

Tree Management Plan

1 Purpose and anticipated outcomes

- 1.1 LiveWest is a major landowner in the South West and manages a stock of over 36,000 trees. We recognise that our residents often live near trees, either in their own garden their neighbours' garden, on open space land which we own, or on third party land. We also recognise that our trees may impact other residents.
 - 1.2 We have a duty of care to manage the risk from trees on our land. That duty also says we should be reasonable, proportionate, and reasonably practicable when managing the risk. Our tree management plan aims to balance the many benefits which trees provide against the potential inconvenience and risk which they can sometimes pose, and the costs of managing the risk. By taking a balanced approach, we will not waste resources by reducing risk - and losing benefits - where the risk is already acceptable.
 - 1.3 It is important to maintain the ecological, biodiversity and physiological benefits of trees in a way which does not excessively impact the lives of those living nearby.
 - 1.4 We will proactively manage trees on our land to reduce risk to an acceptable level, preventing serious injury to an individual, significant damage to property or financial loss to the business. We will periodically inspect trees to assess the risk and carry out work required to reduce risk to an acceptable level. A system of sound arboricultural management will also ensure that the amenity benefits provided by the tree stock are maintained and improved in the long term, and that nuisance is minimised.
 - 1.5 We will prioritise our programme of tree maintenance works in order of risk to manage and reduce risk of harm and mitigate against future conflicts.
 - 1.6 Where a tree constitutes a significant risk of harm and is located on an open space or within the garden of a tenanted property, then the appropriate works will be carried out as a matter of urgency to reduce the risk to an acceptable level.
 - 1.7 Where a tree does not pose a significant risk of harm, we will not normally carry out pruning or removal of trees and will apply the criteria and guidance in Section 8 below.
 - 1.8 In exceptional circumstances where a tree is significantly affecting the reasonable enjoyment of a property, the removal or pruning of the tree may be justified to decrease the nuisance.
 - 1.9 We recognise that trees are important and valuable green infrastructure assets, which contribute significantly to the amenity of our estates. We will identify sites for planting new trees and complete an annual programme of planting to increase the tree stock.
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We will use high quality nursery stock of species selected for their suitability to location and climate. All planting work and aftercare will be carried out according to industry best practice.

- 1.10 Where trees have to be removed for management reasons, we will look to replace them where it is appropriate to do so; if it is not possible or desirable to replace in the same location, consideration will be given to other potential planting sites as close to the location as possible.
- 1.11 We recognise that removal of trees can sometimes cause concern to local residents and the wider community. We will consult with residents before significant works take place, and clearly explain the reasons for our actions; but where works must be carried out at short notice for risk management reasons this may not always be possible.
- 1.12 Where new sites are being developed or existing sites redeveloped, careful consideration will be given to the care of existing trees and the selection and planting of new trees. We will comply with the recommendations of BS5837: 2012 "Trees in relation to construction".

2 Risk Management

- 2.1 To adequately manage the potential risks to people and property posed by trees we will carry out a systematic cyclical survey programme of the trees on our land. The inspection programme will include the following key features:
 - We will adopt the Quantified Tree Risk Assessment methodology to identify trees which pose an unacceptable risk of harm.
 - Trees will be surveyed on a cyclical basis, with the period between re-inspection being informed by the size of tree, its location, and the significance of any defects. The default period will be five years, with some trees inspected more frequently, for example if there are significant defects, or where disease may lead to instability.
 - The surveys will be carried out either by suitably qualified and experienced staff or by consultants with appropriate qualifications, experience and insurance.
 - When carrying out works recommended by the surveys, we will prioritise those with the highest risk scores, and carry out lower risk works where time and resources allow.
 - We will record the results of the tree inspection survey on an electronic database and use the data to plan and prioritise our tree maintenance programme.
 - 2.2 We will maintain a system of reporting issues for colleagues, residents and third parties, and will carry out responsive inspections between scheduled visits when appropriate.
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- 2.3 Where a tree is potentially a risk to infrastructure such as power cables, telecommunication cables, gas and water supplies, we will manage these in line with the advice of the provider.
- 2.4 Trees near to the highway are subject to the requirements of the local Highway Authority in respect of highway safety, height clearance and visibility. We will meet all regulatory requirements in this respect and react promptly to notices from Highway Authorities. A similar approach will be followed with respect to trees which have the potential to affect the operational land of a railway.

3 Legislation

- 3.1 Full consideration will be given to legal protection of trees and species of flora & fauna which co-exist with them. Any proposed management must take this into account, and the relevant statutory bodies consulted.
- 3.2 Where a tree is considered to be particularly significant in its contribution to amenity or biodiversity, or where there is perceived to be a threat to such a tree, it may be referred to the Local Authority for consideration for extra protection under a Tree Preservation Order.

