

Tree Policy

INFORMATION

Policy Name	Tree Policy
Effective Date(s)	November 2023
Approved By	Customer Connect Panel
Approval Date	November 2023
Policy Owner/Dept	Asset Management
Policy Author	Head of Repairs & Maintenance, Adrian Mostyn
Review Date	November 25
Policy Framework Ref	
Version Number	2.0

Version Control

Version	Date	Changes	Approver
1.0	Nov 2021	Original version	Ian Foster & John Cheetham
2.0	Nov 2023	<ol style="list-style-type: none"> 1. Policy has been re-formatted to utilise and confirm with the latest YHG Policy Template. 2. New paragraphs added under section 8.4 Tree Safety to describe the customer correspondence that will be undertaken with respect to tree removal work. 3. The introduction of Surveying & Maintaining trees within customer's gardens. 	Conan McKinley

Your Housing Group Strategic Priorities			
Safe	<input checked="" type="checkbox"/>	Viability	<input type="checkbox"/>
Landlord	<input checked="" type="checkbox"/>	Growth	<input type="checkbox"/>
People	<input type="checkbox"/>	Technology	<input type="checkbox"/>

Relevant National Standards or Regulation	<p>Please State if the Policy aligns to any of the Regulators Standards:</p> <ul style="list-style-type: none"> • Home Standard • Tenancy Standard • Neighbourhood and Community Standard
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Relevant Legislation	<p>Please list any legislation applicable to the Policy:</p> <ul style="list-style-type: none"> • The Town and Country Planning Act 1990 – Part VIII; special controls in relation to trees • The Town and Country Planning (Trees) Regulations 1999 • The Planning (Part II) (listed buildings and conservation areas) Act 1990 • The Forestry Act 1967 • Plant Health (Forestry) Order 2005 • The Local Government (Miscellaneous Provisions) Act 1976) • Anti-Social Behaviour Act 2003: Part 8 in 2005: Requires action to address high hedges. • The Highways Act 1980 • The Occupiers’ Liability Act 1958 and 1984 • The Health and Safety at Work Act 1974 • The Wildlife and Countryside Act 1981
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1. Purpose of the Policy

The aims of this policy are to undertake the following:

- Ensure we provide a safe environment for customers, colleagues and third parties to live and/or work in.
- Establish the key principles that Your Housing Group (YHG) will utilise to ensure tree safety across YHG's tree stock.
- Ensure YHG discharge its landlord's duty specifically detailed in the following legislation - Health and Safety at Work etc. Act and Occupier's Liability Act (1937) and Occupiers Liability Act (1984)
- Inspect trees that are in YHG ownership demonstrating reasonableness in the management of the risks to which people may be exposed to ensure compliance with our legal responsibilities.
- Ensure YHG tree portfolio remains healthy.
- Achieve tree inspections in accordance with YHG inspection regime to ensure compliance.
- Ensure compliance with all relevant tree legislation.
- Provide clear lines of responsibilities for the management of tree safety.
- Provide a commitment to customers who are affected by tree safety to communicate and raise awareness regarding the key issues.

2. Scope of the Policy

- 2.1. All trees situated on land owned by YHG including communal areas of offices, general needs estates, supported housing & sheltered housing.
- 2.2. The individual gardens of other rented properties owned by YHG or managed by YHG on behalf of a third party.
- 2.3. Where properties are managed on behalf of external property owners, statutory responsibility will be detailed in the terms of the management agreement.

3. Definitions

Health and Safety Executive (HSE): Non-departmental public body in the United Kingdom responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks in England and Wales and Scotland.

Orchard Housing management system (OHMS): YHG's electronic housing management system.

Tree Preservation Order (TPO)/Conservation Area Consent: This is a part of town and country planning in the United Kingdom. A TPO is made by a Local Planning Authority (a local council) to protect specific trees or a particular area, group, or woodland from deliberate damage and destruction.

LANTRA (acronym from LANd and TRAining): An organisation which works with employers in the agriculture and land industries to ensure that workers in those industries have the necessary skills and training.

National Proficiency Test Council (NPTC): An organisation of City and Guilds land-based services providing a wide range of land-based qualifications.

