



Management of Trees

Status: Approved

Policy Lead :	Executive Director – Customer Experience
Owned By :	Neighbourhood Services Lead
Date Approved:	21 st February 2023
Approved By :	Operations Committee
Review Date:	21 st February 2026
Regulatory / Legislative Considerations/ References	<p>This policy describes the activities and responsibilities involved while managing trees on BHA land in accordance with duty of care as defined by several different Acts.</p> <p>The Acts include:</p> <ul style="list-style-type: none">• Occupiers Liability (Scotland) Act 1960• Health & Safety at Work Act etc. 1974, section 3 (1)• Land Reform (Scotland) Act 2003• Roads (Scotland) Act 1984• Town and Country Planning (Scotland) Act 1997• Wildlife & Countryside Act 1981• Nature Conservation (Scotland) Act 2004.

	This legislation means that BHA as a responsible land owner is obliged to maintain its trees in a safe condition where "reasonably practicable".
Other Documents to be read in conjunction with this policy :	<ul style="list-style-type: none">• BHA Asset Management Strategy• Estate Management Policy• Void Policy and Lettable Standard

Policy Title:	Management of Trees Policy
Purpose / Aim of policy:	<p>The purpose of this policy is to ensure that the Association complies with all appropriate legislation and establishes clear guidelines whenever there may be a requirement to prune or fell trees or carry out any other relevant actions.</p> <p>It sets out how BHA will manage trees located within BHA land ownership. It is designed to provide guidance on how BHA will manage trees on open communal land, tenanted or private gardens.</p>
Scope of Policy:	This policy applies to all land, owned, leased or managed by Berwickshire Housing Association Ltd or any other locations which may be utilised by them or its subsidiaries.
Specific detail related to each strand in the scope:	<ul style="list-style-type: none"> • Introduction • Policy aims and objectives • Tree inspections • Tree maintenance contracts • Safety and responsibilities • Tree management in shared ownership and private gardens • Complaints • Review
Approval Source:	Operations Committee
Equality Impact Assessment:	No EIA has been completed following the Policy review. BHA policies are developed in line with our Equality and Diversity policy approach.
Glossary of Terms	<p>Tree preservation orders: A Tree Preservation Order is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity</p> <p>Arboriculture: Arboriculture services include improving the life of trees or shrubs by shaping them or removing things that pose a threat to the life of the tree or shrub.</p> <p>Curtilage: An area of land around a house and forming one enclosure with it.</p>
Risk Implications:	

1. INTRODUCTION

BHA is committed to take all reasonable steps to ensure it manages trees of any type and size on property owned by the Association.

The overriding policy contained within this document is that trees will not be pruned, felled, or treated without following the guidelines of the procedural document relevant to this policy. This tree policy is an integral part of the Association's Asset Management Strategy.

The content has been prepared as a result of legislation and cognisance of working practices taking place throughout BHA owned or managed properties.

This policy sets out:

- How BHA will deal with trees in customers' private gardens
- How BHA will minimise risks associated with dangerous or unstable trees or tree limbs
- How BHA will work with local authorities so that they can fulfil their duties to maintain land adjacent highways and footpaths
- How BHA will limit the risk of the spread of disease to and within its tree stock
- The sustainable management principles used to manage trees on BHA owned communal land.

2. POLICY AIMS AND OBJECTIVES

To set out how BHA will manage, protect, and enhance tree stock.

The specific objectives of the Tree Policy are:

- To set out the criteria for decisions taken by BHA in conjunction with Scottish Borders Council (SBC) in respect of management of trees and woodlands and how work will be proposed.
- To maintain records of the location and condition of trees on BHA land.
- To highlight tree protection legislation in the form of Tree Preservation Orders (TPO) and Conservation Areas.
- To promote positive management of BHA's trees through adoption of good practice

The principles underpinning the Tree Policy are:

- BHA will survey its trees on a regular basis.
- Surveys will be carried out by competent persons and in conjunction with SBC
- Ensure that trees are kept in a reasonable condition and are deemed safe.
- Develop tree reports, recording potentially serious structural faults that pose a threat to safety of customers, building users and the wider public.

Berwickshire Housing Association will ensure that the Tree Policy complies with current legislation and promotes good practice.

The Policy will be reviewed every 3 years or in line with changes in legislation.

3. TREE INSPECTIONS

BHA will undertake inspections of all trees every 5 years and programme any requirements for remedial works. This work will be completed on a priority basis, determined by the Arboriculture specialists and will:

- Minimise the risk of accidents and incidents.
- Ensure that BHAs tree stock continues to be sustainable,
- Ensure the requirements of local authorities in respect of overhanging vegetation on public highways and footpaths are met.
- Limit the risk of disease being spread within the tree stock.

4. TREE MAINTENANCE CONTRACTS

In partnership with the Head of Assets and Sustainability, the Neighbourhood Services Lead will tender tree maintenance contracts to ensure that all contractors have the required insurances in place and are fully competent in horticultural and arboriculture procedures. We aim to minimise risk to customers, their visitors, and members of the public on our land.

5. SAFETY AND RESPONSIBILITIES

BHA has a duty of care to minimise risk of dangerous trees to any persons living or visiting its schemes, estates, and communal areas, where the danger could be reasonably foreseen.

BHA expects customers, colleagues, contractors, and visitors to schemes/estates to take reasonable responsibility for their own safety during high winds or wet weather conditions. We also expect them to report any tree that looks damaged, diseased, or dead to the appropriate Neighbourhood Manager, as a matter of urgency.

BHA will not undertake works to address trees which overhang gardens of customers, shared owners, or private owner's gardens unless there is a risk of damage to the property, or the trees are substantially overgrown and could cause significant nuisance.

BHA will not undertake any works to trees for the following reasons:

- Loss of light / reduced light to properties
- Effects on TV or Radio reception (either sky or terrestrial television)
- Interference with private vegetation
- Obstruction to privately owned CCTV Cameras on non-Orbit buildings
- Obstruction of BT / Utility Cables (these are the responsibility of the statutory undertaker)
- Minor obstruction of streetlights
- Minor or seasonal 'nuisances' such as: Honeydew (dripping sap)
- Bird droppings, Squirrels gaining access to properties from trees

- Leaf, fruit, or flowers fall, smells generated by trees

Customers and homeowners are permitted to cut back overhanging trees from their gardens, and they are not required to give back cuttings.

6. TREE MANAGEMENT IN PRIVATE GARDENS

The obligation lies with the customer to carry out any repairs and maintenance within their boundary. Customers are expected to report any tree within the curtilage of their home that is dead, dying, and diseased or in a dangerous condition. Customers are expected to allow and facilitate access for the purposes of inspection and any subsequent works, subject to funding approval.

If the trees are not dead, diseased, or dangerous, Customers are expected to maintain the trees within the curtilage of their property, as stated in their Tenancy Agreement.

7. COMPLAINTS

Anyone is able to make a complaint about the service they have received, and this is managed under our Complaints Policy.

8. REVIEW

We aim to carry out a fundamental review of this policy every three years or sooner if there are legal or regulatory changes.