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 raise a concern regarding trees, the following ways will take you to the most appropriate team:

Trees within the boundary of a property:

Council owned: Contact the Council’s Arboricultural Team.

Housing Trust owned: Contact them directly (unless the tree is covered by a Tree Preservation Order in that case you will need to contact the Council’s Arboricultural Team as below).

Privately owned: Contact the owner directly (unless the tree is covered by a Tree Preservation Order in that case you will need to contact the Council’s Arboricultural Team as below).

School land: Contact the school directly (unless the tree is covered by a Tree Preservation Order in that case you will need to contact the Council’s Arboricultural Team as below).

Trees on the Highway, Open Space or within Parks:

Contact the Arboricultural Team:

Office Hours 9am-5pm Mon-Fri –

Urgent (Dangerous Trees): Phone: 0151 443 3682

Non-Urgent (i.e. Neighbours Trees) – Email: ess.enquiries@knowsley.gov.uk

Out Of Hours: 5pm-9am Mon-Fri and Weekends

Urgent (Dangerous Trees): Phone: 0151 443 2400 or 0151 489 6000

Non-Urgent (i.e. Neighbours Trees) – Email: ess.enquiries@knowsley.gov.uk

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

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

Although it is always advisable to notifying your neighbour of your intentions Common Law rights allow you to remove branches that cross over your boundary without the need to seek your neighbour's permission. However, you must not cross their boundary in doing so. For example, leaning a ladder over the boundary to rest against the trunk of the tree could be classed as trespass.

When disposing of the branches or any other waste material from the tree, first ask your neighbour if they wish to have the material returned to them, if they don't want the material, it will be your responsibility to dispose of it.

Remember, if a tree is protected by a [Tree Preservation Order,](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree) or if it is located within a [Conservation Area](http://www.knowsley.gov.uk/residents/building-and-planning/heritage-conservation/conservation-areas), 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. The application form is [***available here***](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree)

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

UK Law does not give anyone the right for access to light, your neighbour only has a duty to ensure their trees are safe and there is currently no height restriction on individual trees.

If you have concerns regarding a tree, it is best to talk to your neighbour, expressing your concerns and ask them how they intend to maintain it. Even if their response does not address your concerns under common law rights you may be permitted to cut overhanging branches back to the boundary.

However, remember before either you or your neighbour undertakes works to any trees it is important to check the trees are not protected by a [Tree Preservation Order,](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree) or if it is located within a [Conservation Area](http://www.knowsley.gov.uk/residents/building-and-planning/heritage-conservation/conservation-areas). If this is the case, the Common Law right is removed, meaning you will need to seek formal permission from the Council before undertaking work to living parts of the tree. The application form is [***available here***](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree)

If the answer above does not answer your question, contact the Arboricultural Team for advice ess.enquiries@knowsley.gov.uk.

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").

The law makes provision for local councils to determine complaints by the owners / occupiers of domestic property adversely affected by evergreen hedges over 2 metres high. The council is able to charge a fee for this service, to be paid by the complainant. Knowsley Council’s fee is currently set at £320 + VAT.

Please note that the law does not require all hedges to be reduced to, or maintained at, a height of 2 metres.

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 particular 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:

1. **Direct Damage** - where 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.
2. **Indirect Damage** – where 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 where the tree uses a greater quantity of water, and then closing in the winter months as moisture levels in the soil increases.

Knowsley has a low incidence of clay soil, so 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?

Roots do not normally physically break drains and associated pipe work. However, tree roots are opportunistic and if pipes with poor joints are leaking into the surrounding soil they will attract the roots, which may exploit the existing weakness by growing into the pipe. Consequently, when repairs are required, the proliferation of found tree roots often leads to unjustly blaming a nearby tree, when the real cause is the poor joints. As such, with the replacement of faulty drains / pipes with modern materials, this 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?

Cutting the roots of any tree is generally ill-advised as it may affect the tree's health and stability, it is recommended that tree consultant advice is sought before carrying out any root removal under safety grounds. If, however, a tree is covered by a [Tree Preservation Order](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree), or if it stands in a [Conservation Area](#c14) then an application will be required before any root pruning can take place. The application form is [***available here***](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree)

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 number of points are worth considering:

1. How much space is available? It is always best to ensure the space is sufficient to accommodate the future growth of the tree.
2. Are there any overhead wires or obstructions?
3. 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.

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 also creates opportunities for decay fungi to enter the tree. 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, as a rule of thumb it is best to mimic nature, such work should normally take the form of:

1. **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 1/3rd the size of the associated tree stem are removed, as such wounds can create a weakness on the tree.
2. **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.
3. **Crown Clean** - 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.

Please note: **Crown reduction** (i.e. making a tree smaller in size by overall pruning) is generally a bad form of tree management, as it is very unnatural for the tree and often stimulates vigorous re-growth and as such should only be done as a last resort.

Before undertaking any work it is worth checking to see if the tree is covered by a [Tree Preservation Order](#c13) or stands in a [Conservation Area](http://www.knowsley.gov.uk/residents/building-and-planning/heritage-conservation/conservation-areas). If the tree is known to have a Tree Protection Order (TPO) contact planning@knowsley.gov.uk. The application form is [***available here***](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree)

If the status of whether the Tree is TPO protected is unknown or if you are looking for further guidance / advice, contact ess.enquiries@knowsley.gov.uk.

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 tree work you intend to do, consult a professional tree surgeon.

Remember, it is also important not to disturb nesting birds or roosting / hibernating bats. If you have any queries concerning wildlife contact the Environmental Advisory Service on Tel: (0151) 934 4954 or email eas@sefton.u-net.com

Can you recommend a tree surgeon or tree consultant?

Details of tree contractors or tree consultants are available from the [Arboricultural Association](http://www.trees.org.uk/) on 01242 522152 or email 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](http://www.trees.org.uk/contractors.htm) on 01242 522152 or email 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](#c13) or you live in a [Conservation Area](http://www.knowsley.gov.uk/residents/building-and-planning/heritage-conservation/conservation-areas) 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](http://www.trees.org.uk/contractors.htm) on 01242 522152 or email 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 not get rid of the fungus since 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](http://www.trees.org.uk/) on 01242 522152 or email 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. The sap has a very low nutritional content so the aphids must feed on a very high volume, consequently, 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 as spraying is often not practicable. Fortunately, the sugar solution is only a mild one and if the car is washed at regular intervals, it should not affect the paintwork. 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, including fruit trees, 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?

Please visit the councils my neighbourhood map using the following link [Knowsley MBC](https://secured.knowsley.gov.uk/myneighbourhood). To discover if a tree is protected, enter the address into the search box. Once you have selected the relevant property click on the ‘Planning’ tab, then click on ‘Show on Map’ next to Tree Preservation orders. This will then display if a tree has a tree preservation or is within a conservation area.

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 at DRES.DCsubmission@knowlsey.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***](http://www.knowsley.gov.uk/residents/building-and-planning/work-on-protected-tree). 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](https://www.gov.uk/government/publications/tree-preservation-order-procedure-guide) and [Application forms](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/500965/TPO_appeal_form_Feb_2016.pdf) 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](http://www.trees.org.uk/contractors.htm) on 01242 522152 or email 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 cubic metres are sold). Application forms for felling licences are available from the [Forestry Commission](http://www.forestry.gov.uk/england-fellinglicences) (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 take into account 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 immediately on 0151 443 2380. 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.

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