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PLYMOUTH COMMUNITY HOMES TREE POLICY

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1. Introduction

Trees are an important part of every community. Our streets, open spaces, playgrounds and gardens provide a setting for trees that create a peaceful, aesthetically pleasing environment. Trees are amongst the most significant features in the landscape and provide a habitat for many species. We recognise their presence in the urban environment as being a vital part of our natural life support system, providing a wealth of ecosystem services helping to combat the negative impacts of climate change. Plymouth Community Homes' vision is therefore one of carefully managing and protecting our existing trees as well growing the number of trees on our land to bring benefit to people and wildlife, enhance landscapes and engage people in biodiversity and environmental issues.

2. Objectives

Plymouth Community Homes (PCH) has a legal obligation as a landowner to manage its tree stock to ensure the safety of the public.

Trees and woodlands play a significant role as part of PCH's green asset, and they provide accessibility to the natural environment for PCH residents and the wider community. Some of these roles include:

- Providing a valuable habitat for wildlife
- Dampening noise
- Providing shelter from the sun, wind and rain
- Trap and filtering pollutants in the air
- Helping to lock up carbon
- Providing pleasant green settings in which to live and work
- Softening the impact of the urban environment and new developments
- Providing access nature

- Providing free food for harvesting.

The overall objectives of PCH's Tree Policy are therefore to manage the risk from, and ensure the health of, of PCH's trees; improve and encourage biodiversity; enhance landscape quality and improve the quality of life for residents, whilst working within the relevant legislation.

3. Responsibility

3.1 Estate and Communal Land

PCH will manage all trees situated on PCH's estate and communal land, in accordance with the provisions set out in this policy. This will be monitored by the Tree Specialists (Arboriculturists) within the Environmental Services Department.

PCH has a cyclical inspection programme for its tree stock, which is recorded electronically to ensure any risks no longer considered acceptable are proactively managed.

3.2 Tenants

PCH tenants have a responsibility and duty to appropriately manage and preserve PCH's tree stock growing on the land covered by their tenancy under the PCH assured (shorthold) and assured (non-shorthold) tenancy agreement and the following legislation:

- PCH tenancy agreement section 15.
15.1 To maintain and keep your garden tidy. This includes cutting the grass regularly and maintaining hedges or trees so that they do not overgrow any paths or neighbouring land. If you fail to keep your garden tidy we will request in writing that you do so. If you continue not to maintain your garden we will undertake the work and charge you our reasonable costs reasonably incurred and/or consider other available legal remedies.
15.3 Not to, without our prior written consent:
15.3.2 Remove, replace or plant any hedge or tree or remove or erect any fence.
- Occupiers Liability Act 1957 and 1984.
- Forestry Act (1967) 1991.

Residents may employ the services of PCH's Environmental Services team where the nature of the work required is in line with our management objectives. Principally, PCH's Environmental Services team undertake tree works to manage any risks to an acceptable level. Desirable work (e.g., crown reductions, pruning to improve light conditions) is not something PCH will undertake. However, upon approval from PCH, PCH residents can employ a qualified and insured arborist/tree surgeon to undertake work on a tree within the garden for which they are responsible for the duration of their tenancy.

PCH will offer assistance and guidance to residents if a tree on private land is affecting property or posing a safety issue to the land occupied by the resident.

3.3 Void (Vacant) Property

PCH will prescribe appropriate management recommendations to trees situated within the boundaries of void properties during the void period. Any works undertaken on a tree that has been caused by neglect from the previous resident may incur a charge raised against them for the work.

3.4 Leaseholders

Leaseholders should refer to their lease for individual plans and details in regards to their specific property. Subject to the provisions of the lease, the responsibilities are likely to be the same as those of an owner or tenant relating to the management of trees on their land.

4. Policy Statement

4.1 In order to manage the risks associated with our tree stock and ensure the safety of our residents and the wider community, where PCH is responsible for the trees, PCH will:

- Be proactive in the management of PCH tree stock
- Be involved in the removal or major works in relation to trees where the work is a benefit to the tree or if the tree poses an unacceptable risk to the public or property. These instances include where a tree is:
 - Dead
 - Diseased (subject to investigation)
 - Posing a risk no longer considered acceptable or tolerable
 - Damaging a property and evidence confirms this (e.g., subsidence when confirmed by technical evidence)
- PCH may undertake additional works on the basis of the Tree Specialists' assessment. Examples include:
 - Remove crossing and competitive branches where this improves crown development and maturation
 - Dead wooding
 - Crown lifting
 - Crown thinning
- Maintain and improve the tree cover for the future by:
 - Increasing planting
 - Planting appropriate native species according to site conditions
 - Encourage the conservation, positive management and the appropriate planting of trees and woodlands on PCH land. This includes:

- Inspecting trees prior to any works to ascertain the presence of nesting birds or bat roosts
- Inspecting areas of land around tree sites where work is due to ascertain the presence of protected or vulnerable fauna
- Retaining an acceptable level of ivy on trees where it does not compromise inspections
- Promote the importance of trees and woodlands in shaping the distinctive local character and appearance of the urban and rural landscapes.
- Recognise the significant aesthetic, landmark, ecological, cultural and historic value the trees provide.
- Effectively promote, communicate, educate and engage with residents and the local community as to the value of tree stock. This could be, for example, via direct conversations between residents and Tree Specialists or community workshops.
- Provide clarity over why decisions and actions are taken
- Balance the risk to persons and property with the benefits provided by trees
- Recognise the value of the tree as a tangible asset
- Promote the choice to harvest the fruits from the trees for consumption in residents' local areas, which encourages a healthy diet and lifestyle
- The Environmental Services Department manage all PCH owned and managed trees. PCH employ professional Arboriculturists (Tree Specialists) to assist with the management of the tree stock and to meet PCH's duty of care. PCH's Arboriculturists are qualified, experienced, insured and work in accordance with British Standard 3998:2010 and other nationally recognised industry guidance, such as the National Tree Safety Group's Common Sense Risk Management of Trees (<https://ntsgroup.org.uk/wp-content/uploads/2016/06/FCMS024.pdf>).

