Tree Risk Management Policy

Approved by SMT	22 January 2025
Approved by Committee/ Board	N/A
Effective date	22 January 2025
Review date	31 January 2030
Policy developed by	Strategic Asset Manager
Consultations	Asset Management, Grounds Maintenance Team
Associated procedure	NTSG 'Common Sense Risk Management of Trees'

Version Control

Version	Author	Date Published	Next Review	Comments
1.0	Head of Asset Management and Compliance	01 Jan 20	31 Jan 25	
1.1	Director of Property – [redacted]	22 Jan 25	31 Jan 30	Updated policy in line with relevant legislation.

Introduction

1. Purpose

1.1 This document sets out Connexus' policy for the management of trees and associated risks related to trees situated on communal land in the ownership of Connexus Homes Limited and within the curtilage of tenanted and void properties belonging to the Association.

1.2 Scope: The policy applies to the whole of the Group. This means Connexus Homes Limited, (ultimate parent) and all of its subsidiaries.

1.3 Under both the civil law and criminal law the organisation has responsibilities for the health and safety of those on or near its land and has potential liabilities arising from trees or branches which could and cause harm to persons or property, as well as potential civil liabilities linked to root growth, such as trip hazards on paths, subsidence and blockage of drains. This policy is aimed at mitigating those risks.

1.4 Under the terms of the tenancy agreement, tenants are responsible for trees within their garden boundary, however Connexus has a responsibility both as landowner and as employer under the Health & Safety at Work Act to ensure the condition of trees in gardens is reviewed at appropriate intervals appropriate action taken to protect the property as well as ingoing tenants, visitors and employees.

2. Problem to Solve

2.1 The potential risks posed by trees must be balanced against the many benefits they provide to their local surroundings and the environment as a whole. Emerging research shows that trees can make our communities more resilient to the impacts of climate change, with the potential to reduce urban temperature extremes and buffer surges in rainwater runoff, creating safer and more comfortable living conditions. In addition to absorbing pollution and enhancing ecological diversity, trees significantly benefit people's physical and psychological wellbeing. Indeed, there is increasing evidence that people who live near trees are likely to be healthier and happier.

2.2 A Natural England analysis of the NHS Walking the Way to Health Initiative showed that, for every £1 spent on access to green space, there was more than £7 of benefit in terms of averted health costs. This and similar studies appear to confirm that trees offer a multitude of benefits to communities and have the potential to deliver significant rates of return on investment.

2.3 Connexus has a duty of care both as an owner of land and property and as an employer. The duty also extends to every one of its employees. The following are Acts and Regulations that the organisation must comply with in relation to the risks associated with managing trees on the land it owns.

- Health and Safety at Work Act, 1974
- Management of Health and Safety at Work Regulations 1999
- Occupiers Liability Acts 1957 and 1984
- Corporate Manslaughter Act 2007
- Compensation Act 2006
- Wildlife and Countryside Act 1981
- Planning legislation and Tree Preservation Orders

2.4 Further to this the Health and Safety Executive have issued a memo detailing standards of risk management for trees, risk assessments and routine checks to be carried out by competent persons. This policy has been prepared with this and other guidance notes in mind. The HSE guidance is included at Appendix 1.

3. Method

3.1 The Strategic Asset Manager will set up and maintain a digital non-domestic asset register on a database where individual trees can be identified by a unique reference number and by their geographical location, and the associated risk management recorded and monitored. The database will cover all communal land owned by Connexus and include all physical assets including trees that have an associated maintenance requirement and/or associated replacement cost.

3.2 The Strategic Asset Manager will maintain an appropriate risk register and commission periodic updates to general portfolio wide risk assessments, as well as identify appropriate mitigation measures linked to the retention of individual trees or groups of trees that are in high risk areas and/or have significant defects that make them more likely to cause harm to persons or property. The risk register will be updated to add new trees, remove felled trees and amend the risk posed by existing trees where this is warranted by remedial works to reduce risk, damage or disease that increases risk, or zonal changes that occur due to an increase or decrease in public access or activity in the vicinity of trees.

