

Tree ownership and maintenance

Trees are owned by the person who owns the land that it stands on. If a tree straddles a border, it is owned by the owner of the land on which it was originally planted - this can be difficult to determine so shared ownership is often assumed.

For all practical purposes trees on the highway are the responsibility of the Highway Authority and branches which interfere with pedestrians and traffic, street signs and lights, or obstruct sightlines in relation to the highway are removed as part of a crown lifting program.

A Highway Authority can also require land owners to remove or prune trees adjacent to the highway which are considered to be dangerous.

The City Council has produced a leaflet explaining your responsibilities when trees, hedges and shrubs overhang on the highway which you can read [here](#).

Protected trees

Before carrying out work on any tree, you should check whether it is protected:

- by a Tree Preservation Order (TPO)
- because it is growing in a Conservation Area
- by being the subject of restrictive covenants in property deeds - for example, where they form part of pre-development hedgerows can also be legally protected or are growing in front gardens

[Planning consent](#) is needed to carry out work on trees that are protected by a TPO or because they are in a Conservation Area.

The cutting back of any trees in public open space or parks without the council's expressed permission is considered 'criminal damage' and will be reported as such to the police.

How the council maintains trees

The council undertakes regular inspections of its tree stock and only undertakes works to trees where there is shown to be a significant risk to persons, property or to the long term health of the tree. This is because carrying out tree shaping, reduction or other "topping and lopping" practices leads to weak re-growth of branches and to long term maintenance costs to the council.

Please note that the council will not normally undertake pruning work to reduce the effects of shade as there is no clear guidance on what level of shade is acceptable.

Generally, we will only remove a tree to reduce the risk to the public or the council, or occasionally in order to improve the sustainability of surrounding planting.

When trees cause a problem

Overhanging branches

Most often the best course of action is to allow trees to develop naturally and it is not practical for the council to respond to overhanging branches, unless they are likely to cause damage to your property. However, you are entitled to cut back the branch (and any overgrowing vegetation)

as far as your boundary. Pruning beyond the boundary or crossing the boundary to carry out pruning is considered trespass which is a criminal offence.

The vegetation you prune off is still technically the neighbour's property and you have to offer it back to them, although they do not have to accept it, in which case you may be responsible for its disposal. The council declines any offer of pruned material from council-owned vegetation, so you must dispose of it appropriately. Garden waste is accepted at any of the councils' community recycling centres or can be placed in your green bin for collection.

If a branch is swaying, it is not normally a cause for concern. Trees sway in the wind to dissipate the wind's energy and the tree is anchored to the ground through its roots.

Fallen branches

If a branch falls onto your property, the council will arrange for it to be cleared but you will have to make arrangements to repair your own property. If you feel that the damage has occurred as a result of the council's negligence and wish to seek financial redress, you should submit your claim in writing giving full details of the damage and how it occurred to:

The Insurance and Risk Manager,
Milton Keynes City Council

Civic

1 Saxon Gate East

Central Milton Keynes

MK9 3EJ

Subsidence

Although trees can be a contributory factor in subsidence of buildings, cases where trees cause subsidence are rare and entirely unpredictable. Most modern homes in Milton Keynes are built with foundations which are deep enough to avoid the effects of clay shrinkage from trees growing in open space. However, where they are considered to be too close they may be removed, or if marginal, subject to a cyclical pruning programme.

Where claims of subsidence are made against MK Council, they will be handled through the Insurance and Risk Manager and evidence of long term monitoring of the movement of the building will be required to be submitted prior to making a judgement on tree management. If this information is not submitted, Milton Keynes Council will be obliged to judge on the facts available.

Ivy

Ivy derives all its nutrients and water through its own root system and only uses trees for support to reach the light. It also provides both habitat and food for a wide range of birds, insects and animals.

However, ivy can constrict stem growth of saplings and cause stability problems to old trees in poor health during winter storms. Only cut it back if your garden is especially exposed or if it is growing over leaves.

TV reception

Trees can deflect analogue, digital and satellite signals - often having the dish or aerial fitted in a slightly different place or angle could help. There are often other options available such as broadband TV that is available to most areas of Milton Keynes.

There are no legal rights to TV reception, and so we are not obliged to carry out any works to trees for this reason. However, if you are having problems and all other avenues have been explored [contact us](#) and we will be able to see if any work, planned for the near future, is likely to help.

Report overhanging trees and landscape issues

If any vegetation, trees or shrubs from a private property restricts pedestrians or is dangerous to vehicular traffic, action can be taken under the Highways Act 1980.

[Report an issue](#) including:

- hedges or shrubs need pruning or weeding
- private vegetation obstructing the highway or footway
- pond or watercourse management
- issues with grass cutting
- general landscape enquiry

If you need to report:

- uprooted or fallen trees
- glass or needles in play area
- damaged play equipment

Please call 01908 252353

Monday, Tuesday, Thursday and Friday, 9am to 5:15pm

Wednesday, 10am - 5:15pm

Or, outside office hours and weekends, please call 01908 226699

Areas responsible for their own tree maintenance are listed on the [Devolved Parishes](#) page.

[Read the operational tree policy here](#) for further details of MKCC tree management.