

Tree Policy

DESIGN HEADER TO INCLUDE POLICY NAME AND DATE RANGE

INFORMATION

Policy Name	Tree Policy
Effective Date(s)	November 2021 – November 2023
Approved By	Customer Services Committee
Approval Date	October/ November 2021
Policy Owner/Dept	Asset Management
Policy Author	Ian Foster/ John Cheetham / Rich Barley
Review Date	November 2023
Version Number	1.0

Version Control

Version	Date	Changes	Approver

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	Please State if the Policy aligns to any of the Regulators Standards: <ul style="list-style-type: none"> • Home Standard • Tenancy Standard • Neighbourhood and Community Standard
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Relevant Legislation	The Town and Country Planning Act 1990 – Part VIII; special controls Trees The Town and Country Planning (Trees) Regulations 1999 The Planning (Part II) (listed buildings and conservations areas) Act 1990 The Forestry Act 1967 Plant Health (Forestry) order 2005 The Local Government (Miscellaneous Provisions) Act 1976
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	<p>Anti-Social Behaviour Act 2003: Part 8 in 2005: - Requires action to address high hedges.</p> <p>The Highways Act 1980.</p> <p>The Occupiers' Liability Act 1957 & 1984.</p> <p>The Health and Safety at Work Act 1974.</p> <p>The Wildlife and Countryside Act 1981.</p>
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Tree Policy

1.1 Purpose of the Policy

1.1 The aims of this policy are to:

1.1.1 Ensure we provide a safe environment for customers, colleagues and third parties to live and/or work in.

1.1.2 Establish the key principles that Your Housing Group will utilise to ensure tree safety across Your Housing Group tree stock.

1.1.3 Ensure Your Housing Group discharge its landlord's duty specifically detailed in the following legislation.

a. Health and Safety at Work etc. Act

b. Occupier's Liability Act (1937) and Occupiers Liability Act (1984)

1.1.4 Inspect trees that are in Your Housing Group ownership demonstrating reasonableness in the management of the risks to which people may be exposed to ensure compliance with our legal responsibilities.

1.1.5 Ensure Your Housing Group tree portfolio remains healthy.

1.1.6 Achieve tree inspections in accordance with Your Housing Group inspection regime to ensure compliance.

1.1.7 Ensure compliance with all relevant tree legislation.

1.1.8 Provide clear lines of responsibilities for the management of tree safety.

1.1.9 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 This policy relates to the communal areas of offices, general needs estates, supported housing, sheltered housing, other rented properties owned by Your Housing Group, including leaseholder/shared ownership, other rented housing managed by Your Housing Group on behalf of a third party and garages unless other parties are explicitly specified for statutory responsibility in the lease or management agreement.

2.2 Trees in non-communal areas are only surveyed reactively but will be observed regularly by the tenants of the property and any significant hazards obvious to the lay person would in most cases be reported to Your Housing Group to be investigated.

2.2 Where properties are managed on behalf of external property owners, statutory responsibility will be detailed in the terms of the management agreement.

3 Biodiversity and Climate Change 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 of the work that YHG undertake in respect of trees we will ensure that we: -

- Sustainably manage YHG's tree resource
- Maximise the multiple benefits that trees provide
- Work to increase our tree cover
- Follow all industry recommendations to maintain bio- security
- Increase biodiversity and tree resilience

3 Policy detail

3.1 This policy must always be read in conjunction with the Tree Safety Management Plan.

3.2 Your Housing Group will work with third party landlords to ensure that tree inspections are undertaken in accordance with the required frequency.

3.3 All Your Housing Group 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 Tree Safety Management Plan.

3.4 If reasonable access is not provided Your Housing Group 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.

3.5 Emergency evacuations relating to trees should be read in conjunction with Your Housing Group's Emergency Response Plan and Your Housing Group's Business Continuity Plan should an emergency incident be declared.

3.6 Tree Surveys

Your Housing Group 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 and safety and maintenance requirements. Zones will be used 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.

3.7 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 the arboricultural team.

3.7.1 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.

3.7.2 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.

3.7.3 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 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.

3.7.4 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.

3.7.4 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.

3.7.5 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).

3.7.6 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.

3.7.7 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 protected species and advice should be taken before considering their removal.

3.7.8 Satellite, Television and Other Communications Reception Blocked by Trees

Your Housing Group will not prune or fell any tree owned or managed by the group to enable or ease installation or improve reception of satellite or television receivers. It maybe that your 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.

4 Tree Safety Commitments. We will work within the following commitments:

4.1 YHG will prune or remove trees that are:

- Dead, diseased, or dying
- Dangerous (i.e., through storm damage)
- Causing damage, or likely to cause damage, to property
- Breaking Highway Regulations
- Identified as part of our maintenance programme

4.3 YHG will work within the 'best practice' guidance produced by a number of organisations including the National Tree Safety Group, the Arboricultural Association and the Forestry Commission which provides guidance to help duty holders comply with legislation.

4.4 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 TMSP.

