

# Tree guidelines

June 2022



## Introduction

The purpose of this document is to offer answers to some of the most common tree related queries that members of the public refer to Milton Keynes Council Landscape Department and the trees for which they are responsible. The Council has limited control over the maintenance of privately owned trees. The limited legal powers that we do possess are explained here.

The Council's legal priority is to ensure that identified tree related risks are removed or reduced so that we can all safely enjoy the many benefits that a healthy and robust tree canopy cover brings to the Borough. This statutory obligation means that we require a system to ensure that we deal with higher priority tree risks within stated timescales. It allows us to maintain an efficient tree risk management system 24 hours a day for 365 days a year and manage budgets effectively. Tree issues that are low risk are not prioritised. The Environment team will work in collaboration with Housing Team and other internal stakeholders to deliver an arboriculture service.

Where the Council receives a Reasonable Adjustment request by someone defined as 'disabled' under the Equality Act 2010 the Council has a duty to consider this. Legally the council has a duty to make reasonable adjustments when a person is at 'substantial disadvantage' compared to people who are not disabled. In some cases, it can help to have an informal chat first and may also mean that you get a quicker response.

## Tree risk management explained

| Tree issue                   | What the Council will do   | Background information  |
|------------------------------|--|---|
| <p><b>Dangerous tree</b></p> | <p>Milton Keynes Council has a statutory responsibility to maintain trees under its control in such a way that they do not pose unreasonable risks to people or property. We take this duty of care extremely seriously and prioritise identified risks to ensure that the most serious are attended to first.</p> | <p>Priority 1 – Emergency - As a minimum situation made safe ASAP, certainly within 24 hours</p> <p>Priority 2 – Urgent - Work completed within two weeks</p> <p>Priority 3 - Developing Risk - Work completed within 6 months</p> <p>Priority 4 - Management of ancient and veteran trees</p> <p>a) conserves trees with high ecological value where public safety is not compromised</p> <p>b) preserves trees with significant local historical and/or aesthetic value</p> <p>Priority 5 - Young tree maintenance</p> <p>a) assists the establishment of young trees</p> <p>b) enables new tree planting to reach its potential with less chance of structural defects</p> <p>Please note. For Categories 3A and 3B, these are ‘Target Completion Dates’ and may need to slip back to allow more urgent work (Categories 1 and 2) to be prioritised.</p> |

## Tree risk management explained

| Tree issue                    | What the Council will do   | Background information   |
|-------------------------------|--|--|
| <b>Non-risk tree problems</b> | The Council does not prioritise tree work where no risks or no significant risks have been identified. | <p>The Council has no legal obligation to remove or prune trees to alleviate shade or non-hazardous overhanging branches, improve poor TV/satellite signal, prevent, or reduce fallen leaves and fruit, aphid honeydew or bird-droppings etc. I.e., they are 'legal trifles' that the courts would not be concerned with.</p> <p>Offer some solutions e.g., prune back to boundary, sweep up, park elsewhere</p> <p>Possible exceptions:</p> <p>Where alternative LA funding can be provided and capacity allows, such work may be considered</p> <p>The tree has already been identified as requiring work and either low risk or budget has meant it has not yet been carried out.</p> <p>On inspection the tree officer agrees that the works are beneficial due to the condition or risk posed by the tree as set out in the priorities above</p> <p>Work does not result in increased future costs. This would preclude for instance, pollarding.</p> <p>Works complying with best arboriculture practice</p> |

## Tree risk management explained

| Tree issue  | What the Council will do   | Background information  |
|---|--|---|
| <p><b>Risks posed to highway users by trees not maintained by MKC Landscape department.</b></p> <p>(For example, trees on private land or trees for which other council department and other public bodies are responsible)</p> | <p>We have a legal obligation to ensure that all trees located close to a highway do not pose unreasonable risks to highway users.</p> | <p>Where trees not maintained by MKC landscape department pose unreasonable risks to highway users, we will contact the owner and request that they take appropriate action. If such action is not undertaken within stated timescales, we have legal powers of enforcement to ensure that the required action is undertaken. All costs will be re-charged.</p> |