4 Trees on boundaries

- 4.1 Landowners and occupiers have the common law right to prune back to the boundary line any part of a tree which overhangs their property. However, they have a duty of care to ensure that such work does not render the tree unstable or cause significant damage to their neighbours' property. It is the landowner's or occupier's responsibility to ensure that a tree is not subject to a Tree Preservation Order before carrying out or authorising such works. It is good practice to notify the owner of the tree before carrying out any work. There is no right to deposit the cuttings back on to the tree owner's land without their permission.

5 Trees on land subject to a tenancy or lease

- 5.1 Trees located within a resident's garden are normally the responsibility of the resident to maintain, under the conditions of occupancy agreement. We will normally only undertake work to trees in gardens for reasons of risk management, where a survey has found that a tree poses an unacceptable risk to people or property. This work may be subject to a recharge to the resident if it is found to result from the residents' actions or omissions, for example if a tree has been deliberately made unsafe.

- 5.2 There may be exceptional cases where intervention is necessary to reduce a tree related nuisance, where a tree is interfering with reasonable enjoyment of a property. This may be for example where a tree has outgrown its location, and the cost of remedial works cannot be reasonably afforded by the resident; or where third-party trees are causing a nuisance and the owner cannot be found. In such cases the work should be discussed between Estate Services Technical Manager and the Housing Officer.
- 5.3 Colleagues can give general advice to residents and others regarding tree matters but are not able to provide a consultancy service. Verbal advice may be given with regards to specific and relevant issues.

6 Third Party Land

- 6.1 We are often contacted about trees which do not belong to LiveWest but may pose a risk or nuisance to our residents. Where third-party trees are judged to pose a significant risk of harm, we will attempt to contact the landowner or occupier and advise them of the risk, asking them to take action to deal with it. Where the owner cannot be traced, or will not act, we may in exceptional circumstances contact the Local Authority, who have powers to enter private land to deal with risks; or directly engage contractors to carry out works where we can legally do this, such as removal of dangerous overhanging branches.
- 6.2 Where third party trees are not posing a risk, but are causing nuisance, our expectation is that residents contact the tree owner themselves or exercise their common law right to prune back branches to their boundary. See Section 4.
- 6.3 If the nuisance is severe, we may contact the tree owner or engage contractors to abate the nuisance.

7 Open Space owned by LiveWest

- 7.1 We will not normally undertake work to open space trees unless:
- they present a significant risk of harm
 - we are legally obliged to do so
 - the circumstances are exceptional and fall within the guidelines below
 - the work can be carried out in accordance with good practice as set out in BS3998:2010: Tree works.

8 Tree Work Guidance

8.1 Open Space Trees

8.1.1 Many requests are received concerning trees on open space land owned by LiveWest. We will not normally undertake remedial work in the following circumstances:

- Branches overhanging adjacent properties
- Shedding of leaf, seed, twig or flower litter
- Shading of daylight
- Interference with transmitted signals
- Obstruction of solar thermal or photovoltaic panels
- Honeydew exudation
- Insects
- Alleged root damage to property
- Reduced security by virtue of concealment

8.1.2 The guidance below is intended for determining whether or not requests for work to trees within our open spaces should lead to action. With the exception of risk management, all work has to be prioritised in line with available budgets.

8.1.3 Where a tree is found to pose a significant risk of harm to people or property, we will take action to reduce the risk to an acceptable level. The risk will be assessed in accordance with the Quantified Tree Risk Assessment method (see appendices A & B).

8.1.4 Indirect risk such as that posed by fallen leaves will not normally be dealt with by pruning or removal of the tree.

8.1.5 Unfounded fear of a tree will not result in action to prune or remove the tree.

8.1.6 We will not take action where parts of trees within our management overhang adjacent land or gardens, unless the overhanging parts are causing an actionable nuisance. Neighbours have the common law right to abate the nuisance of overhanging branches, except for protected trees.

8.1.7 We will make sure that adequate clearance is maintained for the type of traffic using the highway and will keep road signs and streetlamps clear.

The purpose of streetlamps is to illuminate the public highway; where there is adequate illumination of the highway, we will not take action to improve the levels of illumination.

8.1.8 Leaves, seeds, twigs, flowers, fruit, and other tree litter are carried freely on the wind and are outside our control. Clearing of leaves from gutters and pathways and weeding of set seeds is considered to be normal routine property maintenance. We will not undertake pruning to attempt to reduce the fall of leaves, seeds, fruit etc. Many trees naturally shed small diameter twigs and deadwood and we will not

prune trees to reduce this.

