

## Trees - Some Frequently Asked Questions

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## **Trees and Your Property**

### **I have concerns about a tree on council land, who should I contact?**

The Council is responsible for a large number of trees and views them as an integral part of the borough's character. Should you wish to contact the Council regarding trees within their ownership, please contact the Environmental Sustainability Service on 0151 443 3682 or email [ess.enquiries@knowsley.gov.uk](mailto:ess.enquiries@knowsley.gov.uk)

### **My neighbour's trees encroach over my boundary, can I cut them back?**

Under common UK law you are able to prune back any branches that overhang your property back to the boundary of your property. All arisings from these operations must be offered back to the owner of the tree, however they have a right to refuse to take them back. If this is the case you must dispose of the arisings in the correct manner.

Before undertaking these works, please check if a tree is protected by a Tree Preservation Order or it is situated within a Conservation Area, if it is, the Common Law right is removed and you will need to seek formal permission from the Council before undertaking work to living parts of the tree. To discover if a tree has a preservation order, please visit [Knowsley MBC](#). Once you have entered your address in the search box and found your address from the drop down list, please click on the planning tab and then click on the 'show on map' option next to Tree Preservation Orders.

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

Under UK law, there is no right to light where vegetation is concerned. It is recommended that you contact your neighbour to discuss these issues. Please note that the council will not intervene in these matters as we have no legal powers to do so.

### **My neighbours have a very large hedge, what can I do about it?**

The law giving local councils powers to deal with complaints about high hedges is contained in Part 8 of the Anti Social Behaviour Act 2003 ("the Act") and the High Hedges (Appeals) (England) Regulations 2005 ("the Appeal Regulations").

It makes provision for local councils to determine complaints by the owners/occupiers of domestic property adversely affected by evergreen hedges

over 2 meters high. The council can charge a fee for this service, to be paid by the complainant. Please contact the council to request the charges for this service.

The law does not require all hedges to be reduced to, or maintained at, a height of 2 meters.

The role of the council is to act as an independent and impartial third party. They do not negotiate or mediate between individuals but will adjudicate on whether the hedge is adversely affecting the reasonable enjoyment of the complainant's property. In doing so, they will take account of all views and relevant factors - including the hedge owner's amenity and that of the wider neighborhood. They will assess each case on its merits.

Councils may also reject the complaint if they consider that insufficient effort has been made to resolve the matter amicably, or that the complaint is frivolous or vexatious.

The council may, if they consider the circumstances justify it, issue a notice requiring the owner or occupier of the land where the hedge is situated, to take action to remedy the problem, for example, reducing the height of the hedge and maintaining it at the lower level, to prevent it recurring. This is known as a "remedial notice". Any remedial notice may be enforced through criminal prosecutions and/or by the council entering the land and carrying out the necessary work if the owner or occupier fails to do so.

### **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 when the physical expansion of tree roots lifts paving stones, 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 may be at risk.
- **Indirect Damage** - Large built structures including houses which are sited on clay soils can be affected by a tree's removal of moisture. Clay soil shrinks as water is extracted from it and this can lead to subsidence. 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 risk of such damage may be greater with older properties. Modern building standards mean that the risk to newer buildings is less.

Tree-related subsidence is usually seasonal, with cracks appearing in the summer months as the tree uses the water, and then closing in the winter months as rain wets the soil. Knowsley has a low incidence of clay soil, and the risk of tree related subsidence/heave is low.

However, direct damage to shallow footed structures may occur whatever the soil type.

### **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 are 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.

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

In the majority of cases, pruning the roots of a tree can cause ill-health and cause the tree to become unstable. If you need to prune roots that are within your property, it is recommended that you seek the advice of a qualified arboricultural consultant before doing so.

### **Are there any controls on the type of tree I can plant in my garden?**

There are no controls on the type of tree that can be planted in your garden. However, a few points are worth considering before planting a tree:

- How much space is available? It is always best to ensure the space is sufficient to accommodate the future growth of the tree.
- Are there any overhead wires or obstructions?
- In what position is the tree in comparison to the property? A new tree to the south or west may block afternoon or evening sun, while a tree to the north will not restrict direct light from entering the building.

### **I have a tree that I feel is immediately dangerous and the council offices are closed, who do I contact?**

Should a tree-related incident occur outside office hours, that will not wait until the council offices are next open, the Council has an emergency telephone number, which is 0151 489 6000. They will then respond to the incident and take any necessary action to remove the danger.

## Caring for your Trees

### **My tree needs to be pruned, what should I do?**

In many cases the best form of tree management is not to prune at all. Pruning disrupts the natural state of the tree and creates opportunities for decay fungi to enter the tree. If you feel you must prune your tree it is best to mimic nature. Crown reductions (i.e. making a tree smaller in size by overall pruning) are generally a bad form of tree management, as it is very unnatural for the tree and often stimulates vigorous re-growth.