## Tree risk management explained

| Tree issue  | What the Council will do   | Background information   |
|---|--|--|
| <b>Risks posed by privately owned trees located away from a highway</b> | All tree owners have a legal responsibility to ensure that trees under their control do not pose unreasonable risks to others. | <p>We will not normally get involved where privately owned trees do not pose a risk to the public realm. If you are concerned over the condition of a privately owned tree and its perceived risk, you should contact the owner and make them aware.</p> <p>If an owner has been made aware of a perceived risk and their legal responsibility, but no action has been taken, the Council may contact the owner to remind them and inform of the Council's powers to act. It should be noted, however, that our legal powers of enforcement are limited. We can only intervene if there is a genuine, significant risk and where tree failure is deemed to be imminent. All costs will be charged to the tree owner.</p> |

## Trees causing shade, overhanging or encroaching on property

| Tree issue  | What the Council will do  | Background information  |
|---|---|---|
| <p><b>Excessive shade</b></p><br><br><br><br><br><br><br><br><br><br><p><b>High hedges causing severe shade</b></p> | <p>The Council will not normally remove or prune a Council owned tree in order to mitigate shade. However, where shade is so severe that it affects quality of life and alternative arrangements are not possible, appropriate work may be considered.</p><br><br><br><br><br><br><br><br><br><br><p>Where a privately owned evergreen hedge in excess of 2m in height and made up of two or more evergreens, casts dense shade on a neighbouring property the Council has statutory powers to require appropriate action by the hedge owner.</p> | <p>The Council will always focus its resources on reducing identified tree risks. Contrary to popular belief, there is no legal requirement for tree owners to remove or prune their trees to improve the amount of natural light that reaches a neighbouring property.</p><br><br><br><br><br><br><br><br><br><br><p>These powers are provided by Part 8 of the Anti-social Behaviour Act 2003. It is important to note that they only concern predominantly evergreen hedges of two or more trees that can be proven to be casting unreasonable shade on neighbouring properties. The Council will not get involved in the first instance and will expect the complainant to have made every effort to contact the hedge owner and attempt to reach agreement on the best way to address their concerns. If no such agreement can be reached, an application can be made to the Council for them to investigate and rule on the matter. There is a charge for this service. You can find more information on the Council's website at:</p> <p><a href="https://www.milton-keynes.gov.uk/leisure-tourism-and-culture/parks-and-open-spaces/landscape-maintenance/hedges">https://www.milton-keynes.gov.uk/leisure-tourism-and-culture/parks-and-open-spaces/landscape-maintenance/hedges</a></p> |

## Trees causing shade, overhanging or encroaching on property

| Tree issue                      | What the Council will do  | Background information  |
|---------------------------------|---|---|
| <b>Trees touching buildings</b> | Where a Council owned tree is physically touching a building, we will take appropriate action once we are aware of the situation. This may involve pruning back branches effecting the property or other site specific actions based on tree condition, position relative to other infrastructure, previous pruning etc | <p>A property owner has a Common Law right to remove an overhanging branch from a neighbour's tree at the point where it crosses the property boundary. You have no such right to prune any part of a tree outside your property boundary. All parts of the tree are the legal property of the owner and cut material should be offered back to them, if they decline it, it is your responsibility to dispose of the material appropriately. MKC declines the offer of cut material so people exercising their common law right to cut back an MKC tree will also need to dispose of the cut material appropriately.</p> <p>It is recommended that you discuss your concerns with the owner before undertaking any work and try to agree a solution. Note that inappropriate pruning may affect the stability or future condition of a tree and you are advised to seek professional advice. If the tree is Council owned, we will provide appropriate advice. Some trees are legally protected by a Tree Preservation Order (TPO) or because they are located within a Conservation Area. You will require planning permission before undertaking any work on a legally protected tree.</p> |



