

TREE POLICY

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Lead officer:	Anila Khalid

1 TITLE

Tree Policy.

2 INTRODUCTION

- 2.1 The overall aims of the Tree Policy are to ensure the health of the trees managed by Stockport Homes Group (SHG), and to encourage biodiversity; maintain and improve landscape quality; and through these elements, improve the quality of life for residents and visitors to neighbourhoods managed by SHG now and in the future.

3 STRATEGIC LINKS

- 3.1 The policy links with a range of legislative requirements, including but not limited to:

- The Health and Safety at Work Act (1974)
- The Health and Safety at Works Regulations (1999)
- Occupiers Liability Act (1957 & 1984)
- Anti-Social Behaviour Act (2003) - High Hedge Legalisation
- The Countryside and Wildlife Act (1981)
- Highways Act (1980)
- Town and Country Planning Act 1999
- EU Directive Conservation of Habitats and Species Regulations 2010

- 3.2 The policy links in with several Stockport MBC and SHG strategies to ensure that the tree stock is managed and maintained. These are:

(i) Stockport Metropolitan Borough Council

- Stockport MBC Tree Management Procedure 2022
- Stockport MBC Tenancy Agreement
- Stockport Action Plan for Nature
- Stockport Local Development Framework 2021

(ii) Stockport Homes Group

- 30 Year Asset Strategy
- Climate Change Strategy 2019-2024
- Greenspace Strategy 2020-2023
- Environmental Services Strategy 2022 -2025
- Anti-Social Behaviour Strategy 2022 -2025
- Health and Safety Strategy 2022-2025
- Fencing and Boundaries Policy
- Voids Policy

- Repairs Policy
- Neighbourhood Inspection and Customer Walkabout Policy
- Neighbourhood Action Plans.

4 KEY FEATURES OF THE POLICY

- 4.1 The policy seeks to maintain and improve the tree cover and encourage conservation, positive management and appropriate planting of trees and woodlands.
- 4.2 The policy provides guidance to SHG customers and staff to enable a consistent approach to tree management. This will be based on an overall assessment of the risks from trees, by particularly identifying groups of trees by their position and degree of public access. This enables the risk associated with tree stock to be prioritised and help identify any checks and inspections needs.
- 4.3 The trees have been generally divided into three zones, the first zone which is those areas which are publicly access and frequented daily by people (including for example footpaths, highways communal areas, greenspaces, play areas) and a second zone where trees are not subject to as frequent access (including individual gardens and the third zone visited infrequently (including for example woodlands with limited access).
- 4.4 SHG will provide guidance to customers who live in property managed or owned by SHG. To ensure there are aware of their roles and responsibilities in managing trees. For example, this will include customers who are leaseholders
- 4.5 SHG will provide guidance to private landowners on their role and responsibilities in managing and maintaining trees. For example, where a tree is having an impact on SHG managed land or where there is joint responsibility for a tree on boundary.

5 TREE INSPECTIONS AND WORK

- 5.1 SHG will carry out tree inspections of its tree stock within land that it is responsible for. In each instance a record of the survey is made.
- 5.2 Any tree survey and works undertaken by SHG will only be carried out following advice from an Arboricultural Officer, thereby ensuring that works are carried out to appropriate standards and trees are protected and remain as healthy as possible.
- 5.3 All works to trees will be carried out in line with current legislation, including Health and Safety, and recommended standards by a competent Arboricultural contractor.
- 5.4 Any work to a tree which is subject to a Tree Preservation Order or within a designated Conservation Area will only be carried out where consent from the appropriate Authorities has been received.

- 5.5 All tree works will be carried out in accordance with relevant wildlife legislation, including the Wildlife and Countryside Act 1981, amended by the Countryside and Rights of Way Act 2000, in respect of legislation protecting birds and bats (which are also protected under EU Directive Conservation of Habitats and Species Regulations 2010).
- 5.6 Where a tree is on private land, SHG will work as a good neighbour with a private owner to identify if any works or action required, along with seeking any other professional advice as required to resolve any issues.
- 5.7 Where there is a claim that a tree managed by SHG is causing subsidence and/or damage to private property, SHG will work with the property owner to review any evidence and determine the appropriate course of action following the receipt of a structural engineer's report from the private owner.
- 5.8 Where a customer or private landowner causes damage to a tree managed by SHG, a review of the tree will be carried to determine what action is required. This may lead to the recovery of costs to make good or replace and further legal action as appropriate.

