



Tree Management Safety Policy

Title:	Tree Management Safety Policy
Person responsible:	Director of Homes
Customer consultation arrangement:	Customers consulted via Tenants' Committee
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Approved by:	Board
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Links to other key policies:	<ul style="list-style-type: none"> • Asset Management Strategy • Repairs and Maintenance Policy • Health & Safety Policy • Sustainability Strategy
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Document management		
Version	Date amended	Amendments

1. Purpose and Scope

Purpose

South Lakes Housing (SLH) is a registered provider (housing association) and we own and manage approx. 3300 homes across a wide geography in South Lakeland and Lancashire.

This Policy outlines how SLH will comply with the Regulatory Framework for Social Housing in England as outlined below: Registered Providers must meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

This policy is for the management of trees owned and managed by SLH. This policy will influence tree management decisions, particularly in relation to compliance with the law, surveying, pruning, planting, removal, and advice to customers.

SLH is committed to providing and maintaining a high-quality environment for its residents; this includes the provision of a healthy and abundant tree stock. Trees provide many benefits. They contribute to our health and wellbeing by absorbing carbon dioxide, providing shade and reducing airborne pollutants. Trees provide aesthetic value and soften the built environment. They help to channel storm water, mitigate flooding and provide valuable habitat for wildlife such as birds, bats and insects.

SLH recognises its trees as an asset. However, in the wrong place, trees can be a nuisance, and if they become diseased or decayed can sometimes pose a risk to safety. A careful

balance must be struck between maintaining enough trees in the right places to provide the benefits that trees offer, while minimising the risk of harm, and avoiding the damage or nuisance that they can pose.

SLH aims to meet the following objectives through this policy to:

- Maintain a healthy and diverse tree stock on its land.
- Fulfil its statutory duties and duty of care in engaging in proactive and proportionate tree management.
- Set clear and transparent processes, along with clear communication that addresses customers concerns, enquiries and complaints in relation to trees.
- Ensure a balanced environment with the right tree species nurtured in the most appropriate locations.

Scope

This Policy applies to all properties owned or managed by SLH, except properties where we do not have landlord responsibility.

SLH is responsible for over 10,000 trees and all have been surveyed.

When this policy refers to communal land, it means land SLH owns or is responsible for, which is accessible to customers and the public.

2. Regulatory and Legislative Requirements

The application of this policy will ensure compliance with the relevant legislation and associated regulatory guidance on the management and safety of trees within its ownership.

The principal legislation in this area is as follows:

- Management of Health and Safety at Work regulations 1999
- Occupiers Liabilities Acts 1957 and 1984
- Highways Act 1980.
- The Landlord and Tenant Act 1985 and 1987
- The Housing Acts 1985, 1988 and 2004D
- The Forestry Act 1967 as amended
- Local Government (Miscellaneous Provisions) Act 1976
- Town and Country Planning Act 1990
- Plant Health (Forestry) Order 2005
- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- Town and Country Planning (General Permitted Development) (England) Order 2015
- The Conservation of Habitats and Species Regulations 2017
- Wildlife and Countryside Act 1981
- Hedgerow Regulations 1987

SLH acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.

3. Our Approach.

SLH will carry out tree inspections on a regular basis, not greater than every three years. An arboriculturist will survey the trees on a rotating cycle of approximately 3500 trees per year. They will be graded on a traffic light system whereby trees highlighted in red (high risk) will be resolved immediately, trees highlighted in amber (medium risk) will be resolved within 12 months and trees highlighted green (low risk) need no work at present. As part of the survey the arboriculturist shall notify us which trees should be monitored on a more frequent basis.

Trees will generally be removed where the following applies:

- Dead, dying or dangerous.
- To benefit the growth of better adjacent trees (thinning).
- It has been proven beyond reasonable doubt that the tree is causing subsidence to property due to seasonal clay shrinkage and removal is the only reasonable option.
- The tree is causing or is soon likely to cause significant structural damage and pruning is not a remedial option.
- The tree will ultimately outgrow its location, (e.g. a species that will grow very large located in a confined space).