## Trees causing obstruction or interference

| <b>Tree issue</b>  | <b>What the Council will do</b>  | <b>Background information</b>  |
|--|--|--|
| <b>Obstruction to pavements</b>  | We will undertake appropriate work to ensure that that Council owned trees do not obstruct footpaths or pavements that are part of the adopted highway network and that a 2.3m clearance is maintained over footpaths and 3m clearance over redways. | Where privately owned trees obstruct pavements or footpaths that are part of the adopted highway network, we will notify the owner and request that they take appropriate action. Following this, if reasonable action is not undertaken, we can legally enforce action.   |
| <b>Obstruction to carriageway</b>  | We will take appropriate action to ensure that Council owned trees do not obstruct a carriageway or adopted road and that a minimum of 5.2m height clearance is maintained.  | Where privately owned trees obstruct a highway or adopted road, we will notify the owner and request that they take appropriate action. Following this, if reasonable action is not undertaken, we can legally enforce action.   |
| <b>Obstruction to highway sight lines, traffic lights or highway information signs</b> | We will prune or remove Council owned trees that obstruct sight lines on highways or adopted roads, or where they obstruct traffic lights or highway information signs.  | Where privately owned trees obstruct sight lines on a highway or adopted road, or where they obstruct traffic lights or highway information signs, we will notify the owner and request that they take appropriate action.<br><br>Following this, if reasonable action is not undertaken, we can legally enforce action. |

## Trees causing obstruction or interference

| Tree issue   | What the Council will do   | Background information   |
|--|--|--|
| <b>Trees obstructing streetlights</b>                    | We will undertake work to Council owned trees to ensure that statutory street lighting levels are maintained.    | Where privately owned trees obstruct streetlights, we will contact the owner and request that they take appropriate action within specified timescales. Should they not do so, we can legally enforce action.        |
| <b>Privately owned trees obstructing highway network</b> | We will seek to advise tree owners of their responsibilities under the law in order to achieve early resolution. | Where privately owned trees obstruct the highway network, we will contact the owner and request that they take appropriate action within specified timescales. Should they not do so, we can legally enforce action. |
| <b>Trees obstructing a view</b>                          | We will not remove or prune trees in order to improve a view from a property.                                    | There is no right in law to a view and the Council has no obligation to improve a view obstructed by a tree.   |
| <b>Telephone wires caught up in trees</b>                | We will not prune or remove a Council owned tree to remove or reduce interference with telephone wires.          | Telephone service providers should be able to recommend a solution.<br><br>Contact: <a href="http://www.openreach.co.uk">www.openreach.co.uk</a>   |

## Trees causing obstruction or interference

| <b>Tree issue</b>                                      | <b>What the Council will do</b>   | <b>Background information</b>  |
|--|---|--|
| <b>Trees and solar panels</b>                          | We will not prune or remove Council owned trees to facilitate the installation or operation of solar panels to a neighbouring property. | Removal of trees to enable low carbon technology may negate the environment benefits of the technology, consider the local environment before committing to such measures. |
| <b>Trees interfering with TV or satellite signals.</b> | We will not remove or prune a tree to improve TV reception or satellite signal.   | A TV licence is a permit to operate a television receiver, but it does not guarantee any reception or any legal right to a reception.                                      |

## Naturally occurring tree functions that may be perceived to be a 'nuisance'

| Tree issue  | What the Council will do   | Background information   |
|---|--|--|
| <b>Increasing understanding of trees as part of the natural world</b> | The council will seek to encourage understanding and education regarding trees, their functions, and their benefits to us. | It is important to counter and to try and reverse the current disconnect with the natural world that a significant portion of the population exhibit. Trees are significant natural features within the urbanised realm and therefore would make a sensible place to start. As well as the general public, efforts could be focussed on specific groups such as developers.  |
| <b>Fallen leaves</b>  | We will not prune or remove a Council owned tree to reduce autumn leaf fall.   | <p>Autumn leaf fall is a natural event. The clearance of autumn leaves from gardens, gutters etc and the clearing/removal of honeydew, bird-droppings, fruit, small twigs etc. are all regarded as being part of normal property maintenance and are the responsibility of the property owners or tenants.</p> <p>Highways and associated paved areas may be cleared of autumn leaf fall by the Council, as may the paths in parks and green spaces that are managed by the Council.</p> |

