

**Paragon Asra Housing Limited**

# **Tree Policy**

May 2019

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<b>Department</b>	Estate Services
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**Paragon Asra Housing Limited (PA Housing) is committed to equality and diversity. This policy has considered the Equality Act 2010 and its protected characteristics which are: race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage, civil marriage and partnership, and pregnancy and maternity explicitly.**

**We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats we will provide them.**

## AUDIT LOG

Date of Change	Who updated	Details of the change

## 1 Introduction

- 1.1 Paragon Asra Housing Limited (PA Housing) 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 and provide valuable habitat for wildlife such as birds, bats and insects.
- 1.2 As such, PA Housing recognises its trees as a valuable 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.

## 2 Objectives

- 2.1 The policy sets out how PA Housing will achieve a balance to:
- Maintain a healthy tree stock with a diverse age class to make full use of the environmental, social and economic benefits this brings.
  - Fulfil PA Housing's statutory duty of care and corporate objectives on safety through engaging in proactive and proportionate tree risk management.
  - Set transparent systems and strategies to address residents' requests and enquiries about trees, and focus on finding solutions to deal with tree problems.

## 3 Tree strategies

- 3.1 The following strategies are used to guide decisions on tree management:

Strategy	Tree risk and safety
1	We will manage tree risk using a planned and proactive approach, proportionate to the quantified risk posed by trees to the safety of residents and the public.
2	We will try to retain trees where possible unless the risk is too great or the cost is prohibitive.
3	We will seek input from professional arboriculturists to manage tree risk.
	<b>Trees and nuisance</b>
4	Trees will not normally be pruned or felled due to problems with: <ul style="list-style-type: none"><li>• Shade</li><li>• Falling leaves, fruit or flowers</li><li>• Pollen</li><li>• Interference with TV, mobile phone or Wifi signal (residents should</li></ul>

	<p>contact their service provider for a solution)</p> <ul style="list-style-type: none"> <li>• Bird droppings</li> <li>• Obstruction of views</li> <li>• Because they are “too big” or “too tall”</li> <li>• Obstruction of utility cables, (these are the responsibility of the utility company or owner).</li> </ul>
5	<p>Tree work may be considered to deal with the following nuisance:</p> <ul style="list-style-type: none"> <li>• Branches touching a building or structure</li> <li>• Trees in a clearly unsuitable location</li> <li>• Roots or aerial parts causing significant direct structural damage</li> <li>• Clear evidence of subsidence damage caused by a tree</li> <li>• Tree branches obscuring street lights, road signs or CCTV cameras</li> <li>• Trees or part of a tree aiding anti-social behaviour.</li> </ul>
6	<p>Tree work needed 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.</p>
7	<p>Claims of direct or indirect (subsidence) damage by trees will be dealt with co-operatively and proactively, with action taken where sufficient evidence is supplied.</p>
8	<p>Long-term maintenance work will be identified during planned inspections and commissioned based on available budget.</p>
9	<p>Works where early intervention would prevent a future costly management issue will be prioritised over lesser works.</p>
10	<p>Woodland and shelterbelts will be subject to minimum management unless the trees pose a significant risk.</p>
11	<p>Stumps will only be removed where they present a trip hazard or could potentially damage machinery in grassed areas.</p>
	<p><b>Tree planting</b></p>
12	<p>Trees removed because they are dead or in poor condition will be replaced on a 1:1 basis provided that there is sufficient space for new trees to grow to maturity without causing nuisance or damage to property</p>
13	<p>New trees will be selected according to the principle of “right tree, right place”.</p>
14	<p>Tree planting plans for new developments will be assessed for “right tree, right place” and may have to be re-planned if necessary.</p>
	<p><b>Trees in residents’ gardens</b></p>
15	<p>Trees in a resident’s garden are the resident’s responsibility, and will not be included in PA Housing’s planned inspection and maintenance regime.</p>
16	<p>In exceptional circumstances, we may help a resident manage trees that are dead, diseased or dangerous or causing damage to property. The resident will be recharged for this service.</p>

17	Residents will be advised on the type of trees deemed suitable for planting in their garden via the PA Housing website.
18	All void properties will be inspected to identify hazardous or inappropriate trees.

## 4 Types of tree work

4.1 Tree work identified as required during inspection is prioritised according to the level of risk posed. Routine work is listed in order of priority as follows:

- i. dangerous or unstable trees or branches that are likely to cause injury
- ii. trees obstructing the highway or public footpaths
- iii. trees causing or highly likely to cause significant damage to property
- iv. trees obstructing street lights or CCTV cameras
- v. works to alleviate severe shading or other nuisance
- vi. thinning.

4.2 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).

4.3 Trees are pruned to:

- remove structural defects or dangerous branches
- keep at a suitable size for the place where they are growing
- keep minimum statutory distances over highways, pavements and other rights of way
- prevent damage to property
- improve the health of the tree.

Typical pruning operations include:

- Reduction (making the crown smaller by reducing the lengths of branches)
- Crown lifting (removal of the lowest branches)
- Individual branch removal
- Pollarding

## 5 Legal responsibilities

### Risk and safety

- 5.1 PA Housing has a legal duty to take such care as might be expected of a reasonable and prudent landowner, and to manage risks as reasonably practicable. There is no legislation, approved code of practice or standard which determines how the risks posed by trees should be managed.
- 5.2 PA Housing maintains a database to show the location, species and other details of its tree stock in its communal areas. There is a programme of tree inspections and the database is updated in order to plan out tree work.
- 5.3 All work will be specified in accordance with the British Standard BS 3998:2010 – Tree Work – Recommendations. Only tree contractors capable of carrying out this standard of work will be used.
- 5.4 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.

### **Statutory protection**

- 5.5 PA Housing will abide by the Town and Country Planning Act (1990, and as amended) in respect of trees protected by a Tree Preservation Order or in a Conservation Area. The necessary consents and planning permissions will be sought for any non-exempt works planned.
- 5.6 All bat species and birds at nest are protected by the Wildlife and Countryside Act 1981, which makes disturbance of either class of species an offence. Bats and nesting birds often use trees for nesting or roosting. PA Housing therefore has a duty to abide by this legislation.
- 5.7 Some sites may fall within areas designated to protect wildlife, such as Special Areas of Conservation (SACs) and Special Sites of Scientific Interest (SSSIs), or may be covered by local Biodiversity Action Plans, which may include trees as habitats.

### **Highways**

- 5.8 PA Housing will abide by the Highways Act 1980 in terms of safe highways, which includes removing obstructions or damage to the highway infrastructure caused by its trees.

### **Terms of tenancy and lease agreements**

- 5.9 PA Housing is responsible for all trees in its communal areas. All communal survey and works activity will be recovered through the service charge.
- 5.10 Responsibility for trees in gardens is determined by the tenancy agreement or type of lease covering a property, (e.g. leasehold, agency managed, shared ownership). In most cases, trees in gardens are the responsibility of the tenant or leaseholder.

- 5.11 A tree amnesty programme is available whereby residents are invited to report problems with trees in their gardens. The problems are prioritised and an annual budget set aside to deal with the most pressing problems.
- 5.12 If loss of light has an impact on a person's disability, we will consider removing or pruning a tree.
- 5.13 PA Housing will deal with any complaints and help to mediate in residents' disputes about trees.

## **6 Training**

- 6.1 New staff will be made aware of this policy where appropriate and refresher training will be given to existing staff. All staff who receive enquiries relating to trees will receive specific training to acquire the skills and knowledge needed to comply with this policy.

## **7 Linked policies**

- Aids and Adaptations
- Complaints
- Health and Safety