

# Tree Guidance

## Introduction

Mid Devon District Council is firmly committed to maintaining and enhancing the areas trees and woodlands, as a vital part of the environment.

In view of the benefits that we receive from trees and the Council's responsibility for tree management and protection it is fitting for the Council to set out its approach to these issues. The purpose of this document is to identify and address fundamental issues raised by members of the public with frequently asked questions. If the questions identified within this document do not answer your enquiry please contact our Tree Officer on 01884 255255 for a case by case assessment.

### The benefits of urban trees within Mid Devon

There is a substantial body of research that supports the following benefits that trees bring to urban areas.

#### Environmental

- Reduce localised temperature extremes.
- Provide shade, making streets and buildings cooler in summer.
- Help to improve air quality by reducing dust and particulates.
- Improve environmental performance of buildings.
- Help to reduce traffic noise, absorbing and deflecting sound.
- Help to reduce local wind speeds.
- Increase biodiversity and provide food and shelter for wildlife.
- Assist in land remediation.
- Reduce the effects of flash flooding by rainfall interception.

#### Social

- Improve the quality and perception of the urban environment.
- Create community focal points and landmark links.
- Create sense of place and local identity.
- Benefit communities socially by instilling higher public esteem and pride for an area.
- Positive impact on both physical and mental health and well being.
- Positive impact on crime reduction.
- Improve health in the urban population.

#### Economic

- Have the potential to increase residential and commercial property values by between 7% to 15%.
- Improve the environmental performance of buildings and therefore the economic performance through reducing heating and cooling costs.
- Can provide mature landscapes that confer a premium for development sites.
- Assist the appreciation of property values proportionate to their scale as they grow larger.
- Creating a positive perception for prospective purchasers of property.
- Enhance the prospects of securing planning permission.
- Improve health in the urban population, thus reducing healthcare costs.
- Provide a potential long term renewable energy resource.

# What will the Council do about...

## **The Council owned tree is too big, moves in the wind and looks dangerous...**

The Mid Devon District Council Tree Officer is a qualified tree expert who will inspect a tree following an enquiry or in-line with the tree risk management strategy following routine inspections. All inspections are recorded electronically. It is recognised that the movement of trees in the wind does not automatically signify that a tree is dangerous, our inspection will determine its condition.

## **The tree outside my house in the pavement is blocking the passage of pedestrians and or vehicles...**

Trees will be pruned to meet the legal requirement as stated within the Highways Act as identified by the County Councils Highways Inspectors.

## **The tree outside my house has not been pruned for ages, is too tall and needs to be lopped back...**

Trees in Mid Devon District Council ownership are regularly inspected, any safety or maintenance related works are reported at this time. Mid Devon District Council does not reduce the height of trees as a matter of course, as this can stimulate rapid regrowth and/or cause significant defects in the tree's structure, which are hard to detect.

## **A council owned tree is shading my property...**

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. The householder may be assisted where appropriate, if this is possible without excess injury to or removal of healthy trees or branches. As a general policy the council will not undertake the topping, thinning or felling of trees simply to allow more light to a property, where the trees in question would not otherwise require any surgery.



## **The tree is making a sticky mess on my car or garden...**

The problem is caused by aphid infestation and is known as honeydew. This is a particular problem with tree species such as Lime and Sycamore. Unfortunately this is a problem that cannot be solved by pruning or spraying with insecticides. Mid Devon District Council will prune trees where the work complies with best practice but will not fell or disfigure trees to deal with this issue. The sugar solution is only a mild one and should not affect paintwork on cars, if the car is washed at regular intervals.

## **Birds roosting in the trees outside my house are creating a mess on my car or drive...**

This inconvenience is not sufficient justification to remove or disfigure the tree. Unfortunately pruning the tree is not the solution either, as the birds will simply roost on the remaining branches.

### **Tree branches growing across my boundary...**

There is no requirement in law to prevent trees spreading over a boundary. However, whilst there is no obligation to prune trees, if branches or roots encroach on to neighbouring land they are legally regarded as a nuisance. Under the terms of law the tree owner is not obliged to cut back the branches overhanging their neighbours garden. The onus is on the owner of the adjacent land concerned to action their legal right and 'abate the nuisance'. 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 to lessen tree encroachment, where the extent of that encroachment is considered significant in relation to the size and position of the trees. Where a tree's branches touch or are very close to a building, the work will take priority. Where overhang of the boundary is relatively minor or at considerable height, works may not be undertaken. Alternatively they may be considered for re-inspection within two years, depending on the size, type and growth of the trees concerned. Where tree roots are deemed to have encroached, works will only be undertaken where damage to property can be shown, beyond reasonable doubt, to have been a causal factor or damage is reasonably foreseeable in the future.

