Housing Policy on the Maintenance of Trees, Hedges and Shrubs

The Housing Policy on Trees, Hedges and Shrubs sets out how the Council will manage trees, hedges and shrubs within its housing grounds.

2025

DARTFORD BOROUGH COUNCIL

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1. INTRODUCTION

1.1. This Policy ('the Policy') sets out Dartford Borough Council's ('the Council') approach to managing trees, hedges and shrubs within its housing grounds. This Policy sets out the responsibilities of tenants, leaseholders and the Council with regards to the management and maintenance of trees, hedges and shrubs.

1.2. For the purpose of this Policy, housing grounds are defined as the external communal areas within an estate which are the direct responsibility of the Council's Housing Service, as well as the private gardens which form part of a tenant or leaseholder property.

1.3. The Council recognises that trees provide many benefits, including helping to tackle climate change, reduce the risk of flooding and support biodiversity. Trees also provide aesthetic benefits and benefit both our physical and mental wellbeing.

1.4. However, trees also possess the potential to cause a nuisance or damage and because of this may pose a risk to safety. The Council may inspect trees in circumstances where they may be causing a danger to residents, the environment or buildings. However, these are likely to be picked up via tree surveys undertaken on communal housing land by an independent contractor.

1.5. Ultimately, the Council is committed to providing green, outdoor spaces where residents can enjoy the environment and feel safe, knowing it is also part of national incentives to mitigate climate change and biodiversity crises.

2. AIMS AND OBJECTIVES

2.1. The key aim of this Policy is to set out the Council's approach to the management and maintenance of trees, hedges and shrubs within its housing grounds.

2.2. The key objectives of this Policy are to:

- Ensure a safe environment is provided for all residents to live in;
- Raise awareness of landlord and tenant/leaseholder responsibilities in the maintenance of trees, hedges and shrubs;
- Ensure any tree management issues are resolved in a timely manner with health and safety as a priority;
- Work in partnership with contractors to carry out inspections or works to trees where required;
- Ensure any required tree works are completed in line with health and safety requirements;

- Ensure we carry out tasks in line with our Climate Change Strategy and Planet Dartford objectives, and sustain and protect our green spaces.

3. STRATEGIC CONTEXT

3.1. This Policy and its delivery is intended to be compatible with the following Council policies and documents:

- Tenancy Agreement - a contract between a tenant and landlord setting out the legal terms and conditions of the tenancy.
- Lease Agreement – a contract between a leaseholder and landlord setting out the legal terms and conditions of the lease.
- Neighbourhood Management Policy – sets out the Council's approach to the management and maintenance of its neighbourhoods.
- Net Zero Strategy – sets out the approach and actions that the Council will take to meet our ambitious net zero by 2030 target for Council emissions.
- Corporate Plan – sets out the strategic direction the Council will take in relation to its powers, functions and responsibilities. The Corporate Plan 2024-2027 includes an objective to protect good quality trees which contribute to the green environment and also absorb carbon dioxide and provide urban cooling and plant new trees and landscaping where appropriate and opportunities arise.
- Dartford Local Plan – sets out the long term borough development strategy from 2024-2037. The Local Plan includes a strategic objective stating existing green spaces, habitats and tree coverage will be protected and enhanced, and new provision will be made, to absorb carbon dioxide, support biodiversity and reduce surface water runoff.
- Housing Recharge Policy – sets out the circumstances whereby existing and former tenants, leaseholders and those who have received other financial assistance, may be charged costs and the process of recharging.
- Equality and Diversity Document Framework – sets out how the Council will meet the Public Sector Equality Duty under the Equality Act 2010.

3.2. This Policy and its delivery is also intended to be compatible with the following legislation:

- Wildlife and Countryside Act 1981
- Environment Act 2021
- Management of Hedgerows (England) Regulations 2024
- Town and Country Planning Act 1990
- Highways Act 1980
- High Hedges Act (Part 8 of the Anti-Social Behaviour Act 2003)
- Health and Safety at Work Act 1974
- Occupiers Liability Act 1957 & 1984

4. TENANT AND LEASEHOLDER RESPONSIBILITIES

4.1. Tenants and leaseholders with trees in their private gardens are responsible for their maintenance. Any tree works carried out in a tenant or leaseholders private garden should be completed by a professional to ensure there is no detrimental effect to the tree.

4.2. Tenants and leaseholders should report any damage a tree within the garden of their property is causing to buildings. All residents should report any tree defects such as health, condition, structural weakness or circumstances where a tree may pose risk or danger to people or property.

