

Operational Policy



Title: Tree and Ground Maintenance
Originator: Director of Planned Maintenance & Investments
Approval body and date approved: ELT 11th November 2021
Date for review: November 2024

1. Introduction

Magenta Living aims to provide quality homes that meet demand, in safe and sustainable neighbourhoods.

Magenta Living recognise that effective management and maintenance of its 'green' space and trees is crucial to achieve this objective. This policy sets out how Magenta Living will manage communal green spaces and trees located either within its publicly owned space or curtilages of its own properties.

Magenta Living may at times decide to reduce the number of grass cuts in certain areas and introduce wild flower meadows or similar that will need fewer cuts each year and will also benefit the local wildlife.

The application of this policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England as outlined below:

- *Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.*
- *Registered providers shall co-operate with relevant partners to help promote social, environmental and economic wellbeing in the areas where they own properties.*

2. Statement of Intent

The intention of this policy is to ensure Magenta Living complies with all legislation, best practice and health and safety guidance in relation to the management and checking of all 'green' spaces and trees that are its responsibility.

Magenta Living will carry out a regular inspection regime of all communal trees and only those trees that have been identified as being a problem by

employing competent contractors who are qualified and trained to carry out risk assessments.

Magenta Living will not fell or cut trees unless they pose health and safety risks to people and property or it's causing damage or disturbance to pathways and footpaths.

3. Policy

Legal Responsibilities

Where requests are received on trees that are protected by the Tree Preservation Order (TPO) under the Town and Country Planning Act (1990, and as amended), Magenta Living will apply for a written consent from the local authority before taking any action as required.

Magenta Living acknowledges that bats and nesting birds often use trees for nesting or roosting and all bat species and birds at nest are protected by the Wildlife and Countryside Act 1981, which makes disturbance of either class of species an offence.

Some sites may fall within areas designated to protect wildlife, such as Special Areas of Conservation (SACs) and Special Sites of Scientific Interest (SSSIs), or may be covered by local Biodiversity Action Plans, which may include trees as habitats.

Magenta Living will abide by the Highways Act 1980 in terms of safe highways, which includes removing obstructions or damage to the highway infrastructure caused by its trees.

We have no authority to intervene in a dispute between neighbours regarding trees. However, Part 8 of the Anti-social Behaviour Order Act (2003) gives Local Authorities the powers to deal with complaints or disputes about high hedges affecting residential properties.

Climate Change & Our Environment

An integral part of climate change and environmental improvement we have established £50k planned tree works programme over 3 years to take our tree stock to over 2700 trees inclusive of replacements.

Investing correctly in trees and green spaces is vital given the changing climate. Trees are one of the few assets that appreciate in value with age as their amenity and contribution to health and wellbeing increases. Some of the main benefits from trees are listed below:

- Reduce the amount of Carbon Dioxide (CO₂) improving air quality
- Absorption and interception of Nitrogen dioxide (NO₂) from diesel engines
- Provide shade reducing the urban heat island affect
- The physical shape and structure of a tree can reduce wind speeds. The affect of this can be even greater where trees are planted in groups or avenues

- Trees intercept rainfall, decrease surface run off and therefore reduce potential flood risk
- Enhance the natural distinction between green belt and urban areas
- Benefit wildlife trees provide a habitat and food source for a broad range of mammals, birds and insects.

Communal Gardens and Trees

Magenta Living is responsible for effective maintenance of communal land it owns or manages including trees and hedges. Magenta Living will carry out maintenance work on communal gardens on scheduled basis in accordance with the approved specification i.e. twice a month in summer and the summer visits will include grass cutting, weed control, hedge pruning and strimming walls and fence lines One winter visit between November and February will consist of hard pruning of shrubs, mechanical and chemical weed control, edging of pathways in communal areas to reduce egress of weeds and grass onto pathways.

Magenta Living operates a risk-based approach to tree management on communal land, which includes formal inspection undertaken by a competent arboriculture contractor and informal inspection carried out by Magenta Living.

Magenta Living have commissioned competent and qualified arboricultural contractors to carry out a tree survey every 3 years of trees on communal areas that it owns or manages so that any foreseeable hazards can be identified and made safe within the recommended timescales.

Magenta Living also encourages staff, through our 'see it, fix it' approach and members of the public to report tree defects that can visually be identified such as health, condition and structural weakness or circumstances in relation to trees that pose risk or danger to people or property.

Where reports are received from staff or members of the public, Magenta Living will inspect the tree which may involve sending a competent contractor to make further assessment, if necessary and take appropriate action. Where it is proven that the tree defects were due to neglect or deliberate damage by a Magenta Living customer, we will recharge them accordingly for work needed to rectify the problem or may seek civil redress if they are non-Magenta Living customers.

Circumstances for Magenta Living to Consider Tree Management Works

Magenta Living will consider carrying out tree maintenance works if confirmed by a competent contractor or officer that the tree is:

- Overhanging roads (below 5.2 metres)
- Overhanging footpaths and/or signage
- Touching an adjacent structure
- Affecting stability of structure
- Diseased
- Structurally unsafe
- Preventing access

- Significantly damaged
- Potentially hazardous to health
- Dead
- Outgrown space allocated

Magenta Living will not carry out tree maintenance work for the following reasons:

- Blocking out sunlight
- Too large
- Dropping leaves in gardens
- Sap falling onto paths or cars
- Overhanging gardens
- Affecting TV reception
- Fruit falling from tree Tenants' Gardens and Trees

Tenants are responsible for the maintenance of their gardens (which include lawns, hedges, shrubs and trees) including keeping it clean and tidy. We can provide grass cutting, hedge cutting and herbicide treatment on a fortnightly cycle and between March and November. This is a chargeable service available to our tenants who are no longer able to maintain their gardens.