### **The tree is effecting my television and 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. As a policy the council will not undertake the topping, thinning or felling of trees simply to improve television or satellite reception, where the trees in question would not otherwise require any surgery.

### **Tree position, general nuisance and interference...**

Although trees may be considered an inconvenience to those living adjacent to them, by law they must be shown to be a substantial interference to a neighbour's comfort and convenience to be considered a nuisance. As a general policy the council will not undertake the topping, thinning or felling of trees simply to prevent the accumulation of leaves, seeds or minor debris on adjacent property, where the trees in question would not otherwise require any surgery.

### **The tree is causing damage to my Utility services...**

Instances of underground pipes being broken by the growth of tree roots are very rare, but penetration and blockage of damaged pipes is not uncommon. As a general policy the council will not undertake the topping, thinning or felling of trees to prevent roots entering damaged pipes. Repair of the defect in the pipe is the only certain remedy that will prevent future problems. Modern materials and joints will significantly reduce pipe damage and subsequent root encroachment in the future.

### **The tree is covered in ivy and is killing it...**

Ivy is a climbing, scrambling plant abundant as a groundcover shrub in the under storey of many rural woodlands. It has a variety of conservation benefits and forms an integral part of a woodlands habitat. In the urban environment there is the need to balance three main considerations for its retention: tree safety, conservation and aesthetics. Ivy causes no direct damage to trees. However in some situations it may be considered unsightly and more importantly can create problems for efficient management by obscuring structural defects and fungal fruiting bodies. It also increases 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 undertake the removal of ivy from trees only where it is considered necessary to aid visual tree health assessment.

### **My neighbour's trees are blocking my light, what can I do?**

Technically your neighbour only has a duty to ensure their trees are safe. There is currently no height restriction on trees. If you have concerns regarding a tree ask your neighbour how they intend to maintain it: you may be able to cut the overhanging branches back to the boundary. However, before either you or your neighbour undertakes works to any trees it is important to check the trees are not covered by a Tree Preservation Order, or located within a Conservation Area.



### **A tree is lifting paving slabs/affecting my drive, can I cut the roots of a protected tree?**

Cutting the roots of any tree is generally ill-advised as it may affect the tree's health and stability. If a tree is covered by a Tree Preservation Order, or if it stands in a Conservation Area an application will be required before root pruning can take place.

### **My tree doesn't look very healthy can the Council advise me? If not where else can I seek advice?**

Local tree contractors and consultants will be able to offer advice on the health and management of trees however this is not a service that is currently offered by the council's Tree Officer. Further details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association web site [www.trees.org.uk](http://www.trees.org.uk).

### **What do I do if I think someone has/is or are intending to work on a protected tree?**

Contact Mid Devon District Council immediately and we can check to see if the work is authorised and if not take appropriate action. All queries regarding potentially unauthorised works will be dealt with in the strictest confidence.

### **The tree roots are blocking my drains, what can I do?**

It is very unusual for roots to physically break drains and associated pipe work. However, tree roots can be opportunistic and if an old pipe with poor joints is leaking into the surrounding soil this will attract the roots that may then exploit the existing weakness. Then, when repairs are required, a proliferation of tree roots often leads to the blame being placed with a nearby tree. However replacement of faulty drains/pipes with modern materials will usually eliminate the leak and stop problems from reoccurring. Again if you believe tree roots have caused damage to structures you should consult your insurers or an expert.

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### **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** – 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** – 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 property then you should consult with your insurers to determine the probable cause.

There is no evidenced based or credible guidance as to how close trees need to be to cause damage although there is some information on the internet, which the council has found to be quite misleading. Many trees and houses are able to co-exist happily in often close proximity.

### **How can I tell if my tree is safe?**

Such assessments are best made by qualified experts however this is not a service that is currently offered by the Council's Tree Officer. Further details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association web site [www.trees.org.uk](http://www.trees.org.uk).