



# TREE POLICY

Adopted by Kirkham Town Council

Version 2  
Dated: 21 September 2022

## **INTRODUCTION**

Kirkham benefits from many green spaces that help to break up the pattern of development and provide amenity to residents. The majority of these were transferred into the Town Council's ownership several years ago, and most feature mature trees.

In relation to trees Lancashire County Council has responsibility to manage trees on public highways. This policy does not apply to these trees.

Kirkham Town Council owns two large broad-leaved woodlands at St. George's Park and Station Road.

Tree Preservation Orders affect many of our open spaces, and both our woodlands are protected by a 'woodland classification 'Tree Preservation Order' (TPO). The existence of this statutory protection means that work to many of our trees usually requires consent from Fylde Council.

Both Fylde Council's Tree Officer and Tree Team are called upon for advice on tree management when necessary.

## **TREE MANAGEMENT**

Kirkham Town Council's aim is to manage the tree stock sustainably and focus its resources on fulfilling its duty of care to residents and users of public open spaces. This duty of care is placed on all tree owners by the Occupiers Liability Acts of 1957 and 1984. The council must take reasonable care to ensure that no foreseeable harm comes to any person using our land. Recognising this, it is good practice to deploy our limited tree budget by ensuring our trees are safe.

We receive requests for tree work for a variety of other reasons.

Our policy in respect of these is set out below.

## **TREES AND SHADING**

The Council will only consider requests for pruning where the shading problem is severe or oppressive. In practice few trees are so close to homes as to offer this degree of shade. In reality, some shading is inevitable at certain times of year and there is no practical way to manage trees to prevent this occurring.

With respect to trees, no 'right to light' exists, and there is no legal obligation on a tree owner to manage trees to alleviate shading.

## **OVERHANG**

The Council cannot manage overhanging branches on a resident's behalf. The frequency of such requests would be prohibitively expensive and there is no legal obligation to carry out such work because, in the absence of a TPO the persons whose property is affected can prune back to the boundary using common-law rights.

The Council will undertake to prune branches that are coming into contact with a property so as to prevent any occurrence of damage.

## **VIEWS**

There is no legal requirement to prune trees to provide or secure a view. Repeated pruning for this reason is unsustainable, costly and ultimately destructive of the tree. It therefore runs contrary to the council's policy of sustainable tree management.

## **SEASONAL PHENOMENA-LEAF LITTER, FRUIT, BLOSSOM, INSECTS ETC.**

Requests are often made to prune or remove trees because of deposits on cars, lawns, footpaths etc.

These matters are considered beyond the scope of the law and are natural phenomena that cannot be remedied by tree pruning.

The Council will not prune or remove trees for these reasons, which are seasonal and therefore temporary. Answers to these problems can be found in alternatives such as road sweeping or finding another location to park for a short period.

## **TELEVISION RECEPTION**

Kirkham Town Council does not wish to see any residents denied the everyday pleasure of television, particularly those who may be confined to their home by age or disability. We cannot in general prune or remove trees to achieve a television signal. This can be extremely difficult to do when the problem is with a woodland because it may involve the prospect of pruning many trees, each of which will re-grow.

The television licence is only a licence to operate a receiver and does not confer a right to receive a signal, therefore a tree owner is not obliged to prune or remove a tree for this reason.

The Council will consider such requests, balanced against its other tree work priorities, but reserves the right to refuse. We may, subject to Fylde Council's advice, allow our tree to be pruned at the complainant's expense.

## **DIRECT AND INDIRECT PROPERTY DAMAGE**

On rare occasions requests are made to remove trees because of alleged structural damage. This can occur because the tree is in direct contact with a built structure, often a boundary wall, or because the tree is suspected of causing subsidence by extracting too much water from the soils beneath foundations.

It is important to emphasise that tree roots do not possess sufficient power to disrupt the footing of a heavily-loaded structure such as a house. Direct damage in this way is extremely rare.

Damage to a lightly-loaded structure such as a garden wall is more common, and can be caused by planting the wrong type of tree. Some trees such as cherries have recognised tendency to surface root and this can dislodge a garden wall.

Proximity it also a factor. A forest-sized species close to a structure is likely to cause problems at some stage in its life. The Council wishes to be a good neighbour to residents where this kind of clear-cut problem occurs, we will act to rectify it.

Indirect damage through alleged subsidence is a complex matter and will require investigation. Where this problem is brought to our attention, we will seek the advice of Fylde Council's Tree Officer in conjunction with our insurers. Owing to abundant rainfall, tree-related subsidence is very seldom encountered in Fylde because there is always sufficient soil moisture for our trees.

## **PERCEIVED FEAR**

It is very common for tree owners to receive requests that trees are reduced in height, 'topped' or felled because 'It's so large it must be dangerous.

Trees are very safe structures. They have evolved over millennia and through several climate types to survive, and in general pose only a negligible hazard. The Health and Safety Executive estimates the chances of being killed by a tree at one in twenty million – this is exceptionally low. Often, when a tree has become unsafe, the origin of the problem is in human intervention – over-pruning or damage to roots leads to decay and a hazard. It is the condition of the tree that determines its risk.

The Council will not therefore accede to requests to reduce or remove a tree when only a perception of hazard is quoted.

## **TREES AND VANDALISM**

The Council will investigate any reports of vandalism to a Council owned tree and deal with accordingly.

Where a council owned tree is associated with criminal activity or anti-social behaviour, measures will be considered to reduce the problem on an individual basis.

These issues require a co-ordinated approach involving a number of agencies including the Police, action will be taken following agreement with other agencies.

## **EMERGENCIES**

An emergency is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction, requiring urgent attention.

Where a Council owned tree is in such a condition that it poses a very high risk to residents or property and has been identified as an emergency situation it will be made safe as soon as possible.

## **REMEMBER THE BENEFITS OF TREES**

It is important to balance any disbenefits from trees with their multiple benefits and to recognise them as being literally vital to our wellbeing, examples being:

- i. They clean our air and create oxygen.
- ii. Trees are essential for wildlife.

- iii. In a changing climate, trees are increasingly important in adaptation and mitigation.
- iv. They filter out and screen unpleasant views.
- v. In countries with a continental climate, trees are valued for shade.
- vi. Trees on green spaces and accessible urban woodlands are important for community cohesion and social inclusion where we can enjoy a woodland at zero cost.
- vii. Research has shown that trees and woodland have beneficial effects on our mental health. This has been called ‘attention restoration theory’ and is linked to a phenomenon known as Biophilia – a theory that humans have an innate need to connect with nature.

## **USEFUL CONTACTS**

### **Lancashire County Council**

- Fallen Trees 0300 123 6780
- All other enquiries: [www.lancashire.gov.uk/roads-parking-and-travel/report-it/vegetation-and-trees/](http://www.lancashire.gov.uk/roads-parking-and-travel/report-it/vegetation-and-trees/)

**Lancashire Constabulary**                      01772 614444

**Kirkham Town Council**                      01772 682755