Tree Maintenance Work will be carried out on the following basis:

- When tree maintenance work is identified during scheduled inspections according to the level of risk.
- In response to residents' enquiries after an arboriculture assessment has identified a problem.
- When trees are dangerous and likely to cause either injury to people or damage to property.
- When trees are causing an obstruction to either the highway or a footpath, these trees will then be maintained in line with Section 154 of The Highways Act 1980.
- When trees are obstructing streetlights or street furniture.
- When trees are causing an actionable nuisance or preventing contractors from carrying out major building works and/or repairs.

Trees or part of a tree is aiding anti-social behaviour.

Tree maintenance work required due to encroachment into neighbouring properties from overhanging branches, will be considered on a case-by-case basis with priority given where branches are hazardous, or the tree is proved to be causing direct or indirect (subsidence) damage. Shading, detritus or bird nuisance will not be considered a reason to prune, reduce or fell a tree unless extenuating circumstances exist.

Stumps will only be removed where they present a trip hazard or could potentially damage machinery in grassed areas.

The High Hedges Act (Part 8 of the Anti-Social Behaviour Act 2003) in respect of maximum hedge height may apply where natural light is being blocked by the growth of a predominantly coniferous (evergreen) boundary hedge.

Work Maintenance Work will not be carried out as follows:

- Trees blocking out sunlight or causing too much shade, unless in contravention of a Relevant Act.
- Trees blocking views.
- If the resident believes the tree is too large.
- Trees dropping leaves in gardens.
- Tree insects, sap, fruit, pollen falling onto paths, cars patios etc.
- Trees overhanging gardens.

- Bird droppings from birds nesting or roosting in trees/ bushes.
- Trees affecting TV or satellite.
- Fruit falling from tree.
- There is a live nest present.

Replanting of trees

Where trees have been removed and where it is feasible to do so, SLH will replant on a 2 to 1 basis, with trees that are indigenous and suitable for the area.

SLH will also:

- encourage tree planting of the right tree species in the most appropriate locations.
- encourage the planting of trees on all new developments and environmental improvement works by all stakeholders/ partners.
- Consider the planting of trees to support flood resilience

Consent from local Authority for works to trees

Where tree works fall under the planning system such as Tree Preservation Orders (TPO) or within conservation areas, SLH will ensure that, through the arboriculturist or contractor, that all appropriate applications or notifications for tree works are agreed with the local authority.

Customer (Leaseholders and Customers Responsibility)

Customers are responsible for the maintenance of all trees/hedges in their own gardens and should ensure their trees/hedges do not cause a nuisance by allowing branches to overhang into neighbouring gardens or allowing tree roots to trespass to neighbouring property.

Customers should not remove boundary planting if this protects the property or gardens. If it is necessary to resecure boundaries following removal, then SLH may recharge costs for reinstatement or alternative protection, such as fencing, back to the customer. Permission should be sought to plant, fell, or remove any trees in communal garden areas. Requests should include the following :

- Number of trees.
- Species of tree.
- Location of tree.
- Expected height of tree once fully grown (for planting requests).
- Reason for removal (for removal requests).

If customers wish to plant trees, then consent must also be obtained. Customers must request approval in writing stating the types and sizes of trees they wish to plant, and their location (evidenced by photos). SLH reserves the right to refuse permission for trees that can be particularly invasive and/or unsuitable for the location proposed. Trees or hedges that will significantly impact on neighbours' homes or become a nuisance, with the potential to cause ASB, when they reach full maturity will not be permitted.

Trees are not allowed to be planted adjacent to buildings or within two metres of the fence line. Creepers, trailing plants or ivy must not be planted near buildings as they are likely to cause damage to the building.

Competent Persons

SLH will ensure that the colleagues responsible for operational delivery receive appropriate training to be able to manage the service.

All appointed tree consultants and contractors will be arboriculturally approved contractors, who will ensure health and safety practices are followed before, during and after work.

The Building Safety Manager is responsible for checking that consultants and contractors hold the relevant qualifications/accreditations for the works being undertaken. These checks will be undertaken on an annual basis and evidenced appropriately.

Colleague Training

SLH will ensure that the Building Safety Manager with responsibility for management and delivery of the Tree Maintenance contract is appropriately qualified and/ or experienced in this area. If the competent person does not have appropriate qualifications and/or experience, then these will be obtained as soon as reasonably practicable, and second line assurance provided from a competent person to provide sufficient oversight.