4.5 All trees within Your Housing Group ownership will be inspected for the presence of bats and other protected species to comply with relevant legislation.

4.5 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 and condition or circumstance.

4.6 Any identified tree works required because of a tree inspection will be prioritised if urgent or dangerous in line with group work timescales.

4.7 Routine maintenance works will be programmed to be completed on our winter work programme.

4.8 Where possible, we will replace felled trees with suitable replacement species.

4.9 All works to be completed in accordance with timescales outlined in the Tree Safety Management Plan.

5 Property Classification.

5.1 All Your Housing Group communal 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.

6 Record Keeping

6.1 The requirement whether to undertake a tree inspection or not will be held within GISMO.

6.2 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.

6.3 We will carry out regular validation checks to identify whether properties not recorded on GISMO as having a tree present are required to be added to the GISMO electronic tree data base.

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

6.5 A tree inspection record will be completed against each asset at the time of recording on GISMO, such changes will include:

- a. New Property Acquisitions
- b. New Build

7 Competency

7.1 Contractor Competency

Your Housing Group has a responsibility to ensure that contractors are competent. All tree works will be undertaken by contractors with NPTC qualifications, correct insurances, and meet the criteria for inclusion on Your Housing Group's procurement framework.

7.2 Internal Competency

Your Housing Group 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.

7.3 As part of the Tree Safety Management Plan a detailed competence framework will operate including regular appraisals linked to colleague's performance management reviews.

8 Responsibility and monitoring

8.1 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*"

8.2 The Board will receive regular summary reports of the performance in relation to the implementing of this policy and be responsible for ensuring necessary remedial action to comply with the policy.

8.3 Your Housing Group Chief Executive will retain the overall responsibility for the monitoring of the consistent implementation of this policy.

8.4 The Regional Landscape Manager will hold responsibility for ensuring that sufficient competent resources are in place to manage and ensure compliance with this policy. The duties are detailed in the Tree Safety Management Plan.

8.5 Monthly reports will be generated for designated senior managers to ensure progress can be monitored against Key Performance Indicators.

8.6 In addition Your Housing Group will seek additional assurance to ensure it can demonstrate tree management compliance and engage a third party external independent auditor to regularly inspect, monitor and report on the technical performance and quality of contractor(s) undertaking tree safety works.

8.7 The auditor shall inspect 10% of tree risk assessments on a bi-annual basis and report their findings. Your Housing Group will be notified of any corrective actions that are required and records shall be recorded for electronic retrieval.

9 Risk Management

YHG has a Tree Management Safety Plan to manage risk to the business from Trees. Trees are surveyed and inspected on a frequency determined by risk and works issued accordingly.

10 Data Protection, Record Storage and Retention

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

11 Equality and Diversity

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.

12 Communication

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

13 Learning and Development

As above.

14 Performance Management of this Policy

The Regional Landscape Manager and Asset Strategy Team will be responsible for the performance management of the policy.

15 Review of this Policy

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.

Asset Strategy Team will be responsible for updating this policy, when required.

16 Glossary of Terms

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.

GISMO, which is YHG’s electronic GIS (Geographic Information System) system.

TPO/Conservation Area - A Tree Preservation Order (TPO) /conservation consent 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 - 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.

NPTC – National Proficiency Test Council

Related Documents

Document Type	Name
Connected Policies and Procedures	Tree Safety Management Plan
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: 1.0		Effective Date: November 2021		
Status: New Policy				
Previous Policy Name (where appropriate) n/a				
Brief Summary of Changes from Previous Version: n/a				
Internal Consultation Groups: Customer Focus Group Equality Impact Assessors Group		Customer Consultation: <input checked="" type="checkbox"/>		
		Date of Customer Consultation: 24/09/21		
		Customer Consultation Brief Details: Consultation with YHG customer focus group/ Connect Panel		
Date Initial Equality Impact Assessment Undertaken: n/a		Equality Impact Assessor name(s): Angela White, Adele Duffy, Alexia Bentley		
Reason for Decision: New policy				
Date Full Equality Impact Assessment Undertaken: 22/09/2021				
Brief Outline of any Changes Recommended from EIA: <ul style="list-style-type: none"> • Missing an appeal process, and more focus on the customer needed. • Further information needed on how the tenant would report pests • Planting of new trees seemed to be more thorough and considerate of different needs, but the older trees felt more problematic in terms of necessary tree work. 				
Data Protection/ GDPR Implications: <input type="checkbox"/>				
Brief Outline of Data Protection/GDPR Implications:				
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				
Policy Owner: (Department) Asset Management		Policy Author: Ian Foster/ John Cheetham		
Policy Signed Off by: (service manager or sponsor): Conan McKinley				Date: 20/09/2021
Policy Quality Checked by Research and Policy Manager: Vicki Maguire				Date: 20/09/2021
Policy Approved by Risk and Compliance Group:				Date: 02/11/2021
Policy Approved by Customer Services Committee:				Date: 11/11/2021