common. If damage occurs, you could be liable under the Tort of trespass, which has no regard as to whether the tree or the building arrived first. However, if the owner is aware of the possibility and allows the damage to occur, they could be held to have contributed to the damage by not taking action to cut off the roots as they enter their land. It may be entirely appropriate to ask your neighbour to produce evidence of damage with an expert's report. Such complaints should not be taken lightly. If you are put on notice of potential damage and do nothing about it, it could annul your insurance if a claim is subsequently made.

Shrinkage in clay subsoils is another aspect of root damage. Here the tree roots lower the water content of the clay causing it to shrink, thus removing support from a building's foundations. This affects only clay soils and generally occurs only when there is new planting close to a building. It can be counter productive to remove older trees as the ground level will have stabilised and their removal will stop the moisture being drawn from the clay; this will then expand causing heave instead of subsidence. This is as bad, if not worse, a condition. Again the landowner can cut off the roots as they enter the property although, if you are on notice of a potential claim, particularly if backed up by an expert's report, you may be liable under negligence and trespass.

The golden rule should be 'if in doubt, seek advice'.

Avoiding the problem

- It is essential to have a clear, written tree-safety policy that includes regular inspections. The Woodland Trust 'zones' woods according to their level of risk.

High-risk zones: next to houses/gardens, roads or busy paths are inspected at regular intervals, often annually.

Lower-risk zones: next to less well-used paths are inspected perhaps every two or three years.

A ‘competent person’ must carry out the inspections. This does not have to be a highly qualified (and expensive) tree surgeon, but could be an experienced forester or site manager with more expert advice being sought for individual trees (such as large and/or veteran trees) that the site manager does not feel competent to assess. Keep a record of such inspections and any action taken. If you have a good relationship with your local authority, its tree officers may be willing to give a second opinion about difficult and/or contentious trees, however, they will not accept liability.

- Future tree-safety costs can be reduced by cutting back the woodland edge from high-risk zones as for shading issues. However, this approach needs to be treated with some caution, particularly for small woods, to ensure that the key objectives for management are not compromised.
- The Woodland Trust does not expect site managers to inspect for potential root-damage problems as a matter of course, unless an obvious problem was identified during tree-safety surveys. They would, however, respond to any individual concerns raised by neighbours in a similar way to other tree-safety issues.

Suggested responses

- Try to get as much detail from the caller as you can to ascertain whether an immediate inspection is required or whether it can wait until someone is next in the area. Remember the caller may not have any technical knowledge and may paint a rather sketchy picture but careful questioning can reveal more.

‘Has any damage to your property actually occurred yet?’

‘How tall is the tree – half the height of your house or taller than your house?’

‘Is the tree leaning over with some of its roots out of the ground or is it just blowing about in the wind a great deal?’

‘If it’s leaning, is it resting on anything such as another tree or a building/fence?’

‘If the tree actually drops, what do you think it will hit – your garden, the fence, the road?’

‘Has it dropped any branches? If so, how big are they – thicker than your arm?’

However always err on the side of caution and aim to view the tree yourself even if it takes a few days rather than a few hours.

- If the tree appears to present a serious risk, you should get it inspected and

dealt with as soon as possible. If you are sending someone else (such as a tree surgeon) to inspect and deal with the matter, make sure they record what they find, preferably with photographs, in case of later insurance claims.

- If it sounds like a more general concern, 'They seem to blow around in the wind a lot . . .', re-assure the caller that you take public safety very seriously and explain your policy regarding frequency of tree-safety inspections. Through diplomatic questioning, try to find out if there are other reasons behind their call such as shading. However, even if it sounds like a minor issue, make sure that the trees are inspected. Just as 'a huge tree' is sometimes a small birch leaning over a garden fence, 'I'm a little worried about a small branch' can sometimes be a huge oak limb hanging precariously over a child's playhouse.
- Make certain you tell the caller what you are doing and let them know the result of any inspection. Often people just need to be re-assured that someone has looked at the tree, even if no action is deemed necessary. However always avoid definitive statements when discussing tree safety, both verbally and particularly in writing. No one can say with a hundred-per-cent certainty that a tree is safe. 'We have inspected the tree and there appears to be nothing to indicate that the branch is unsafe' rather than 'We have inspected the tree and the branch is safe.'
- Often, especially with complex urban sites, it is easier to identify and gain access to the tree for inspection or work through the caller's garden. Ask their permission to do this and preferably visit when they are at home. If they cannot be there but are happy for you to gain access, make sure they do not own a dog and that they let the neighbours know you will be in their garden.
- Always ensure that you make a record of your inspection and any action taken or otherwise.



