



# Okehampton United Charities

*Funding for the Community*

## Tree management and protection.

Okehampton United Charity frequently receives requests for tree pruning that cannot reasonably be met because they are either damaging to the tree or because they offer no cure to what is often a perceived or temporary problem. Here are some commonly asked questions and answers about our trees:

### **The tree outside my house looks dangerous and moves in the wind**

Our tree inspectors are appropriately qualified to undertake the routine inspection of trees and will inspect a tree following an enquiry or in line with the Tree Risk Management Strategy. All inspections are recorded electronically.

It is recognised that the movement of trees in the wind does not automatically signify that the trees are dangerous; our inspection will determine its condition and safety.

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

Trees owned by Okehampton United Charity are regularly inspected and any safety or maintenance related works are reported to the Trustees.

We do 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 later hard to detect.

We will routinely prune highways trees to ensure that branches are reduced back where they are obstructing roads and footpaths, masking streetlights, road signs and other street furniture, so as to maintain vehicular and pedestrian safety on the highway.

### **Tree branches are 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 neighboring 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 neighbour's garden. The owner of the adjacent land has the legal right to 'abate the nuisance' by cutting the branches or roots encroaching onto other property; however the tree owner is not obliged to accept the arisings which remain the responsibility of the neighbours unless agreed otherwise.

Where requests are made to prune trees that overhang a boundary each instance will be assessed on its merits. As a general policy, we will only undertake work where a tree's branches touch or are very close to a building.

Where overhang of the boundary is relatively minor or at considerable height, works may not be undertaken by the Charity. 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 shading my property and/ or blocking my view**

One of the most common complaints received in respect of trees, is that they block light from properties and shade gardens. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits.

However, 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.

As a general policy we 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. We will not fell or prune trees we own solely for the reason that they are allegedly reducing light levels into properties or are casting shade over gardens unless it is demonstrated that a severe restriction, in the opinion of the Trustees, has resulted.

### **Trees are blocking light to my solar panels**

As the number of residential solar panel installations increase there is going to be a greater problem from over shadowing or shading from trees and other obstacles. Trees in particular may cause a problem as even partial shading on some solar arrays can potentially reduce their ability to generate electricity.

Whilst we are supportive of such initiatives we will not fell or prune trees we own solely for the reason that they are casting shadows over solar panels. Your provider should notify you of any potential obstructions prior to installation and any installation is at your own risk.

### **The tree is affecting my television and satellite reception**

There is no legal right to television reception. Existing trees on neighboring land which interfere with television reception, especially with satellite transmissions, are unlikely to be regarded as a nuisance in law.

Interference appears to increase when trees are in leaf and in windy weather. This is especially the case with regards to satellite reception, as it appears to be more sensitive to interference than analogue television reception.

In the vast majority of cases, interference can be reduced by the relocation of the aerial or by the use of "booster boxes", which often improve the reception significantly and can be encouraged. These options are far cheaper and less destructive than pruning or felling the tree. Such alternative solutions should be encouraged.

As a policy we 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.

### **The tree is affecting my telephone lines**

If the tree is entangled in telephone or electrical wires, please contact the statutory undertaker, as only approved tree contractors are authorised to prune around these services, and it is their responsibility to ensure that clearance is maintained around their equipment.

### **I have a problem with pollen and allergies**

All vegetation produces pollen as part of its life cycle. Everything from grass to trees can have an effect on allergy sufferers. As this is a natural process, it is not classed as a 'legal nuisance' and there is nothing we can do to alleviate the symptoms and effects on residents. Windblown pollen can travel extremely long distances therefore a number of different trees may be involved making any localised pruning of only limited benefit.

### **I have a problem with leaves, seeds and fruit from a nearby tree**

Leaves and seeds are carried freely on the wind and are largely outside of our control. Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out. Once detached from the tree they are regarded as part of the natural environment in law, and if fallen onto private property cease to be the responsibility of the owner.

### **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.

We will prune trees where the work complies with best practice but will not fell or disfigure trees to deal with this issue.

Honeydew is a mild sugar solution and should not affect paintwork on cars, if they are washed regularly.

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

Even when trees are pruned they are still inhabited by wildlife.

Healthy and attractive trees are an asset to the environment and bird fouling is not sufficient justification for the tree to be pruned.

Whilst it may be an inconvenience, this is not recognized as a legal nuisance and 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.

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

Ivy is a climbing, scrambling 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.

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 we undertake the removal of ivy from trees only where it is considered necessary to aid visual tree health assessment.

### **The trees are in the wrong place and a general nuisance**

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 we 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.

### **I have a tree outside my property with prolific basal growth and want it removed**

Basal growth is the term used to describe the growth from the base and/or stem of a tree in the spring and summer. This growth occurs on a range of tree species, and it is usually most pronounced on Lime trees. As a general policy we undertake the removal of basal growth only where it is considered necessary to aid visual tree health assessment.

### **I have a tree near my property. I am worried about the damage the roots may be doing to my house and/or utility services.**

The close proximity of a tree does not automatically mean that tree roots will be causing damage, although there is often a perceived risk of expansion, subsidence or heave.

Modern building standards mean that the risk to newer buildings tends to be isolated and we 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.

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.

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 re-occurring.

As a general policy we will not undertake the topping, thinning or felling of trees to prevent roots entering damaged pipes.

However, should you believe that trees are the cause of damage; you should consult with your insurers to determine the probable cause. Any evidence of damage being caused by a tree we own should be submitted to Trustees for investigation.

**What do I do if I think someone is carrying out work on a Charity tree or intends to do so?**

Contact us immediately and we can check to see if the work is authorised and take appropriate action, if necessary. All queries regarding potentially unauthorised works will be dealt with in strictest confidence.