3.3 The Strategic Asset Manager will work with the Head of Governance to ensure that there is a consistent approach to recording all non-domestic assets owned by the organization and that it is in a format that satisfies the requirements of the regulator, meets all associated legislative requirements and transparently manages the risks and liabilities associated with all assets, including trees.

4. Measurement

4.1 This policy will be formally reviewed every five years, but particularly in light of new guidance, recent case law and new statute law, etc.

4.2 The following performance indicators will be used to assess trends and identify strengths and weaknesses within the policy:

- Annual review of tree safety work recommendations and reports on basic inspections at individual sites. This data will be used to measure the effectiveness of cyclical inspections and associated risk zones.

- The annual number of tree related claims and incidents in particular risk zones will be monitored. Assigned risk zones may need adjustment to control risk.

- The percentage of costs incurred in completing tree works that are being recovered via service charges or sinking funds.

- The percentage of remedial work undertaken within recommended timeframes will be examined. A summary of all sites can be used to identify trends such as missed deadlines or difficulties with budgets.

- An additional Health and Safety KPI will be introduced to measure the number of high risk tree incidents.

Appendix 1 – HSE Suggested Tree Risk Management System

Appendix 1

HSE Suggested Tree Risk Management System

Given the large number of trees in public spaces across the country, control measures that involve inspecting and recording every tree would be disproportionate to the risk. Individual tree inspection is only likely to be necessary in specific circumstances, for example, where a particular tree:

- is in a place frequently visited by the public;
- has been identified, for example, as having structural faults that are likely to make it unstable; and
- a decision has been made to retain it with these faults.

Public safety aspects can be addressed by tree owners as part of their approach to managing tree health. A sensible approach will ensure the maintenance of a healthy tree stock, the sound management of the environment and will usually satisfy health and safety requirements.

An effective system for managing trees should meet the requirements set out in the Management of Health and Safety at Work Regulations 1999 and the associated ACOP (guidance is contained in HSG 65 Successful health and safety management and INDG 163 Five steps to risk assessment). Such a system is likely to address the following:

- An overall assessment of risks from trees - identifying groups of trees by their position and degree of public access. This will enable the risks associated with tree stocks to be prioritised, and help identify any checks or inspections needed.
- There are several approaches to managing the risks from trees that involve 'zoning' trees according to the risk of them falling and causing serious injury or death. As a minimum, trees should be divided into two zones:

Zone one where there is frequent public access to trees (e.g. parks/ recreation grounds, in and around picnic areas, schools, children's playgrounds, popular foot paths, car parks, or at the side of busy roads). As a rough guide trees in Zone 1 are those that are closely approached by many people every day.

Zone two where trees are not subject to frequent public access.

- In most case individual records for trees are unlikely to be necessary if zones and the trees in the zones are clearly defined - maps may be useful here.
- For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboriculture specialist. Informing staff who work in parks or highways as to what to look for would normally be enough.
- Any system that is put in place for managing tree safety should be properly applied and monitored, including:

    - A short record of when an area or zone or occasionally an individual tree has been checked or inspected with details of any defects found and action taken.
    - A system for obtaining specialist assistance / remedial action when a check reveals defects out with the experience and knowledge of the person carrying out the check.
    - A system to enable people to report damage to trees, such as vehicle collisions, and to trigger checks following potentially damaging activities such as work by the utilities in the vicinity of trees or severe gales.
    - Procedures for ensuring the safety of the public during high winds, for example, where practicable by closing or restricting access to parks and gardens or footpaths.
    - Monitoring to ensure that the arrangements are implemented in practice.
- Occasionally a duty holder may have responsibility for trees that have, for example, serious structural faults but which they decide to retain. Where such a condition is suspected and the tree also poses a potentially serious risk because, for example, its proximity to an area of high public use, a specific assessment for that tree and specific management measures, are likely to be appropriate.
- Once a tree has been identified by a check to present an elevated risk, action should be planned and taken to manage the risk. Any arboriculture work required should be carried out by a competent arboriculturist as such work tends to present a relatively high risk to the workers involved.
- Inspection of individual trees will only be necessary where, for example, a tree is in, or adjacent to, an area of high public use, has structural faults that are likely to make it unstable and a decision has been made to retain the tree with these faults.