4.3. Tenants should not plant a tree or hedge where it will be situated within 5 metres of the building edge. This includes but is not limited to any properties, sheds or garages. All tenants must obtain the permission of the Council in writing by completing a Property Alteration Form before planting any tree or hedge, in line with their Tenancy Agreement, to ensure the right tree can be planted in the right place.

4.4. Tenants and leaseholders are also responsible for the maintenance of their gardens as a whole, which includes lawns, hedges and shrubs. Tenants and leaseholders should ensure any hedge or shrub in their garden is not overhanging or encroaching the boundary of another resident's property or garden.

4.5. Hedges and shrubs should be maintained by tenants and leaseholders, and should be cut to an appropriate height and no higher than 2 metres. When carrying out any maintenance works it is important to consider surrounding wildlife. All wild birds are protected by the Wildlife and Countryside Act 1981 and it is against the law for any person to intentionally or recklessly disturb any wild bird while it is building or in a nest, or near a nest containing eggs or young, or disturb dependent young of such a bird. The full list of protected birds can be found within Schedule 1 of the Wildlife and Countryside Act 1981.

4.6. Where a tenant or leaseholder fails to maintain any trees, hedges or shrubs within their private garden, the Council may recharge them for the cost of making good any damage in line with the Housing Recharge Policy.

4.7. If a tenant is unable to carry out the usual inspection and relevant maintenance of trees, hedges or shrubs on their property, they should contact the Council's Housing Estate Management team by emailing HEM@dartford.gov.uk in the first instance.

5. COUNCIL RESPONSIBILITIES

5.1. Residents should contact the Council in the first instance if they believe a tree located on council housing grounds is causing a danger, or if there are any concerns around tree safety which may lead to a potential need for removal. The Council may then inspect the tree, or instruct an arboriculture contractor to inspect and inform the Council of their findings.

5.2. The Council will carry out tree works only for trees that are situated within an external communal area. Issues with trees in communal areas should be reported to the Council by emailing housingservices@dartford.gov.uk.

5.3. Tree works will usually only be undertaken only on the grounds of health and safety. The Council will not carry out work to trees for aesthetic reasons, for reduced light or simply because the tenant wants a tree or hedge removed. The Council will not remove leaves and twigs that have fallen on to private land and no tree will be removed to prevent this from happening.

5.4. The Council will not survey trees in tenants or leaseholders' private gardens. It is the responsibility of tenants and leaseholders to report any issues. Tree works in private gardens must be arranged and paid for by the tenant or leaseholder of the affected property. Specific permission is also needed from the Council before a tenant or leaseholder removes any tree or substantial hedge or shrub.

5.5. Many trees in the borough are protected under a Tree Preservation Order (TPO). A TPO is made by the Council to protect trees for the public enjoyment and ensure that any works to trees do not harm the health or life span of the tree. TPOs prevent the felling, lopping, topping, uprooting or otherwise wilful damaging of trees without the permission of the local planning authority.

5.6. Residents can find out if a tree is protected under a Tree Preservation Order by searching the address or postcode on the Council's website. If the tree is protected, the resident or their tree contractor need to make an application for consent to carry out works to or remove a protected tree. The Council's website also provides more advice on how residents can apply to carry out works to a tree covered by a Tree Preservation Order.

6. COMPLAINTS

6.1. If residents are not satisfied with the service they have received, the Council's Corporate Complaints Procedure can be followed. Complaints leaflets are also available from the Council offices.

6.2. The Housing Ombudsman can be contacted if further advice and support is needed on making a complaint to the Council.

7. DATA PROTECTION

7.1. The UK GDPR and the Data Protection Act 2018 regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.

7.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.

7.3. The Council's:

- Data Protection Policy sets out how it will protect special category and criminal convictions personal data;
- Housing Services (Landlord and Tenant) Privacy Notice explains that the Council collects personal information to administer its housing (landlord and tenant) services.

8. EQUALITY AND DIVERSITY

8.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

8.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

8.3. This Policy on the maintenance of trees, hedges and shrubs has been subject to a Customer Access Review, to assess the impact it will have on equality. The review concluded that the Policy will have an overall positive impact as it provides a transparent, proportionate, fair and consistent approach to the management and maintenance of trees, hedges and shrubs situated within the Council's housing grounds.

9. MONITORING AND REVIEW

9.1. This Policy will be reviewed every three years or earlier to address legislative, regulatory, best practice or operational issues.

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.



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