6 TREE MANAGEMENT

- 6.1 SHG will carry out a regular inspection regime of its tree stock within land that it manages. This includes a survey of all such trees within communal greenspaces and individual gardens is carried out every three years, in addition to tree inspections required through a referral process as set out in the Tree Procedure.
- 6.2 A tree management programme will be prepared and reviewed regularly, based on the outcomes of any survey and implemented where it is reasonably practicable to achieve, subject to resources and on the basis of the criteria as defined below.

(i) Dead, Dying and Dangerous Trees

- 6.3 Where a tree has been identified as dead, dying or dangerous, it will be removed following advice from an Arboricultural Officer as soon as practical possible or in line with any health and safety advice which requires action to be undertaken.

(ii) Other works

- 6.4 Where a tree has been identified as needing other works except for (i) above, any works required will be included in SHG tree management programme. Any works required will be carried out where it is reasonable and practical to achieve, subject to resources.

Damage to property

- 6.5 Where a tree managed by SHG has been identified as potentially damaging property and it can be demonstrated that a tree is the primary cause of direct or

indirect damage to property, SHG will act to rectify the problem based on the advice by the Arboricultural Officer, a structural surveyor or other technical advisor as appropriate.

- 6.6 Direct damage may include tree roots lifting paving stones, or trunks or branches damaging boundaries (for example including garden walls or fences). Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots or damage due to location of tree and impact on dampness. In cases of any damage to property it must be clearly demonstrated that the tree is the principal cause of the damage.

Obstruction of the Highway

- 6.7 Any work recommended by an Arboricultural Officer to clear the obstruction will be carried out.

Obstruction of street furniture

- 6.8 Any work recommended by an Arboricultural Officer to clear the obstruction will be carried out.

Trees affecting reception

- 6.9 It is the responsibility of the relevant utility company to ensure there is an adequate service to all properties. There is currently no legal right to good television reception, and no legal requirements to rectify a loss of television or radio service in respect of trees. Interference is not at present a legal nuisance, and in many cases, it is possible to resolve issues of poor reception involving trees by the relevant utility company finding an engineering solution. Request for such work will only be considered if it can be demonstrated that.

(i) the householder has taken every effort to find an engineering solution to the problem and has not been successful.

(ii) The work required is consistent with good arboriculture practice and will not unduly affect the amenity value or health of the tree.

Trees affecting telecommunication line.

- 6.10 Where a line runs through a tree, works will only be considered where proven by the customer that the line is affected. Works will only be carried out where consistent with good arboriculture practice and not affect the amenity or health of the tree. Works will only be delivered as part of management programme unless considered a health and safety issue.

Obstruction of Utility Cables

- 6.11 Utility cables are the responsibility of the statutory undertaker. If the tree is growing very close to, through or is affecting a power cable or electricity line it should be reported to the relevant Utility company.

SHG Investment Programme (capital, repairs and revenue)

- 6.12 Where any investment works are planned to be carried out on SHG property or land where trees will be affected, advice will be sought from Environmental Services team. Any works will be subject to details as recommended by an Arboricultural Officer. Trees may be maintained or removed to enable works to be undertaken, if trees are to be felled, trees will be replaced in alternative locations.

Overhanging Branches

- 6.13 In respect of overhanging branches, SHG under common law has a legal right to cut those back in their ownership. In circumstances where damage is being caused or the tree is dangerous or on the advice of the Arboricultural Officer. Where landowners notify SHG of branches overhanging their property, appropriate guidance will be given.

Inappropriate species

- 6.14 In certain circumstances a tree may have outgrown the space allocated and pruning will not suffice, following advice of Arboricultural Officer the tree may be removed and an alternative species planted.

6.15 Shade or blocking of light

Generally, people and buildings do not have a right to light. Advice should be taken from Environmental Services where trees are affected. SHG will not remove or prune a tree in order to mitigate shade.

Miscellaneous

- 6.16 SHG will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems as falling leaves, twigs, sap, blossom, fruit, nuts, bird and insect droppings; insects associated with trees (spiders, wasps, flies etc); reduction or increase of moisture to gardens; suckers or germinating seedlings in gardens; leaves falling into gutters, drains or onto flat roofs; the build-up of algae on fences, paths or other structures.
- 6.17 SHG will work with customers to seek alternative solutions where appropriate to address issues, for example relocation of washing lines.
- 6.18 Where a tree is reported to be an issue relating to a personal medical complaint. SHG will normally not prune or fell a tree under our ownership / management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of a customer, further consideration will be given to the management approach of trees and advice should be sought from Environmental Services team.

Biosecurity / Pest and Epidemic Management

- 6.19 Biosecurity is a set of precautions that aim to prevent the spread of pests, pathogens or invasive species. The threat to trees from these has never been greater and as a large landowner, SHG undertake to follow best practice and specific advice as published.

7 HIGH HEDGES

- 7.1 A “high hedge “is defined as a line of two or more evergreen or semi ever green trees or shrubs that are over two metres in height. Individual trees or shrubs, groups of trees or woodlands do not come under this definition. Where SHG receives a tree referral, SHG will investigate, and recommended action as required. Where SHG is unable to resolve an issue, it will be referred to Stockport Councils Planning Service, who have delegated powers under the Anti-Social Behaviour Act 2003, (Part 8) and the High Hedges (appeals England) Regulations 2005 to deal with complaints from properties adversely affected by evergreen hedges over two metres high.
<https://www.stockport.gov.uk/high-hedges-police>

8 TREE PLANTING

- 8.1 SHG will engage with customers and the community to identify suitable areas as appropriate for planting schemes as part of delivering improvements in local neighbourhoods. .
- 8.2 Planting of trees within communal spaces is not permitted without prior permission from SHG, any such requests should be directed to the Housing Management Services.

9 TREES IN INDIVIDUAL GARDENS

- 9.1 Where a tree is in an individual garden, SHG will undertake a tree inspection on the request of a tenant, member of staff, Councillor or the Council. Where works are identified, the amount and timing of work will be implemented on the basis of criteria defined.
- 9.2 The tenancy agreement states that:
- You must keep your garden reasonably neat and tidy and free from rubbish. Lawns must be cut and hedges trimmed.
 - Without our written permission, remove, alter, replace or plant any hedge, fence or tree at the property.
 - Without our written permission, allow any hedge to grow more than 2 metres high and you must not cut down or remove any hedge or tree completely.
- 9.3 SHG will maintain trees in individual tenant’s gardens in the same circumstances as they would on communal land. However if the tree has been planted by the current tenant or on his/her behalf then it would be the

responsibility of that current tenant to carry out any tree maintenance work required and subject to permissions as set out in tenancy agreement. SHG is able to provide advice where customers request. Trees in Private Ownership

- 9.4 SHG is not responsible for trees on privately owned land. Where issues are identified where a tree is privately owned, SHG will seek advice from Arboricultural Officer to determine the issue and recommend action. SHG will liaise with the owner to determine appropriate action and where issues cannot be resolved appropriate legal advice will be sought.
- 9.5 All tree requests are stored on a central database, this provides information on progress with tree inspections, outcome of surveys and planned schedule of works, which is available through SHG Environmental Services team.

10 EQUALITY IMPACT ASSESSMENT

- 10.1 The policy ensures equal impact as where customers may have a personal medical issue or disability and consideration of this is taken determining the action appropriate to managing any tree(s) and the impact on the customer.

11 OWNERSHIP, MONITORING & REVIEW

- 11.1 The policy is owned by the Operations Directorate and will be monitored Operations Management Team.
- 11.2 The Policy will be reviewed by Operations Management review schedule.