4. Consultation

Review and update of this policy is done in consultation with the following:

- YHG Customer Connect Panel
- YHG Customer Services Committee
- ELT/SLT

5. Background and Context

YHG's Environment Strategy will address our response to climate change and biodiversity loss. The pivotal role that trees have in stabilising and mitigating climate change is widely recognised by government, the scientific community and industry advisory groups. HM Government's 25 Year Environmental Plan draws this to our attention:

"By using our land more sustainably and creating new habitats for wildlife, including by planting more trees, we can arrest the decline in native species and improve our biodiversity" (Prime Minister, 2017).

In all the work that YHG undertake in respect of trees we will ensure the following:

- YHG's tree resource is managed sustainably.
- We endeavour to maximise the multiple benefits that trees provide.

- We endeavour to increase our tree cover.
- We follow all industry recommendations to maintain biosecurity.
- We endeavour to increase biodiversity and tree resilience.

6. Policy Detail

- 6.1. The delivery of this policy is supported by YHG's Tree Safety Management Plan (TSMP).
- 6.2. YHG will work with third party landlords to ensure that tree inspections are undertaken in accordance with the required frequency.
- 6.3. All YHG's trees within the portfolio will be maintained to 'approved standards' detailed within the publication (The National Tree Safety Group - Common Sense Risk Management of Trees, 2011) and regularly inspected. Arrangements for general tree work requests and tree maintenance are detailed in the TSMP.
- 6.4. If reasonable access is not provided, YHG will escalate action and seek a legal or legislative remedy to ensure access is gained at the earliest possible opportunity in accordance with best practice.
- 6.5. Emergency evacuations relating to trees should be read in conjunction with Your Housing Group's Emergency Response Plan and YHG's Business Continuity Plan should an emergency incident be declared.

7. Responsibilities under this Policy

- 7.1. Under both civil law and criminal law, as an owner of land on which a tree stands, YHG has responsibilities for the health & safety of those on or near the land. It therefore has potential liabilities arising from the falling of a tree or branch. To address this duty of care, the relevant guidance requires that the YHG Board must be able to demonstrate that it has acted as 'a reasonable and prudent landowner'.
- 7.2. YHG's Chief Executive will retain the overall responsibility for the monitoring of the consistent implementation of this policy.
- 7.3. The Director of Asset Management will hold responsibility for ensuring that sufficient competent resources are in place to manage and ensure compliance with this policy.
- 7.4. Monthly reports will be generated for designated senior managers to ensure progress can be monitored against Key Performance Indicators.

8. Risk Management

8.1. YHG has a TSMP to support delivery of this policy and manage risk to the business posed by trees. Trees are surveyed and inspected on a frequency determined by risk and works issued accordingly.

8.2. Property Classification:

8.2.1. All YHG communal areas, customer garden areas and open green space across all asset types will be assessed for the presence of trees and where a tree is present it will be included in the tree inspection programme.

8.3. Tree Surveys and Works:

8.3.1. **Surveys:** YHG will undertake a tree survey programme on all trees within its ownership (requiring a survey) within a 5-year timescale to ensure accurate tree records are maintained to meet legal, health, safety and maintenance requirements. Zones will be used to calculate risk and trees will either be in a low-risk zone and surveyed every 5 years or a high-risk zone which is surveyed every 2 years.

8.3.2. **Tree Work Requests:** Substantial pruning of a tree can often weaken its structure and should therefore be avoided for reasons other than reducing risk of harm to people or property. Pruning for any other reasons would be exceptional and at the discretion of YHG's Tree Surveyor.

8.3.3. **Tree Touching a Building:** If a tree that is owned by the group is touching a property (dwelling, house, garage etc) the group will act to remove the nuisance by the most appropriate means.

8.3.4. **Trees Blocking Natural Light:** YHG will not prune or fell a tree owned or managed by the group to improve natural light to a property unless it is required by a court order to do so.

8.3.5. **Leaf-fall from Trees:** YHG will not prune or fell a tree owned or managed by the group to remove or reduce leaf fall or remove fallen leaves from a private property. The loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The falling of leaves onto a neighbouring property is not regarded in law as a statutory nuisance.

8.3.6. **Sap from Trees:** YHG will not prune or fell a tree owned or managed by the group to prevent or reduce honeydew or other sticky residue falling onto private property. Honeydew is caused by greenfly (aphids) feeding on the sap from the leaves and excreting their sugary, sticky waste. Pruning the tree may only offer temporary relief

and any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem.

