

TREE POLICY

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Policy approved by:	Simon Welch
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EIA Required?	<input type="checkbox"/>
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Revision number:	2
Lead officer:	Jane Allen

1 TITLE

1.1 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 Stockport Homes 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 Policy 2013
- Stockport MBC Tenancy Agreement
- Stockport Action Plan for Nature

(ii) SHG

- Asset Management and Development Strategy
- Neighbourhood Action Plans
- Greenspace Strategy 2013-2018

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 two zones, the first zone which is those areas which are publicly access and frequented daily by people (including for example communal areas, greenspaces, play areas) and a second zone where trees are not subject to as frequent access

4.4 SHG will provide guidance to customers including private land owners on their role and responsibility in managing and maintaining their trees.

5 TREE INSPECTIONS AND WORK

5.1 SHG will carry out tree inspections of its tree stock within land that it directly manages; this includes public and private individual greenspaces. In each instance a record of the survey and any works required 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 with the 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 maintained 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.

6 TREE MANAGEMENT

6.1 SHG will carry out a regular inspection regime of its tree stock within land that it directly manages, including communal greenspaces and miscellaneous housing land, for example garage sites. A survey of all such trees is carried out every three years and a record of the survey, inspections and works carried out will be maintained by SHG.

6.2 A cyclical tree programme will be prepared and reviewed annually, based on the 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 cyclical tree maintenance 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. Direct damage may include tree roots lifting paving stones, or trunks or branches damaging garden walls or fences. Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots. In cases of damage to property it must be clearly demonstrated that the tree is the principal cause of the damage.

Leaf/fruit fall and bird/animal

6.6 Where seasonal issues of leaf / fruit fall, secretion, smell or issues with animals or birds are identified works will only be carried out will be as directed by the Arboricultural Officer or as considered by SHG to be a health and safety issue.

Obstruction of the Highway

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

Obstruction of road signs and streetlights

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

Obstruction of BT/Television Equipment 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 the householder has taken every effort to find an engineering solution to the problem and has not been successful.

6.10 Where a telecommunication 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 cyclical maintenance 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 Electricity North West (currently).

Planned Capital and Revenue Programme Works

6.12 Where major works are planned to be carried out on SHG property, advice will be sought from an Arboricultural Officer on trees which are to be affected. Trees may be maintained or removed to enable works to be undertaken and property to be maintained, subject to the arboricultural advice. If trees are to be felled, trees will be replaced in alternative locations in consultation with the customers.

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

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 in consultation with customers.

Tree Planting

6.15 SHG will work with customers and the community to identify suitable areas and appropriate species for planting as part of delivering improvements in greenspace.

6.16 Planting of trees within communal spaces is not permitted without prior permission from SHG, any such requests should be directed to the Tenancy Services Team.

7 TREES IN INDIVIDUAL GARDENS

7.1 Where a tree is 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 in 2.8 above.

7.2 The tenancy agreement states that:

5.18 - You must keep your garden reasonably neat and tidy and free from rubbish. Lawns must be cut and hedges trimmed.

5.19 - Without our written permission, remove, alter, replace or plant any hedge, fence or tree at the property.

5.20 - 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.

7.3 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.

Trees in Private Ownership

7.4 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.

7.5 Requests for all tree referrals are entered on to a central database, this provides information on progress with tree inspections, outcome of surveys and planned schedule of works, which is available through SHG Greenspace team.

8 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment has been completed on the policy and no action is required.

9 OWNERSHIP, MONITORING & REVIEW

9.1 The policy will be reviewed in line with the Policy Review Group schedule to ensure policy reflects current legislation.

9.2 Any queries on the policy should be forwarded to the Policy and Performance Officer on 0161 474 2859.