◁ Keeping on top of litter is crucial to foster a positive perception of a site.

3. The woods are full of litter

This subject is dealt with in greater detail in *Urban Woodland Management Guide 2: Litter and fly-tipping*.

Legal position

As the landowner/occupier you are entitled to allow your site to be as messy as you are prepared to accept. However, if the litter or fly-tipping on your site is deemed to be a hazard to health, the environment or be causing a public nuisance, you can be served with a notice to abate the nuisance, followed by an enforcement notice from the local environmental health department. Private individuals can also serve an abatement notice, but they must first get approval from a Magistrates Court. It is unlikely that 'ordinary' litter on a well-managed site would meet the criteria required for an abatement notice to be issued.

It is notoriously difficult to prosecute people or companies that dump material on your land, and finding sufficient evidence that it was a person or particular company can be difficult and expensive.

Avoiding the problem

A relatively litter-free site is crucial to a positive public attitude and there is no doubt that 'litter attracts litter'. It is therefore essential that you keep on top of the situation through an appropriate and effective litter contract and have a mechanism in place to respond quickly to reports of fly-tipping.

Suggested responses

- As with all complaints, try to empathise with the complainant and get them on your side: 'I find it very frustrating, we spend £x on litter-picking annually, which is money we would rather spend on more constructive projects.'
- Try to reassure them that you take the matter and your responsibility very seriously and explain how the existing litter contract works. It may be that the area they are complaining about is about to be cleansed within the next few days. Perhaps they could help to make sure the contractors do a thorough job on the woodland near them?
- Could they help in other ways? Perhaps putting up posters, helping organise a community litter-pick or just occasionally picking up litter themselves.
- Explain that you do have an effective litter contract but it takes considerable amounts of money (it is the biggest single item of expenditure for many urban woods) and your resources are limited. The community's help to tackle the problem would be much appreciated.
- Consider issuing a local news release highlighting the problem, what you are

doing about it and how people can help. Focus not only on the eyesore it creates but also the hazard to health and damage to wildlife.

4. The woods look neglected



◁ People may perceive the presence of 'weeds' as a sign of neglect.

The public may expect a style of management that is against your organisation's policy. This is particularly true if you are managing the woods to enhance biodiversity and have taken on the site from a local authority which may have implemented a more 'park-like' management regime of cutting the grass once a week through the summer. The presence of brambles and other 'weeds' may simply be perceived as neglect rather than positive management for wildlife.

Avoiding the problem

- Explain, at every opportunity – talks, site posters, news releases, circular letters – what you are doing and why, especially when you first take on a site. Describe the benefits of this approach and the value of 'weeds' in urban situations – many birds like thistle seeds, butterflies benefit from nettles, dogs prefer to foul in short grass. Never miss an opportunity to raise awareness and spread the message.
- Explain that you are trying to encourage natural woods, that there are plenty of highly manicured areas in most towns and how it is good to have a contrast.
- Phase in new management regimes over time. If the grass used to be cut once a week by the local authority, cut it once a month for the first year and maybe every other month in subsequent years. You could try only cutting regularly the grass either side of paths (a 2–3 metre strip) for cosmetic reasons to reassure people you are implementing a well-thought-out management regime and not neglecting sites.
- Be honest when telling people about proposed management works and do

not raise false expectations. Any site will look a mess during felling operations and there is no point pretending it will not. However reassure people it will soon recover, perhaps giving examples of other areas that have been thinned in the past. Swathes of bluebells are not going to appear immediately after thinning – it will take time. Try to explain the long time scales involved in the management of woodland and what will happen if you fail to do anything now.