8.3.7. **Blossom from Trees:** YHG will not prune or fell any tree owned or managed by the group to remove or reduce blossom fall from trees or remove fallen blossom from private land. Blossom is a natural occurrence, which cannot be avoided by pruning and is not regarded in law as a statutory nuisance.

8.3.8. **Bird Droppings from Trees:** YHG will not prune or fell any tree owned or managed by the group to remove or reduce bird droppings from the tree or remove bird droppings from private land or property. Bird droppings may be a seasonal nuisance, but the problem is not considered to be a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law).

8.3.9. **Fruit, Berries & Nuts from Trees:** YHG will not prune or fell any tree owned or managed by the group to remove or reduce the occurrence of fruit, berries or nuts falling onto footways or private land. Fruit trees such as apple, cherry and pear are welcomed in many locations with the added benefit of providing free food.

8.3.10. **Wildlife and Insects in Trees:** YHG will not prune or fell any tree owned or managed by the group to remove or reduce incidence of Bees, Wasps and other insects or wild animals. Bees are a protected species and advice should be taken before considering their removal.

8.3.11. **Satellite, Television and Other Communications Reception Blocked by Trees:** YHG will not prune or fell any tree owned or managed by the group to enable, ease of installation, or improve reception of satellite or television receivers. It maybe that a satellite or TV provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal.

8.4. Tree Safety:

8.4.1. YHG will prune or remove trees that are:

- a) dead, diseased, or dying
- b) dangerous (e.g., through storm damage)
- c) causing damage, or likely to, to property
- d) breaking highway regulations
- e) identified as part of YHG's maintenance programme.

- 8.4.2. Unless the condition of a tree poses an immediate safety risk to the public and/or YHG customers, it will only be removed following written correspondence to effected YHG customers with the opportunity for concerns to be raised and considered prior to YHG's final decision and completion of works.
- 8.4.3. If a tree poses an immediate safety risk to the public and/or YHG customers, the tree can be removed without the need for prior written correspondence to effected YHG customers. Written correspondence will, instead, be provided in a reasonable timeframe after works completion to explain and provide justification.
- 8.4.4. YHG will work within the 'best practice' guidance produced by several organisations including The National Tree Safety Group, The Arboricultural Association and The Forestry Commission which provides guidance to help duty holders comply with legislation.
- 8.4.5. YHG will undertake Tree Surveys within a 5-year timescale by staff qualified with an Arboricultural degree or equivalent to a level 4 certification on the Arboriculture Association qualification scale. Competency requirements are detailed in the TSMP.
- 8.4.6. During tree surveys, all trees within YHG ownership will be inspected for the presence of bats and other protected species to comply with relevant legislation.
- 8.4.7. Frequency of future tree surveys and re-inspections will be based on prioritising those trees that pose a greater risk to people and property through a zoning system, based upon tree height, position, condition and/or circumstance.
- 8.4.8. Routine maintenance works will be programmed to be completed on our winter work programme.
- 8.4.9. Where possible, we will replace felled trees with suitable replacement species in consultation with effected customers.
- 8.4.10. The timescale for any identified tree works required because of a tree inspection will be prioritised in accordance with the level of risk determined by the Tree Surveyor. All works to be completed in accordance with timescales outlined in the TSMP.

8.5. Additional Assurance

- 8.5.1. Results of YHG tree inspections are shared with contractors for review and checking prior to recommended and issued works being undertaken.

8.6. Contractor Competency:

8.6.1. YHG has a responsibility to ensure that contractors are competent. All tree works will be undertaken by contractors with National Proficiency Tests Council (NPTC) qualifications, correct insurances, and meet the criteria for inclusion on YHG's procurement framework.

8.7. Internal Staff Competency:

8.7.1. As part of the TSMP a detailed competence framework will operate, including regular appraisals linked to colleagues' performance management reviews, will be undertaken.

9. Data Protection, Record Storage and Retention

9.1. There are no data protection considerations as there is no personal data captured/stored.

9.2. All records relating to this service shall be stored for legal compliance in an electronic database for a minimum period of 10 years and shall be made available to the customer(s) of the premises.

9.3. We will carry out regular validation checks to identify whether properties not recorded on Orchard Housing Management System (OHMS) as having a tree present are required to be added to the OHMS electronic tree database.

9.4. All stock/land is fully reconciled to the tree inspection schedule on an annual basis.

9.5. A tree inspection record will be completed against each asset at the time of recording on the OHMS and will include new property acquisitions and new build.

