

Parks and Countryside Service frequently asked tree related questions

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1. The tree looks dangerous and moves in the wind

The Council has a qualified tree expert who will inspect a tree following an enquiry or in line with the Tree Risk Management Strategy following routine inspections. Our inspection will determine its condition and safety. Trees have a natural movement in windy conditions with flexing of the trunk and movement of branches being quite a normal response.

2. The tree has not been pruned for a long time or the tree is too tall and needs to be pruned

Trees across the town are regularly assessed and any safety or maintenance related works are reported at this time. The Council does not reduce the height of the trees as a matter of course, as this can stimulate rapid re-growth and/or cause defects in the tree's structure and exacerbate the original reported issue.

The council will routinely prune highways trees to ensure that encroaching branches are pruned where they are obstructing roads and footpaths, masking streetlights, road signs and other street furniture, to maintain vehicular and pedestrian safety on the highway. This work is undertaken as part of the regular cyclical maintenance schedules.

3. Tree branches encroaching a garden/boundary

When tree branches or roots from a council managed tree encroach on to neighbouring land they are legally regarded as a nuisance. Under the terms of law the tree owner (the council) is not obliged to cut back the branches overhanging a neighbour's garden unless damage is being caused. However, the owner of the adjacent land has the legal right and 'abate the nuisance' by cutting the branches or roots encroaching onto the other property.

Where requests are made to prune trees that overhang a boundary each instance will be assessed on its merits. As a general policy, the council will only undertake work where a tree's branches touch or are very close to a building and as a consequence could cause physical damage.

4. Shading and blocking views

Householders have no right to light from across a neighbour's land. Likewise, there is no right to a view, and a view obstructed by the growth of trees cannot legally be regarded as a nuisance. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits. As a general policy the council will not undertake pruning simply to allow more light to a property, where the trees in question would not otherwise require pruning for other reasons.

An individual's tolerance of shade or their need for light is a subjective and personal matter whilst some people prefer shade there are those that have desire for sunlight. Many people are aware of the ancient and prescriptive right to light, but this only relates to loss of light over a considerable period of time in certain specific circumstances. Where trees are concerned there is no 'right to light'.

5. T.V/satellite reception

There is no legal right to television reception. Existing trees on neighbouring land which interfere with television reception, especially with satellite transmissions, are unlikely to be regarded as a nuisance in law. The Council will not carry out tree pruning simply to improve television or satellite reception, where the trees in question would not otherwise require pruning.

In the vast majority of cases, interference can be reduced by an engineering solution such as the relocation of the aerial or by the use of "booster boxes", which often improve the reception significantly.

6. Pollen and allergies

Whilst some kinds of tree pollen are known to bring on in sufferers the symptoms of hay fever this is not considered justification for either the pruning of Council trees, or their removal.

7. Leaf fall

The Council does not carry out a public leaf collection service although complaints are sometimes received about the problems caused by leaves falling from trees; the loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The maintenance of gardens and gutters is the responsibility of the landowner and the Council is not obliged to remove leaves that may have fallen from Council owned trees. Where gutters are regularly blocked by fallen leaves gutter guards may be fitted to provide a low maintenance solution.

8 Fruit, berries and nut fall

There are certain locations where fruit trees are not desirable, for example where soft fruit would make the pavement slippery or where anti-social behaviour could encourage fruit being thrown at houses or cars. When considering the 'right tree for the right place', the Council takes account of the likelihood of such problems. Equally, where fruit trees are established but where there is a significant anti-social behaviour problem the Council will consider phased removal and replacement in extreme cases

9 Sap/honeydew – The tree is making a sticky mess on my car or garden

Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. This is a particular problem with tree species such as lime and sycamore.

Unfortunately, there is little that can be done to remove the aphid which causes the problem and pruning the tree may only offer temporary relief. Any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem. Honeydew is a natural and seasonal problem. Where new trees are planted we choose trees that are less likely to cause this problem. Where honeydew affects cars, warm soapy water will remove the substance, particularly if you wash the car as soon as possible.

10 Bird droppings

Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Even when branches are pruned, the bird will often just move to another branch. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove droppings.

11 The tree is causing damage to my drains

Tree roots typically enter drains that are already broken or damaged. Trees themselves very rarely break or damage a drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe.

Tree roots can cause damage to paving, lawns and the foundations of buildings or walls. Where a neighbour's tree is causing problems, an owner is within their rights to cut back roots to the boundary of their property, unless it is protected by a TPO or is within a Conservation Area. However, one should be aware that undermining the future stability of the tree can lead to future liability for any future damage caused.

12 The tree is covered in ivy and it's killing it

Ivy is a climbing plant abundant as a groundcover shrub in many rural types of woodland. It has a variety of conservation benefits and forms an integral part of woodland's habitat. In the urban environment there is a need to balance three main considerations for its retention: tree safety, conservation and aesthetics. In some situations, it may be considered unsightly and more importantly can create problems for efficient management by obscuring potential defects and fungal fruiting bodies. It can also increase the weight of a tree's crown and the 'sail' effect during the wet, windier, winter months, when deciduous trees have shed their leaves. As a general policy the council undertakes the removal of ivy from trees only where it is considered necessary to aid visual tree health assessment.

13 I have a big tree near my property. I am worried about the damage the roots may be doing to my house. What should I do?

Tree roots may potentially cause damage to built structures in two ways:

Direct damage – this is caused when the physical expansion of tree roots or stem lifts paving stones or cracks walls etc. Due to the weight of a house no amount of physical expansion will affect it, but garden walls and small structures such as garages or outbuildings might be at risk.

Indirect damage – this can be caused to larger structures such as houses when trees roots grow underneath the foundations, extract the water there causing clay soils to shrink and the structure to subside. If a building has been built on clay soil near an existing tree, and that tree is then removed, the soil may expand which can cause heave (the opposite of subsidence).

Modern building standards mean that the risk to newer buildings tends to be isolated and the council will expect new buildings to be built to industry guidance and therefore they should not subside due to trees that were in existence at the time they were built. Should you believe that trees are the cause of cracking to a property, you should consult with your building insurers to determine the probable cause.

14 My neighbours have a high hedge. What can I do about it?

The Anti-Social Behaviour Act 2003 (High Hedges) provides for those who feel that a neighbour's hedge is hindering the reasonable enjoyment of their property to submit a formal complaint to the council. The council will then investigate the matter and may, if considered appropriate, serve a notice on the hedge owner requiring them to reduce the hedges height. In most cases, it should be possible for neighbour's to agree on a course of action without a formal complaint being necessary. This is certainly the preferable approach for all concerned. If you are unable to reach agreement with your neighbour, try contacting a local mediation service. The Council will not deal with a complaint until the mediation process has been attempted. Before coming to the council, you should write to your neighbour to let them know what you are going to do.

If your enquiry relates to any of the nuisance issues listed then please be aware that this letter constitutes the council's response to your enquiry or complaint. If your issue is not addressed above then please contact us again quoting the reference number and providing more detailed information relating to your enquiry.