## Naturally occurring tree functions that may be perceived to be a 'nuisance'

| Tree issue              | What the Council will do  | Background information  |
|-------------------------|---|---|
| <b>Poisonous plants</b> | <p>A wide range of native and commonly planted trees, shrubs and perennials have poisonous properties, and this can sometimes lead to the perception that the poisoning risk posed is greater than is the case.</p> | <p>The poisonous plant hazard is moderate to high, but risk of poisoning is generally low. Risk from roads, medicines, falls, common household substances, etc are considerably more significant. Historically UK plant poisoning deaths have been very low, recently rising a little by the wild-food foraging trend. Education, particularly of children, is the key to this issue.</p> <p>Removal of poisonous plants generally would be a disproportionate and impractical approach. As an example, Laurel contains cyanide compounds and its glossy black berries have potential to be attractive to children, but it is extremely widely planted.</p> <p>The council will not normally prune or remove a tree alleged to be a high poison risk, but if it is clearly demonstrated that unsupervised children may be widely exposed to a Council owned plant that is particularly poisonous, appropriate solutions may be considered including actions other than removal.</p> <p>We wouldn't unduly constrain a tree planting scheme in public open space based on toxicity of the species chosen, because of the low risk and negligible increase in hazard given the widespread nature of poisonous vegetation.</p> |

## Trees causing obstruction or interference

| Tree issue                                   | What the Council will do   | Background information   |
|--|--|--|
| <b>Tree pollen</b>                           | We will not prune or fell a Council owned tree to remove or reduce pollen.   | The influence of tree pollen on hay fever is outweighed by the positive benefits that trees provide in alleviating serious respiratory problems caused by poor air quality.  |
| <b>Trees and personal medical complaints</b> | We will not prune or fell a Council owned tree to remove or reduce pollen.   | The Council has no legal responsibility to remove a tree under such circumstances.   |
| <b>Bird droppings</b>                        | We will not prune or fell a Council owned tree in order to remove or reduce bird droppings. Nor will we remove bird droppings from private land. | <p>Birds naturally roost in trees. Whilst their droppings may be perceived to be a nuisance, this is not considered to be sufficient reason to prune or remove a tree.</p> <p>Warm, soapy water will usually be sufficient to remove bird droppings</p>  |
| <b>Sap falling on surfaces</b>               | We will not prune or fell a Council owned tree in order to alleviate 'honeydew' or other sticky residue falling from trees.                      | Honeydew' occurs when aphids feed on leaves and excrete a sugary sap and this is a natural, seasonal event. If honeydew is colonised by moulds, it becomes duller and may turn black. Some trees, such as limes or sycamore, are more prone to aphid infestation than others. Where new trees are to be planted, species choice will be carefully considered to try and reduce this problem in the future. |

## Trees causing obstruction or interference

| Tree issue                  | What the Council will do  | Background information   |
|-----------------------------|---|--|
| <b>Fallen fruit</b>         | We will not prune or fell a Council owned tree to prevent fruit falling on to surfaces.   | The production of fruit, berries, nuts and other tree seed is a natural event, typically occurring in late summer and autumn.  |
| <b>Wild animals/insects</b> | We will not prune or fell a Council owned tree to remove or reduce alleged problems caused by wild animals or insects.                      | Trees provide a natural habitat for a wide range of animals, birds and insects. The Council has no control over this. The Council does not provide a pest control service. |
| <b>Tree blossom</b>         | We will not prune or fell a Council owned tree to remove or reduce fallen blossom. Nor will we remove fallen blossom from private property. | Tree blossom is a natural event, usually heralding the arrival of spring or early summer.<br><br>Highways, streets and paths may be cleared of fallen blossom.             |