10. Equality and Diversity

10.1. This Policy complies with the requirements of the Equality Act 2010 to ensure equality of treatment for all without discrimination or prejudice. This Policy has undergone a full Equality Impact Assessment in line with YHG Policy Framework Policy and Procedure.

11. Communication

11.1. Summary briefing to operational personnel. The Policy will be uploaded to Youggle and included in the monthly policy round up item.

12. Learning and Development

- 12.1. YHG will ensure that all colleagues undertaking key roles within the delivery and management of this area will have access to training and support applicable to their roles which will be reviewed as part of YHG's Performance Management Review arrangements.

13. Performance Management of this Policy

- 13.1. The Head of Repairs and Maintenance and the Grounds Maintenance Team will be responsible for the performance management of this policy.

14. Review of this Policy

- 14.1. This Policy will be reviewed every two years as per YHG Policy Framework Policy, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Group wide policies.
- 14.2. The Head of Repairs & Maintenance will be responsible for updating this policy, when required.

Related Documents

Document Type	Name
Connected Policies and Procedures	Tree Safety Management Plan (TSMP).
Forms and Letters	
Leaflets/Publicity Material	
Training Materials Available	
Intranet/ Website Page	

Checklist

(To be completed as far as possible by the Policy Author before submission for quality checking by Research and Policy Manager prior to Risk and Compliance Group)

Policy Name: Tree Policy	
Version No: 2.0	Effective Date: November 23 onwards
Status: Full Review	
Previous Policy Name (where appropriate): Not applicable	
Brief Summary of Changes from Previous Version: <ol style="list-style-type: none">1. Policy has been re-formatted to utilise and confirm with the latest YHG Policy Template.2. New paragraphs added under section '8.4 Tree Safety' to describe the customer correspondence that will be undertaken with respect to tree removal work.3. The introduction of Surveying & Maintaining trees within customer's gardens.	
Internal Consultation Groups: In development of the original (version 1.0) policy, consultation was undertaken with: <ul style="list-style-type: none">• Customer Focus Group/Connect Panel• Equality Impact Assessors In reviewing and producing version 2.0 of this policy, consultation undertaken with: <ul style="list-style-type: none">• Key stakeholders across the Asset Management Department.• Customer Connect Panel.	Customer Consultation: <input checked="" type="checkbox"/> Date of Customer Consultation: Version 1: 24/09/2021 Version 2: Circulated to Customer Connect Panel for review and feedback during week commencing 23/10/2023. Customer Consultation Brief Details: As above, the original (version 1) policy was developed in consultation with the Customer Focus Group/Customer Connect Panel with feedback considered as part of policy development. Version 2 of the policy was circulated to Customer Connect Panel for review and feedback of which no

	further requests for amendments were received.
Link to Consultation Document(s):	
Version 2 was circulated via email to Customer Connect Panel (via Customer Scrutiny Manager, Christopher Quigg).	
Date Initial Equality Impact Assessment Undertaken: Original (version 1) Tree Policy was assessed. No further EIA has been undertaken of this reviewed and updated (version 2) policy as there are no significant changes to service provision.	Equality Impact Assessor name(s):
Reason for Decision:	
Date Full Equality Impact Assessment Undertaken:	
Brief Outline of any Changes Recommended from EIA:	
Data Protection/ GDPR Implications: <input type="checkbox"/>	
Brief Outline of Data Protection/GDPR Implications:	
Not applicable. There are no data protection considerations as there is no personal data captured/stored.	
Legal Implications: <input type="checkbox"/>	Legal Panel Consulted: <input type="checkbox"/> Date:
Risk Implications: <input type="checkbox"/>	Risk Logged on Datix: <input type="checkbox"/> Date:
Resource Implications	People: <input type="checkbox"/> Finance: <input type="checkbox"/> Asset: <input type="checkbox"/> Other: <input type="checkbox"/>
Brief Summary of how Resource Implications have been addressed:	
How will communication on this Policy take place: (please delete as appropriate)	
Intranet/ YHG Website/ Face to Face Training	
Policy Owner: Asset Management	Policy Author: Adrian Mostyn
Policy Signed Off by: (service manager or sponsor): Conan McKinley	Date: 02/11/23
Policy Quality Checked by Research and Policy Manager:	Date:
Policy Approved by Risk and Compliance Group:	Date:

Policy Approved by Customer Services Committee:

Date: