

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. We 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.

Our trees are subject to a rolling survey, carried out by Fylde Council's tree team. The focus of this survey is on identifying any hazards and then rectifying them according to a prioritized system. Other work that may be identified during these surveys might be to do with clearing overhang to street furniture or reduction of branches to prevent damage to property.

We do 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 Tree Preservation Order – 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 however 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 arboricultural advice, allow our tree to be pruned at the complainant's expense.

Trees damaging property – direct and indirect 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. Thankfully, owing to our 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, and this is why the town council engages an annual survey.

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