If you feel you must prune your tree, then decide what you want to achieve first and only carry out work that will do this. Such work should normally take the form of:

- **Crown Lifting** - The removal of branches from ground level to a specified height, usually expressed in meters and ultimately producing a clear stem. It is important that no branches bigger than 1/3<sup>rd</sup> the size of the associated tree stem are removed, as such wounds can create a weakness on the tree.
- **Crown thinning** - This is the thinning of the overall canopy of the tree usually by no more than 20%. The tree will remain the same size but the canopy will be thinner, allowing more light to penetrate. Such work is unlikely to stimulate vigorous regrowth.
- **Deadwooding** - Removing the deadwood from a tree is generally beneficial. However, in certain cases, such as trees in woodlands or Veteran Trees, it may be better to leave the deadwood as a habitat providing it does not pose a safety risk.

Before undertaking these works, please check if a tree is protected by a Tree Preservation Order or if it is situated within a conservation area. To discover if a tree has a preservation order, please visit [Knowsley MBC](#). Once you have entered your address in the search box and found your address from the drop down list, please click on the planning tab and then click on the 'show on map' option next to Tree Preservation Orders.

### **When should I prune my trees?**

Ideally trees should be pruned when dormant (Nov-Feb). However, certain species should be pruned in the summer, for example Cherry. Avoid the period when the tree is coming out of the dormant period. Incorrect pruning during late March, April and May can induce 'bleeding' where the rising sap weeps from the tree. This can severely stress the tree, disrupting its natural balance at a very important time. If you have concerns about the work you intend to do, please consult a professional tree surgeon before undertaking the works.

It is also important not to disturb nesting birds or roosting/hibernating bats. IF you do, you could be fined under the wildlife and countryside act. For any advice

regarding nesting birds and / or bats it is recommended that an ecological consultant is contacted.

### **Can you recommend a tree surgeon or tree consultant?**

Details of tree contractors or tree consultants are available from the [Arboricultural Association](#) or email [admin@trees.org.uk](mailto:admin@trees.org.uk).

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

Such assessments are best made by qualified experts. Details of tree consultants are available from the [Arboricultural Association](#) or email [admin@trees.org.uk](mailto:admin@trees.org.uk).

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

If your tree is covered by a [Tree Preservation Order](#) or you live in a [Conservation Area](#) the Council will be able to advise regarding the health of your tree. The cost for the Council to assess your tree and give you guidance is currently set at £55 + VAT. Otherwise, if you are concerned about the health of your tree, you should contact an Arboricultural Consultant. A full list is available from the [Arboricultural Association](#) or email [admin@trees.org.uk](mailto:admin@trees.org.uk).

### **My tree has a fungus growing on it, does this make the tree unsafe?**

There are many types of fungi that affect wood. They are often indicative of a wider problem and are a valuable tool in diagnosing what may be wrong with your tree. Removing fungal fruiting bodies from trees will fully remove the fungus because it is usually by this stage well established within the tree.

If you find fungi growing on your tree call an expert to help identify the potential problem. If you are worried about your children coming into contact with the fungus contact the Council to arrange a site visit. A full list of Arboricultural Consultants is available from the [Arboricultural Association](#) or email [admin@trees.org.uk](mailto:admin@trees.org.uk)

### **My tree drops a sticky substance, what can I do about it?**

Certain species of trees are susceptible to aphids that feed on the sap through veins on the leaves. Because the sap has a very low nutritional content the aphids must feed on a very high volume, they discharge the excess as a sticky sugar solution while they are feeding. There is very little that can be done to resolve the problem. Spraying is often not practicable. Fortunately, the sugar solution is only a mild one and should not affect paintwork on cars. If the car is washed at regular

intervals. Regular washing will also help to prevent a growth of sooty mould on the sugar solution deposits which can develop over time.

## **Protected Trees**

### **What is a Tree Preservation Order?**

A Tree Preservation Order (TPO) is a special form of control that applies to certain trees. TPOs are used to protect trees that are particularly attractive and contribute to the appearance of an area. It is illegal to cut down, prune, or otherwise damage a tree protected by a TPO without the Council's consent. The unauthorised lopping or felling of a tree is a serious criminal offence and can result in a fine of up to £20,000. TPOs are made by the Council when trees are under threat of being cut down or damaged.

### **What is a Conservation Area?**

A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve. Trees often make an important contribution to the appearance of Conservation Areas, and so are given special protection. The penalties for unauthorised felling or lopping of trees in Conservation Areas are the same as for trees protected by TPO.

### **What types of tree are protected?**

Any species of tree can be protected by a Tree Preservation Order although the protection of fruit trees by an order is rare. If a tree is healthy and stable, visible from a public place and potentially under threat it is a candidate for a Tree Preservation Order, regardless of species. Permission is required for the pruning or felling of any tree within a Conservation Area greater than 7.5cm in diameter (as measured at 1.5m above ground level).