## Trees relating to building and construction

| Tree issue  | What the Council will do   | Background information   |
|---|--|--|
| <b>Trees alleged to be causing building subsidence</b>                    | Where full evidence is provided that confirms that a Council owned tree is implicated in building subsidence, we will take proportionate action in accordance with the evidence.   | If you have damage to your property that you suspect is tree-related and you consider that the damage is sufficient to warrant remediation and preventative measures, you should contact your home buildings insurers as soon as possible.   |
| <b>Trees causing trip hazards</b>   | We will undertake appropriate action to ensure that there are no unreasonable trip hazards associated with trees in streets along highways or pathways.  | Lifting of tarmac or paving slabs in the vicinity of trees is usually caused by tree root growth. Rather than remove a tree, the best course of action is usually to resurface a path reducing the trip prominence while retaining the root and possibly by using a more flexible surface material.  |
| <b>Removal of trees to allow the installation of a vehicle cross-over</b> | We will not normally undertake or allow the pruning or felling of a Council owned tree to facilitate the installation of a cross-over. A cross-over will not be allowed within a distance equal to 12x the stem diameter as measured at 1.5 metres above ground level. | <p>If the council considers that the tree or trees in question require maintenance work or it deems them to be in poor condition, it may allow pruning or felling in conjunction with planting of 2 replacement trees in the vicinity for each lost, with the applicant providing the funding.</p> <p>Where an application for planning permission includes a cross-over, trees likely to be affected must be allowed for and the cross-over amended as necessary in order that significant negative impact on trees is avoided.</p> |



## Trees relating to building and construction

| Tree issue   | What the Council will do   | Background information  |
|--|--|---|
| <p><b>Removal or pruning of trees to facilitate demolition or construction</b></p> | <p>We will not automatically permit the pruning or felling of a Council owned tree to allow building works to proceed.</p>   | <p>If you have damage to your property that you suspect is tree-related and you consider that the damage is sufficient to warrant remediation and preventative measures, you should contact your home buildings insurers as soon as possible.</p>   |
| <p><b>Trees and the planning and development process</b></p>                       | <p>Individuals and organisations cannot necessarily just carry out work to a tree simply because it is on their land; it may be in a Conservation Area or be subject to Tree Preservation Order in which case it is legally protected, and you will have to submit your tree-work proposals to the Council who may agree or disagree with them.</p> <p>The Council will encourage the treatment of trees and hedges on potential development parcels as site-assets, along with other existing site features and should be provisionally retained to be considered as part of the planning process</p> | <p>Even where trees are not legally protected tree owners should exercise care and consideration before carrying out any work, particularly where they are the custodian of a tree or trees of great age or which are a significant landscape feature in the locality and therefore are deserving of particular respect in stewardship, due to the important range of benefits they provide to the locality and the wider community.</p> <p>The default approach with trees that are ancient, veteran or significant landscape features as individuals or groups, should be to allow for their viable retention within the proposed site layout from the earliest design stage.</p> <p>The Council will discourage the view that trees and hedges are a hindrance to development, and clearance of land is short-sighted and unnecessarily destructive.</p> |

## Trees relating to building and construction

| Tree issue   | What the Council will do   | Background information  |
|--|--|---|
| <b>Tree Preservation Orders (TPO) and trees within Conservation Areas (CA)</b> | <p>The Council will assess all applications to undertake work to prune or remove a legally protected tree. We aim to provide our decision within 6 weeks of receipt of a Conservation Area notification or within 8 weeks for a TPO tree works application</p> | <p>Local authorities have legal powers to protect trees and woodlands in the interests of public amenity. A TPO prevents the felling, lopping, cutting of roots, uprooting or wilful damage of protected trees. Permission from the Council must be given before any work is undertaken to a protected tree. Without permission you risk prosecution.</p> <p>Conservation Areas are designated by the Council as being of special architectural or historic interest. All trees with a stem diameter in excess of 7.5cms measured at 1.5m above ground level, are protected and you risk prosecution if you undertake work on or remove trees without permission.</p> <p>In order to make an application for tree work please contact the Planning Department on 01908 252358 or email <a href="mailto:planning.enquiries@milton-keynes.gov.uk">planning.enquiries@milton-keynes.gov.uk</a></p> |

## Routine tree maintenance

| <b>Tree issue</b>           | <b>What the Council will do</b>  | <b>Background information</b>  |
|-----------------------------|--|--|
| <b>Cyclical maintenance</b> | The Council is developing an inventory of its trees across the Authority. This will identify trees requiring cyclical maintenance that will inform a program of on-going tree works.   | The focus of the work required arising from the inventory process will however remain on prioritising identified health and safety risks for resolution ahead of the non-urgent general maintenance issues identified.   |
| <b>Bio-security</b>         | Movement of plants and associated material such as soil, stakes, pots, etc carries the risk of introduction of invasive plants, animals, insects, bacteria, fungi etc. This can result in serious adverse impacts on such things as biodiversity, health and safety and the economy. | <p>The council will ensure that in the procurement and execution of planting schemes it will only obtain plants and materials from suppliers that responsibly source planting stock through nurseries that adhere to national standards such as the Plant Health Management Standard, or that have their own biosecurity policy in place that the council trusts.</p> <p>The council will continue to adhere to all relevant legislation, guidance, and good practice in respect of biosecurity.</p> |