- 8.1.9 Where open space trees are causing shading of buildings, we will only consider action where the separation between the tree and the window of the nearest habitable room is less than 6m for trees with a height of over 12m, or less than half the height of the tree for smaller trees, or where the separation between the edge of the canopy and a vertical line through that window is less than 2m.

A 'habitable room' means a dining room, lounge, kitchen, study or bedroom but specifically excludes WCs, bathrooms, utility rooms, landings and hallways.

Where a situation falls within these guideline cases, we will prioritise them according to proximity, and account will also be taken of the orientation of the affected window.

- 8.1.10 Transmitted signals - there is no right to good reception and in many cases, it is possible to resolve issues of poor reception involving trees by finding an engineering solution. We will not normally prune trees to improve reception.

In exceptional cases we may carry out work if:

- Efforts have been made to find an engineering solution to the problem and have not been successful, and this can be evidenced.
- The work required is consistent with good arboricultural practice and will not unduly affect the amenity or health of the tree.
- The work required can be executed within current financial constraints.

- 8.1.11 Solar panels – these can become less efficient when shaded. It is the responsibility of the owner to situate panels where there will not be any issues with shading; the presence and future growth of trees should be considered at the time of installation. Owners of solar arrays cannot assume that we will manage trees to remove shading.

We will consider requests by owners of arrays to carry out pruning at their own expense on their merits, subject to the work not having an undue impact on amenity and tree health/longevity. Any work must be carried out by a contractor approved by LiveWest to a detailed specification.

The impact of newly planted trees on such installations should be considered at the time of planting.

- 8.1.12 As with leaves, honeydew (sticky secretion from aphids) is not controllable by pruning, and cleaning of affected surfaces should be considered routine maintenance. We will not carry out pruning as a way of alleviating problems with honeydew.

- 8.1.13 We will not prune or remove trees to control insects.
- 8.1.14 Tree related subsidence damage is a complex issue and each case needs to be considered on an individual basis.

Where alleged damage has occurred, we require evidence that adequate investigation, assessment and level monitoring has been undertaken to demonstrate that the tree is the primary cause. Requests for action based on an un-quantified possibility of damage occurring at an unspecified point in the future will not be considered unless there are other overriding reasons to take action.

- 8.1.15 As with subsidence, cases of direct root damage will be considered on an individual basis. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.
- 8.1.16 Trees do not have the capacity to break into a sound drain, but they can exploit existing faults. The removal of one tree will not prevent other vegetation from exploiting the same fault.

Our presumption is that the appropriate way to deal with tree root blockage of drains is to ensure that the drains are watertight. We will not normally take action in response to complaints that roots from our trees are blocking drains.

Any allegation of root blockage will require direct evidence such as a CCTV survey or photographs of affected areas. Alternative techniques such as re-lining existing pipes will be promoted in advance of tree removal.

Requests for action based on an un-quantified possibility of damage occurring at an unspecified point in the future will not be considered unless there are other overriding reasons to take action.

9 Tree Works

- 9.1 Aerial tree work and felling of large trees is technically demanding and requires strict control and management. Tree work will be carried out to the highest standards of arboricultural practice by suitably qualified, insured, and experienced contractors who are members of the Arboricultural Association Approved Contractors scheme. We expect all tree works to be carried out to at least BS3998:2010 Tree Work standards and will ensure that all work is undertaken to a detailed specification in line with good practice
 - 9.2 Contractors will be responsible for carrying out the necessary checks at quotation stage to identify whether trees are subject to legal protection. Where trees are protected, no work shall take place until the necessary consents have been obtained.
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9.3 All material arising from tree works will be recycled where possible.

10 New Development and Environmental Improvements

10.1 Where we are developing new homes or undertaking substantial works to an existing site, consideration will be given to the care of existing trees and/or the careful species selection of any new trees and will comply with BS5837:2012 Trees in relation to construction. The aim will be for Developers to hand over new sites with all existing and newly planted trees in excellent condition.

10.2 Development colleagues will liaise with Estate Services colleagues and consultants to ensure that trees on development sites are appropriately selected, protected and maintained in a manner suitable for the location. Development sites will be monitored during construction and any breaches of tree protection measures will be reported to the Development Officer and, if necessary, to the Local Authority.

11 Funding of Tree Work

11.1 Where trees are situated on communal land, the presumption will be that the costs of surveying and remedial work will be funded by an estate service charge.

11.2 Where trees are located on land subject to a tenancy, surveying and risk management work will be funded by LiveWest.