4.2 PCH will not generally prune or remove trees for the following reasons:

- To prevent leaf/fruit or seed fall on to land or property
- Reduce the nuisance of honeydew (aphids) deposits or bird droppings
- Perceived improvement in light conditions
- Television or satellite signal disruption
- The tree is not liked by residents
- The tree is perceived to be too big
- Unevidenced and unproven allegations of subsidence or direct damage
- Construction of dropped kerbs or new driveways
- Perceived threat
- Erection of fencing, wall, play areas or sports pitches
- Improve views by topping trees
- Individual medical conditions

This is not an exhaustive list, and each case will be taken on an individual basis and investigated in order of priority.

5. Waste Management

All waste from any tree surgery operations will be recycled where possible.

Recycling methods include:

- Mulches (for shrub beds and trees' rooting area)
- Firewood
- Habitat piles
- Composting

We aim to minimise waste that would go to landfill sites.

6. Other Considerations - Wildlife

PCH has a responsibility to ensure that, where work is being carried out to trees, wildlife (whether a protected species or not) is considered and action taken where possible to remove them safely to a more suitable home.

The Wildlife and Countryside Act 1981, amended by the Countryside and Rights of Way Act 2000, covers the protection of birds. It is an offence to kill, injure or take any wild bird and to take, damage or destroy a nest that is either in use or being built. The Tree Specialist team will check trees selected for work for nesting birds during the nesting period (March-August) and take measure to prevent disturbances to the nesting birds. This could mean a delay in the commencement of works until the birds have flown.

If a nest is found after work has started then the works will cease and the nest will remain undisturbed until it's no longer active. This will be subject to monitoring so as to ensure the nest is no longer in use.

Bats are protected under the Wildlife and Countryside Act and EU Directive Conservation of Habitats and Species Regulations 2010. This legislation makes it illegal intentionally to kill, injure or capture bats, whether in roost or not, or to damage, destroy or obstruct a bat roost. Trees can be significant hosts to bat roosts and inspections will precede works where bats are suspected. PCH will seek professional advice where necessary.

Badgers are protected under the Protection of Badgers Act 1992 which makes it an offence wilfully to kill, injure or take a badger, to interfere with a sett by damaging or obstructing it or by recklessly or with intent disturbing a badger when it is occupying a sett. PCH will seek professional advice where necessary.

7. Legislation

7.1 PCH responsibility

PCH has a responsibility and duty to manage and preserve its tree stock under the following legislation and Acts:

The Occupiers Liability Act 1957 and 1984 places a duty of care on the occupier not to place defined persons at risk.

The Health and Safety at Work Act 1974 gives PCH responsibility to ensure the health and safety of employees and the general public when working on trees and the area around them.

The Forestry Act (1967) 1991 outlines the duties of the Forestry Commission and the management of forested land, the restriction of felling and requirements for a felling licence.

The Wildlife and Countryside Act 1981 (as amended) places legal obligations on the protection of wildlife species and habitats, trees and woodland that are important wildlife habitats.

The Town and Country Planning Act (1990) and Town and Country Planning (Trees) Regulations (1999) contains provisions for protecting trees via Tree Preservation Orders (TPOs) and Conservation Areas. Tree surveyors should be aware that before any work can be carried out on protected trees approval must be gained from Local Planning Authority. PCH also has a regulatory role under this Act for the preservation of trees and to ensure that trees are fully considered when planning for new developments.

Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a Conservation Area without giving a section 211 notice is guilty of an offence. The same applies for contravening a Tree Preservation Order.

Anyone who commits such an offence, if convicted in the Magistrates Court, is liable to a fine of up to £20,000. Anyone who carries out work in a way that is not likely to destroy the tree is liable to a fine of up to £2,500.

7.2 Partners

Although not directly responsible under The Highways Act, PCH does have a responsibility to work alongside the Local Authority and Highways Department. The Local Authority has the authority to request that any trees on PCH land that are causing a hazard to the public or public land be dealt with accordingly. PCH is also able to use this legislation to request that the Local Authority enforces this Act should a private home or landowner have trees that are causing a hazard.

The Highways Act 1980 and Local Government (miscellaneous Provisions) Act 1976 give Local Authorities powers to deal with trees in private ownership that are felt to be endangering the highway, persons or property. It is important to note that Local Authorities have a duty to ensure that privately owned trees are safe as well as those in their own ownership.

8. Data Protection

In applying this policy, all members of staff must comply with PCH's Data Protection Policy and ensure that the personal information supplied by customers is protected at all times.

9. Equality, Diversity and Inclusion Policy

PCH will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equalities Act 2010.

PCH will make this policy available in other languages and formats on request. We will carry out an equality impact assessment on this policy, in line with our corporate procedure.

10. Monitoring and Review

We will monitor this policy to ensure it meets good practice and current legislation and will review it in accordance with our review timetable for all policies.

11. further information

For additional clarity over the responsibility of a tree(s) on or near a boundary, and what the occupier of a neighbouring property can do where a tree not in their garden is causing what would be considered a 'nuisance' in legal sense of this term, please visit the following link for some helpful information:

<https://www.rhs.org.uk/plants/types/trees/the-law>