Appropriate training will be provided to colleagues on tree safety and management and this policy and the procedures. This will include team and contractor briefings, e-learning and/or access to external training.

SLH will establish and maintain electronic records of all training undertaken by colleagues.

4. Responsibilities

Governance responsibility

SLH board will have overall governance responsibility for ensuring the Tree Management Safety Policy is fully implemented to ensure full compliance with the regulatory standards and legislation. As such, the board will formally approve the policy and review it periodically.

The first policy review will be undertaken at a minimum of 3 years after the approval of this new policy, or sooner if there is a change in regulation, legislation or there has been a significant event which triggers a review.

Executive Leadership Team, Senior Management Team and Audit and Risk Committee will receive reports, at least quarterly, in respect of Tree Management Safety performance to assure themselves that compliance with risk management is being achieved. They will also be notified of any non-compliance issues identified.

Roles and Responsibilities

The list below sets out the delegated hierarchy of responsibility within the organisation according to the requirements of the legislation: -

Duty Holder/Accountable Person

The Accountable Person under this policy will be South Lakes Housing. The Duty Holder is the Director of Homes who will delegate certain tasks to the responsible and competent persons.

The 'Duty Holder' is responsible for Health and Safety and must take the right precautions to reduce the risk of exposure in respect to trees, their inspection and maintenance. They will appoint a person/s to take day-to-day responsibility as an authorised deputy for controlling/assessing any identified risk and controlling/ managing compliance with the relevant statutory requirements.

Responsible Persons

The Responsible Person(s) for SLH are the Head of Assets and Building Safety and the Building Safety Manager who will ensure the implementation of the policy and procedures across SLH. They will also ensure all operational procedures are carried out in a timely and effective manner. They will ensure all appointed organisations/ individuals have the appropriate levels of training, skills and knowledge to undertake the tasks and monitor training. In addition, they will ensure all appointed contractors/arboriculturist have the

appropriate levels of training, skills, experience and knowledge to undertake the tasks and to provide technical support.

Other Teams

A visual inspection of the external areas is undertaken as part of the Void Management process. SLH will ensure that all trees within a garden are in good condition and of a manageable size before being offered for relet.

Ahead of viewing and/ or tenancy sign up SLH will clearly explain responsibilities for trees that will remain in Customers' gardens, and the maintenance that may be necessary. SLH will explain the implications of living in a Conservation Area and the impact of Tree Preservation Orders (TPO).

SLH will take into consideration any Planning requirement, Conservation Areas and Tree Preservation Orders in the application of this policy. Given the extra requirements with TPOs, SLH will continue to maintain these trees, including those in private gardens of SLH customers.

The Development Team will review the Environmental Impact Report on all new developments. Any trees located within these areas must be added to the cyclical monitoring regime for trees. This includes notifying the Building Safety Team of any TPO's or planning authority requirements in respect to their ongoing maintenance or preservation.

5. Monitoring & Review

Records and Management of Data

SLH receives reporting from the annual cyclical programme that informs:

- The location and species of the trees surveyed, and which surveyor performed the surveys.
- Any risks/actions to be undertaken following inspection and timescales for resolution.

Review

This policy will be reviewed every 3 years, or sooner if required by statutory, regulatory changes, or to incorporate best practice. In addition, SLH will ensure that the policy is reviewed and if necessary amended, following any significant event or issue, such as any personal injuries sustained by customers involving trees.

Data Protection

When handling data sheets, colleagues and contractors may come into contact with personal information. The handling and use of the data will be carried out under the General Data Protection Regulations 2018.

Reporting and non-compliance

ELT/SMT/ Audit and Risk Committee will receive reports, at least quarterly, in respect of risks associated with Tree Maintenance.

SLH will have in place a process for reporting on risks from surveys at an operational level.

The Head of Assets & Building Safety will ensure that all recommendations and/or remedial actions are completed.

KPIs

KPI's will be used to ensure that SLH is compliant with its own policy and keeping its customers/ colleagues and contractors safe. KPI's will be monitored and recorded on a quarterly basis and reported as detailed above.

Equality Impact Assessment

In implementing this policy, we aim to treat all customers fairly. An equality impact assessment has been carried out. Where customers require additional support, we will endeavour to provide a service that seeks to meet the needs of a particular individual or household.