### **How do I find out which trees are protected by a Tree Preservation Order or Conservation Area?**

To discover if a tree has a preservation order, please visit [Knowsley MBC](#). Once you have entered your address in the search box and found your address from the drop down list, please click on the planning tab and then click on the 'show on map' option next to Tree Preservation Orders.

### **How can I get a tree protected by a Tree Preservation Order?**

The Council will only apply a Tree Preservation Order if it can be demonstrated that the tree is under threat. If this is the case and the tree looks healthy and stable, is visible from a public place and its removal would significantly harm the appearance of the area, please contact the council's planning department at

DRES.DCSubmissions@knowsley.gov.uk. We will then look at the tree to see if it is worthy of protection and advise you accordingly.

### **How do I apply for consent to carry out work to a protected tree?**

A downloadable application form is [available here](#). However, if you wish to undertake felling or crown reduction it may be advisable to discuss your proposals with us prior to submitting the application. We may be able to advise you on alternative works that will solve the problem, but that will not conflict with our policies on tree protection. It usually takes six weeks from the receipt of your application until a decision is made.

### **Can I appeal against the Council's decision if my application to carry out work is refused?**

Appeals are dealt with independently by the Planning Inspectorate. [Guidance](#) and [Application forms](#) can be accessed here.

### **Is there a charge for making an application?**

There is no charge for making a Tree Preservation Order or Conservation Area Application. Appeals against decisions made are also free of charge.

### **Will the Council pay for my protected tree to be pruned?**

The Council will not pay for works to protected trees. All landowners are responsible for ensuring their trees are safe and any pruning work required will be at the landowner's expense.

### **Am I able to claim compensation from the Council if a protected tree causes damage?**

All landowners are responsible for ensuring their trees are safe regardless of whether they are covered by a Tree Preservation Order or not. Healthy trees do sometimes fall down and it is worth checking your household insurance and/or having an independent report done on the risk they might present to property. Such a report can be compiled by an Arboricultural Consultant. A full list is available from the [Arboricultural Association](#) or email [admin@trees.org.uk](mailto:admin@trees.org.uk).

If permission is refused to remove a tree causing damage to drives, walls etc. you may only claim compensation for the damage that occurs in the 12 months following refusal. You will need to have the problem fixed and then bring a claim within 12 months. We will treat each claim for compensation on its own merits.

## **Will the Council accept responsibility for my tree if I am not allowed to cut it down and then it causes damage to my neighbour's property?**

Although damage from subsidence and heave or to drains is very unlikely, property can be at risk if a tree becomes diseased or is damaged in bad weather. If the Council refuses permission to fell a protected tree, it has been assessed and deemed safe at the time of application. However, trees do change over time and they are the responsibility of the landowner regardless of any Tree Preservation Order. If you are worried about the condition of your tree and feel it poses a risk contact a tree consultant. He or she will advise you on what you may remove from the tree in order to make it safe.

## **I think my tree is dead - can I remove it?**

Any protected tree that is dead, dying or dangerous can be removed without the need to submit an application. However, the onus of proof rests with you. If you plan to remove such a tree it is advisable to provide us with five days notice. We will then make a site visit to check that the tree is dead, dying or dangerous and if this is the case, it can be removed.

## **What is a felling licence, and when do I need to apply for one?**

The Forestry Commission controls the quantity of timber that can be felled at any time, by issuing felling licences. However, trees in private gardens are exempt from this control.

A felling licence is required for the felling of relatively small volumes of wood (5 cubic metres may be felled in any calendar quarter without a licence, as long as no more than 2 are sold). Application forms for felling licences are available from the [Forestry Commission](#) (0300 067 4000).

## **Can protected trees be felled to enable development to take place?**

If trees are not the subject of a Tree Preservation Order or do not exist within a Conservation Area, they may be removed without the Council's permission. However, if an application is received to develop on land affected by a Tree Preservation Order or Conservation Area the impact on the trees will be part of a whole assessment of the proposal. We will consider details such as the proximity of the proposed buildings, the health and stability of the trees, their contribution to the character of the area and the value in retaining them. If a site is not the subject of a Tree Preservation Order and a development looks likely to threaten healthy, stable and visually significant trees, the Council may consider creating a Tree Preservation Order in order to safeguard the trees.

## **What do I do if I think someone has damaged or felled a protected tree?**

Contact us on 0151 443 2043 or email [planning@knowsley.gov.uk](mailto:planning@knowsley.gov.uk). We can check to see if they are undertaking permitted work. If we have no record of work taking place, and the trees appear to be protected we will try to inspect them within 24 hours of the initial enquiry, and often much sooner.