

## **Trees on School Land – Guidance & Response to Common Enquiries**

### **Purpose of this guidance**

Trees play a critical role for people and the planet. Numerous studies have demonstrated that the presence of trees and urban nature can improve people's mental and physical health, children's attention and test scores, the property values in a neighbourhood, and beyond. Trees cool our urban centres and are essential for healthy communities and people. The benefits that trees provide can help cities and countries meet 15 of the 17 internationally supported United Nations Sustainable Development Goals.

For the 80% of the UK population who live in towns and cities, trees create green spaces which improve the quality of our urban environments. They give us a sense of belonging, wellbeing, calmness and a vital connection to nature. The Bishop Hogarth Catholic Education Trust is committed to sustainable development and will seek to manage our estate accordingly. Trees and the green spaces that our schools provide contribute to children's learning and well-being and to the communities that they serve. We also recognise, however, that trees and vegetation can cause neighbour concerns and complaints and this guidance sets out advice on what responsibilities are and when we will and will not act on any concerns raised.

### **Overhanging or obstructing branches**

The Trust will only consider cutting back branches from trees that overhang adjoining private property if it considers the trees or vegetation in question are causing 'severe or substantial encroachment'. It will not cut back trees on request if they are partially overhanging properties and otherwise not considered to be causing direct obstruction or unreasonable interference with the use and enjoyment of property. Landowners are also entitled to cut back to their boundaries (but not beyond) but are advised to check beforehand if the trees are protected by Tree Preservation Orders or located with a Conservation Area as permission will be required before undertaking work.

### **Shading and loss of light**

The Trust will not normally prune or remove trees to alleviate light loss unless they are causing substantial encroachment into a property or in the Trust's opinion, are considered to be causing unreasonable interference with the use and enjoyment of property.

There is currently no legal right to direct sunlight or to a view and often pruning trees will only have a negligible impact on the amount of natural light reaching a house or garden.

In exceptional cases and at its discretion, the Trust may consider some remedial pruning work where it considers there will be sufficient benefit without compromising the health or amenity value of the trees in question.

### **Overgrown trees**

The Trust will not normally prune or remove trees that are perceived to be 'overgrown' or 'too big' unless they are causing some form of direct interference or legal nuisance in some way that requires the Trust to take action, for example severe encroachment, obstructions, hazards etc.

There is no specific law on the size or height that trees are allowed to grow with the exception of evergreen conifer hedges (*Leylandii*). Restriction in height may be applicable under the High Hedges Bill (Antisocial Behaviour Act 2003). Please visit [Over the garden hedge - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/over-the-garden-hedge) for further guidance.

## **Dangerous trees**

All Trust owned trees are inspected on a regular cycle to assess their health and condition and to identify any essential maintenance, (for example, to remove dead wood or dead/dying trees etc). The Trust will respond to reports of 'dangerous trees' based on the information provided at the time such as reports of storm damage, signs of breakage, dead/dying or diseased, obstructions caused. It will not prioritise or undertake additional tree inspections in the absence of adequate supporting information or reasons given, such as 'tree too big / moving in the wind / taller than the house'.

## **Television and satellite reception**

Although a television licence allows the operation of equipment to receive a transmission, it is not a guarantee of television reception and a television owner does not have a legal right to a viewable image. Removal or pruning of trees to enable a clear television/satellite reception will not normally be considered unless minor works can be undertaken without having any adverse effect on the trees in question.

Most televisions allow for a degree of variation in reception, which usually enables a viewable image, whereas satellite-television dishes need a clear line of view to the satellite. Where there is a persistent problem and tree pruning cannot provide a reasonable solution it will normally be necessary for the neighbour to seek further specialist advice to assist in either repositioning or improving the quality of the aerial device.

## **Minor nuisance & temporary inconveniences**

Minor nuisance includes issues such as bird droppings, falling leaves, fruit or flowers, conkers, seeds or other deposits, insects and pollen allergies.

These types of nuisances sometimes associated with trees are natural and usually seasonal occurrences however, they are not regarded in Law as causing a 'legal nuisance' that requires remedial action by a tree owner.

The Trust will not therefore undertake tree pruning or removals to try and alleviate the effects of this type of nuisance. Other forms of minor nuisance where the same applies may include, for example, insects, pollen, allergies or asthma.

## **Overhead cables**

Trees interfering with telephone lines: If a tree affects your telephone signal, please contact your phone provider for help.

## **Damage caused by tree roots**

Many tree conflicts arise on account of the presence of tree roots and the perception that they are causing damage.

## **Root invasion in gardens**

Tree roots in gardens are a natural and common occurrence and in most cases cause no direct interference with properties.

Where they trespass from neighbouring land and cause a direct problem however, landowners have a common law right to cut them back to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree preservation order (TPO) or within a Conservation Area. The owner of the tree is not normally obliged to take preventive or remedial action unless actual 'damage' is caused (does not normally include lawns). The Trust will therefore not cut back trees or their root

systems unless it is considered absolutely necessary to abate an actionable nuisance or where in its opinion considers there is unreasonable interference with use and enjoyment of property and actual damage has been caused to property.

### **Damage to walls, fences and paths**

It is normally possible to build or repair garden walls, fences and paths to take account of adjacent trees (for example, installing a section of railing or bridging foundations around the base of a tree). Where trees are considered to be causing damage to walls or fences, the Trust will consider tree removal only where the wall or fence clearly pre-dates the tree. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account. The Trust will not remove trees if this is the case.

### **Damage to drains or water pipes**

There is no evidence to suggest that tree roots can actively penetrate an intact pipe or drain, however fibrous roots will commonly exploit defects in pipe work that result in water leakages. In these situations, the owner of the drain should seek to get the drain repaired or replaced at their own expense and prune roots directly interfering with the pipe work. The Trust will not normally accept liability for this type of damage therefore tree removal will not normally be considered.

### **Tree Preservation Orders and Conservation Areas**

Please contact your Local Authority for advice about applications for works to protected trees i.e. those within a Conservation Area or under a Tree Preservation Order).