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TREES F.A.Q. SHEET

1. The tree(s) outside my property block light to my house/ garden; can they be removed/pruned?

In law there has been no tested case to prove or disprove right to light and as such there is NO ABSOLUTE RIGHT TO LIGHT, to either land or property.

Whilst Northampton Borough Council and Daventry District Council are sympathetic we do not undertake tree works to facilitate light to either land (gardens, etc) or property (houses, conservatories, solar panels, etc).

2. Trees overhang my garden, can I prune them?

In Law there is no legal obligation for a tree owner, private or public, to prune trees in order to prevent branches spreading over a boundary, unless structural damage is caused.

Northampton Borough Council and Daventry District Council endeavour to ensure a 2-metre clearance distance from overhanging trees to residential structures (i.e. houses, garages, etc.) as part of our maintenance programme. However, there is a common law right which permits a person (or their agent i.e. tree surgeon, gardener, etc) to prune back any growth of tree, shrub etc to the line of their boundary, e.g. fence line, as long as any cuttings are disposed of in a responsible manner, i.e. not dumped on public property or private land.

ADDITIONAL INFORMATION

B.1 Any prunings, fruit etc must be offered back to the owner of the tree, but if the owner declines to accept them it is up to the person who has pruned the tree to dispose of the waste in a responsible manner.

B.2. The law of trespass applies. So the pruning can only be carried out from the enquirer's side of the fence unless permission is obtained from the landowner.

B.3. By carrying out any work to a tree as above, the person takes responsibility for their actions. Should injury/ damage or failure of the tree occur, as a result of such action, the person who carried out the work becomes liable.

B.4. If the tree carries a Tree Preservation Order or is in a Conservation Area permission must first be obtained from the local planning authority (LPA). This information can be found in a leaflet 'Protected Trees- A Guide to Tree Preservation Procedures'

3. My T.V. signal is poor, the company who supplied it says the trees are interfering can they be removed/pruned?

Northampton Borough Council and Daventry District Council do not prune trees to ease this difficulty. A T.V. Licence does not give the holder a guarantee or legal right to reception, be it analogue, digital or satellite.

An Information Fact Sheet offering advice on how to ameliorate tree-related reception problems can be found at www.bbc.co.uk/reception.

4. The leaves/ seeds/ sap, makes such a mess when they fall and make the garden path slippery/block the drains/dirty the car, can they be removed/pruned?

Northampton Borough Council and Daventry District Council have a duty of care to keep pavement in good structural repair (County Council Highways Department), but Gardens (front or rear) whether those of the Council or private properties are the concern of the occupiers.

Northampton Borough Council and Daventry District Council can accept no responsibility for the tree leaf litter, seed drop, sap exudations etc, as these are natural physiological occurrences only to be expected by trees.

Northampton Borough Council and Daventry District Council do not undertake tree works to facilitate the prevention of leaf litter, seed or sap drop in gardens or footpaths.

It is important to note that except in the most extreme and exceptional circumstances, Northampton Borough Council does not remove any tree without there being sufficient disease, decay or structural damage, identified and assessed by a qualified arboriculturalist.

5. I am worried about the tree roots getting under the house and damaging foundations, what should I do?

Generally tree roots do not damage buildings. However some of Northamptonshire soil has high clay content and this, when coupled with vegetation (trees or shrubs) can cause excessive moisture loss during periods of drought. If you think your property is affected this way, you should first obtain a structural survey (often via your own building insurance company). This should then be forwarded to Insurance Services, Northampton Borough Council or Insurance Services, Daventry District Council.

6. Is there a law about the height of hedges?

Yes, since the 1st June 2005 the High Hedges act has given Local Authorities powers to deal with complaints regarding High Hedges. For further information please contact Northampton Borough Councils Planning Department 01604 837789 or Daventry District Councils Planning Department 01327 871100.

7. Why can't you 'Top' / reduce the height of the trees outside my house?

'Topping' is an outdated arboricultural practice that is no longer considered to be acceptable by the industry for a number of reasons including:

- Topping removes so much of the trees canopy it upsets the crown to root ratio temporarily reducing its food making ability.
- Topping exposes the rest of the tree, and surrounding trees and vegetation, to scorching from direct sunlight, which can damage the natural physiological processes and future survival of the trees.
- The large stubs and wounds caused by 'topping' open the tree to insect attack, disease and decay entry, compromising the future survival of the trees.
- Any new shoots that grow from the cut stubs will be weakly attached and pose a risk to safety when they become larger and heavier.
- 'Topping' a tree will encourage rapid re-growth often with larger leaves and denser crowns!
- Some species of tree cannot cope with 'Topping' and will die as a result.
- A 'Topped' tree is ugly and deformed and will never regain its natural shape and character.

8. Somebody is working on a tree but it has birds nesting/ bats roosting in it- who do I call?

Contact one of the following:

RSPB

NATURAL ENGLAND

BAT CONSERVATION TRUST

Further details can be obtained from your local library.