Where tenants report problems with a tree in their garden, Magenta Living will send an officer or contractor to inspect the tree and where necessary, conduct further risk assessment and take appropriate action.

Magenta Living will retain a record of all inspection and work conducted on tenants' trees for future reference. If the inspection reveals that the tree or hedge does not need maintenance work, Magenta Living will inform the customer about the findings and remind them of their responsibility to keep and maintain their garden including trees and hedges in a neat and tidy condition as stipulated in their Tenancy Agreement.

Where the inspection identifies tree defects or issues that pose significant risk to people or property, Magenta Living will carry out the work, as soon as a tree surgeon is available, but no later than 24 hours.

Where the tree does not pose a significant risk to people or property, Magenta Living will advise the customer of the situation and seek to obtain an agreement to do the work as part of our annual planned maintenance programme.

If it is found that it is customer's responsibility to maintain the tree or the cause of the tree defects were due to the customer's neglect or wilful damage, Magenta Living will look to recharge them for the work it carried out to make the situation safe.

Dependent on the severity of the situation, Magenta Living will consider instigating legal proceedings, if the customer fails to provide access to their premises for Magenta Living to carry out the work.

Where the customer is deemed to be vulnerable and they cannot do the work themselves, Magenta Living will use its discretion to carry out tree maintenance that is the customer's responsibility. Each case will be reviewed on its merits and Magenta Living will make decisions based on individual's personal circumstances i.e. their physical health, limited finances or ability to seek help from others.

Private owned trees and hedges where the tree that is causing problems is on privately owned (neighbouring) land, Magenta Living may write to the owner and advise them of the situation and obtain an agreement to carry out the work or make the situation safe within a specified time dependent of the severity of the circumstances.

If a private owner fails to do the work within the agreed period, Magenta Living will escalate the case to the local authority or seek civil action against the owner.

Where it is urgent to act due to significant and immediate risk or danger to people or property, Magenta Living will in consultation with the owner occupier, decide to carry out the work to make the tree or hedge safe, if it is possible to do so. If the private owner refuses to work with us, Magenta Living reserves the right to seek civil redress to resolve the situation.

Japanese Knotweed

Magenta Living will inspect communal garden/spaces and premises of void properties for presence of Japanese knotweed and will take appropriate action in line with the relevant regulations, if applicable. Where reports about presence of Japanese knotweed are received from tenants or members of the public, Magenta Living will inspect the premises to make further assessment if it's necessary to take further action.

4. Implementation

The policy will be effective from 11th November 2021. For example, staff will be made aware of the policy at priority training and will be available on Insight. The policy will be uploaded to the Magenta Living web site.

This policy should also be read in conjunction with the following associated policies:

- Recharge Policy
- Repairs and Maintenance Policy
- Empty Homes Policy
- Lettable Standard
- Climate Change Strategic Framework

Asset Management and Neighbourhood Services Teams are responsible for implementing this Policy. However, all staff must be aware of the Policy in order to be able to answer customer queries about tree management service.

5. Consultation

The proposed policy was discussed with SLT on 9th September 2021. Their views have been fully considered and incorporated where applicable/appropriate within the body of the policy.

We undertook external consultation from Monday 11th October to Friday 22nd October 2021 utilising the following:

- Facebook
- Instagram

The views received from the 13 residents have been considered and where applicable, will be incorporated into any changes relating to our processes and procedures.

The policy will be circulated to relevant staff and placed on both the Magenta Living's Website and the intranet.

6. Equality Analysis (EA)

We believe all people should be treated with dignity and respect regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including, nationality, ethnic or national origins), religion, belief or non-belief, sex, or sexuality or by association with someone with any of these characteristics or perception of having any of these characteristics.

The EA was undertaken on 27th October 2021 by Emma Brown, Policy & Commercial Property Officer, Justin Danher, Head of Specialist Housing Services and Carmen Muir, Assistant Director and was rated as GREEN. See the full EA at Appendix 1.

7. Monitoring Performance

This policy's effectiveness will be measured using customer feedback, Contract Management Plans and KPIs, monitoring delivery of the tree planting programme, monthly budget monitoring, consolidating and retendering of all ground maintenance contracts by December 2023.

Magenta Living will keep records of the following:

- All trees in its communal areas including condition and maintenance work carried out on them
- Number of trees and hedges maintained as a result of assessments of customer requests in a year

- Magenta Living will monitor the tree management budget throughout the year to ensure value for money is achieved.

8. Scheme of Delegation

The responsible authority for approving this policy is Board / ELT and was approved on 11th November 2021.

The Responsible Director for formulating this policy and ensuring its effective implementation is the Director of Planned Maintenance & Investments.

9. Policy Review

The policy will be reviewed every 3 years or earlier if deemed necessary though the performance monitoring process.

The Policy will be reviewed every three years on or as near as possible to the date of approval by the Executive Leadership Team (ELT). The Policy may be reviewed more frequently as required by legislation or regulation concerning the management of trees and communal land or as a result of system audits.

10. Amendment Log

Date of revision:	Record of amendments:	Reason for revision:
<i>November 2021 1st Version</i>	<i>N/A</i>	<i>N/A</i>