- When asked people often cannot say why a site looks a mess unless of course there is a large amount of litter. It can be quite disarming simply to ask them exactly what they mean.

Conclusion

Every complaint or issue you have to deal with will be different depending on the reason for the complaint and the person making it. However there are a few basic dos and don'ts when dealing with all complaints.

Dos

- Take ownership of the complaint. Once the complaint has been made to you, or someone else in the organisation, the ball is in your court to respond.
- Listen to the complaint and try to ascertain, by diplomatic reasoning, if there are other factors at play. It may be that the real reason for the complaint about an unsafe tree is because it is casting shade.
- Empathise with the complainant and try to make a connection.
- Be firm and consistent. Don't give in simply because the complainant is aggressive or indeed pleasant. Don't be indecisive, but also don't be dogmatic if circumstances change.
- Be liberal when estimating deadlines to resolve an issue. It is better to under promise and over deliver than the other way round. Giving yourself a little more time may mean that you can solve the whole problem, not only part of it.
- Be clear about what action you are going to take and when. You usually don't have to drop everything to investigate a complaint. People often simply want reassurance that you are going to do something, or good reasons why you aren't.
- Keep the complainant informed of the result of your investigation or if there is going to be a delay.
- Be brave enough to admit mistakes. If you or your organisation has made a simple mistake, people often just want an apology. However always be careful about admitting liability for more complex and less clear-cut matters. Always

seek advice if in any doubt.

- Thank the complainant for taking the time to phone you. At least they care and they may become an ally.
- Keep your line manager informed about complaints that may escalate and get their support especially if there is likely to be media coverage. If possible, contact people in the community who support your actions. Remember that people will phone to complain but are unlikely to contact you to say what a great job you are doing.
- Keep a record of the complaint, who made it (including their address and phone number), a summary of what was said and any action taken.

Don'ts

- Take the complaint personally. You are just a face of the organisation (even if on the end of a phone) to whom they may want to let off steam.
- Make value judgements about the complaint based on the attitude, appearance or any other aspect of the complainant. Just because someone is young and angry does not mean their complaint is not valid.
- Pass on the complainant to someone else. If, for example, you are not responsible for the management of the site in question, explain this to the complainant and tell them that you will get the relevant person to contact them.

Further reading

Kindler, H.S. 1988. *Managing Disagreement Constructively*. Kogan Page.

Kellett, P.M. and Dalton, D.G. 2001. *Managing Conflict in a Negotiated World*. Sage Publications.

Burley-Allen, M 1995. *Listening: the Forgotten Skill*. John Wiley & Sons.



Useful contacts

Environment Agency

general enquiries: 0845 9333111
emergency hotline: 0800 807060
e-mail: enquiries@environment-agency.gov.uk
website: www.environment-agency.gov.uk

Environment and Heritage Service (Northern Ireland)

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e-mail: ep@doeni.gov.uk
website: www.ehsni.gov.uk

National Urban Forest Unit

The Science Park, Stafford Road, Wolverhampton, WN10 9RT.
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website: www.nufu.org.uk

Scottish Environment Protection Agency

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website: www.sepa.org.uk

www.naturenet.net a useful site that includes information and links

Disclaimer

The information included within this publication is based on the experiences of Woodland Trust staff in managing its own woods. While its content is intended to broaden understanding in the management of urban woodland, the Woodland Trust does not accept liability for any errors or omissions, or for any loss arising from use of the information contained herein by other parties. In any circumstances outside the knowledge and competence of a site manager, he or she should always seek advice from an appropriate qualified professional such as a surveyor or solicitor depending on the case. None of the information in this document is to be relied upon as a statement of fact.



WOODLAND TRUST

The Woodland Trust was founded in 1972 and is the UK's leading woodland conservation organisation. The Trust achieves its aims through a combination of acquiring woodland and sites for planting and through advocacy of the importance of protecting ancient woodland, enhancing its biodiversity, expanding native woodland cover and increasing public enjoyment of woodland.

The Trust relies on the generosity of the public, industry, commerce and agencies to carry out its work. To find out how you can help, and about membership details, please contact one of the addresses below.

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