

Tree management and protection

Frequently asked questions



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INTRODUCTION

Torbay Council is firmly committed to maintaining and enhancing Torbay's trees and woodlands as a vital part of the environment. Torbay is one of the UK's richest areas in terms of biological diversity, and as such, the council seeks to ensure that its commitment to the environment is followed through with actions.

In view of the benefits we receive from trees and the council's responsibility for tree management and protection it is fitting that we set out our approach to these issues. The purpose of this document is to identify and address fundamental issues raised by members of the public. If the advice in this document does not answer your enquiry a tree officer may make further contact with you and respond to your concerns.

The benefits of urban trees in Torbay

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
- 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 wellbeing
- 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 increase development site values
- Assist the increase of property values as trees grow
- 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.



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GENERAL GUIDANCE

This general guidance and advice will hopefully answer the most frequently asked questions about trees.

The tree is too big, moves in the wind and looks dangerous...

Torbay Council Arboricultural Officers are qualified tree experts who will inspect a tree following an enquiry or inline 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 the trees 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 council's highways inspectors.

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

Trees in Torbay are regularly inspected and any safety or maintenance related works are reported at this time. Torbay 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 damage 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.

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 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 neighbour's garden. The owner of the adjacent land has the legal right and 'abate the nuisance' by cutting the branches or roots encroaching on 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. Where overhang of the boundary is relatively minor or at considerable height, works may not be undertaken by the council. 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 affecting 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.

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 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 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. Torbay Council 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...

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.

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 many rural woodlands. It has a variety of conservation benefits and forms an integral part of a 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 the council undertakes 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. For further information you can contact the council's Tree Section on (01803) 207977 or email trees@torbay.gov.uk

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

The high hedges legislation was introduced on 1 June 2005 under Part 8 of the Anti-social Behaviour Act 2003 and applies to evergreen and semi-evergreen hedges of over two metres in height. Information relating to this matter, including three leaflets, may be viewed on the Department for Communities and Local Government's website. The legislation 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 hedge's height. The complaint form is available by request from the Tree Section (01803) 207977. In most cases, it is possible for neighbours 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 as

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the mediation process is essential before making a formal complaint to the council.

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. It must be noted that tree related subsidence is fairly rare in Torbay because there are few areas of the highly shrinkable clay needed to cause significant structural problems to houses. However, 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. In our experience given our knowledge of the topography of the Bay and the constraints this poses on land use we find that many trees and houses are able to co-exist happily in often close proximity.

The tree roots are blocking my drains. What can I do?

It is very unusual for roots physically to 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 re-occurring. If you believe tree roots have caused damage to structures you should consult your insurers or an expert.

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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. An application form is available for download on the Torbay Council website in the Planning pages of www.torbay.gov.uk or you can contact the Tree Section on (01803) 207977 or email trees@torbay.gov.uk

How can I tell if my tree is safe?

Such assessments are best made by qualified experts. This is not a service offered by the council's arboriculturalist, but details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association website www.trees.org.uk

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, but this is not a service currently offered by the council's arboriculturalist. Details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association website www.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. They are also an invaluable habitat for rare insects and beetles and should not be removed from the tree. Removing fungal fruiting bodies from trees will not get rid of the fungus as 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. Further details of tree contractors and consultants operating throughout the UK are available from the Arboricultural Association website www.trees.org.uk

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

Contact the Tree Section on (01803) 207977 or at trees@torbay.gov.uk 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 the strictest confidence.

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 this problem is growth related, it often means that all trees will develop the problem at the same time. This is often in late May/early June although it depends on weather conditions. Due to this type of growth we look to pool resources into the worst affected roads first, attending to all the lime trees before moving to another road. If the growing seasons are particularly favourable, it is possible that some trees may have to be treated two or three times within a calendar year.

If your ward is shown as being completed and the tree outside a property has been missed (rather than just re-grown), please contact the Tree Section immediately on (01803) 207977 or at trees@torbay.gov.uk immediately and we can check to see if the work has been ordered.





www.torbay.gov.uk

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