## Routine tree maintenance

| Tree issue                           | What the Council will do  | Background information  |
|--------------------------------------|---|---|
| <b>Tree planting and replacement</b> | <p>We remain committed to increasing the tree canopy-cover over the authority. This will maximise the important range of benefits that trees can bring.</p> <p>The Council will undertake new tree planting in appropriate locations when budget and funding opportunities are made available and will develop an overall planting strategy.</p> <p>External funding helps us to implement and extend tree planting schemes.</p> <p>In accordance with BS 8545:2014 the Council will seek to ensure sufficient investment in aftercare as well as in initial planting to aid the early establishment of the new trees so they will thrive rather than just survive.</p> | <p>The Council will seek to maximise community involvement in tree planting schemes as far as practical as it understands that this is an important factor in ensuring new trees thrive. Watering bags have been identified as a useful tool, giving residents an easy route to get involved. Lessons have been learnt from the initial tree plantings at the city's foundation giving a key focus in ensuring that the right tree is planted in the right place, so that future conflict with buildings and infrastructure is avoided as much as possible. The Council will aim to support and engage in the tree planting schemes of external and partner organisations and groups</p> <p>The Council will consider utilising less common tree species and forms of tree planting such as direct seed sowing and mass whip-planting where appropriate sites are identified.</p> <p>As well as new planting, the council understands that the year-on-year growth of existing trees is a significant contribution to expanding our canopy cover. therefore, through efforts to minimise the loss of trees, the Council seeks support this.</p> <p>Residents should also be aware of the need to minimise their potential impact on tree canopy cover when considering changes to their properties.</p> |

## Routine tree maintenance

| <b>Tree issue</b>                                  | <b>What the Council will do</b>   | <b>Background information</b>  |
|--|---|--|
| <b>Trees alleged to be too big or unmaintained</b> | We will not normally prune or fell a Council owned tree because it is perceived to be too big or because it has not been 'maintained' for a certain period. | <p>The Council understands that tall trees can cause apprehension to some people particularly when they move in the wind, but this movement is the way in which the tree dissipates the force of the wind and if the tree is in good health with no significant conflicts the Council will not intervene.</p> <p>The Council is aware of the view that the natural world and its individual elements such as trees, are something which must be unduly controlled. However, where a tree relates well to its location and is in good condition, there is no need to interrupt its growth.</p> <p>Unnecessary intervention can create problems such as infection by decay organisms, stimulation of growth and reduction of visual amenity. This can result in additional expenditure</p> |

## Routine tree maintenance

| Tree issue                                       | What the Council will do   | Background information  |
|--|--|---|
| <b>Vandalised trees</b>                          | Reports of vandalised trees will be investigated, and the most appropriate action taken given the information and budget available.  | We make every effort to ensure that newly planted trees in particular, are appropriately protected and of a sufficient size to deter or withstand acts of vandalism. We appreciate being notified of any incidents of vandalism.  |
| <b>Growth of ivy and other climbers in trees</b> | When climbing plants such as Ivy grow up into trees, they sometimes cause problems and it may become appropriate to remove that growth, but we won't routinely remove ivy. | Ivy is a native plant and important for the resources it provides to wildlife and biodiversity. When ivy grows up into trees it conceals the trunk and branch junctions and increases the wind resistance of the tree.<br><br>A healthy tree will not be unduly impacted by ivy growth, but trees of low vigour may become overwhelmed. Points of damage and decay may be concealed by ivy. Ivy removal might be justified in such cases. |
| <b>Tree inspections</b>                          | The council undertakes a survey of its own tree stock. The survey rationale is risk-based, concentrating initially on high occupancy locations.                            | Reinspection's following the initial survey will be undertaken as necessary.  |



milton keynes council

