

North Tyneside Council

Report to Cabinet

Date: 24 January 2022

Title: Review of North Tyneside's Tree Management Policy

Portfolio(s): Environment	Cabinet Member(s): Councillor Sandra Graham	
Report from Service Area:	Environment, Housing and Leisure	
Responsible Officer:	Phil Scott, Director of Environment, Housing and Leisure	Tel: (0191) 643 7295
Wards affected:	All wards	

PART 1

1.1 Executive Summary:

The Authority recognises the importance of trees in making the borough a great place to live, work and visit. The benefits of trees will be enjoyed not only by today's residents, but future generations.

Trees are an important part of the North Tyneside landscape but are also a sensitive and often emotive asset to manage. Trees also have a key role to play in achieving the Authority's carbon net zero 2030 policy ambition.

In December 2020, the Authority undertook a review of the Tree Management Policy (last reviewed in 2016), in consultation with the Cabinet Member for Environment. As part of this policy development, it was recognised that a new Tree Planting Strategy should be developed, in support of the Authority's commitment to Climate Emergency.

On 7th September 2021, the revised Tree Management Policy and draft Tree Planting Strategy was presented to the Overview and Scrutiny Environment Sub-Committee for consideration and comment.

The purpose of this report is to seek Cabinet's approval to adopt the revised Tree Management Policy and new Tree Planting Strategy.

1.2 Recommendation:

It is recommended that Cabinet:

1. approves the changes to the revised Tree Management Policy and introduction of the Tree Planting Strategy, as detailed in Appendix 1, 2 and 3 of this report.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 12th November 2021.

1.4 Council Plan and Policy Framework:

This report relates to the following priorities in the 2021-25 Our North Tyneside Plan:

- We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030.

1.5 Information:

1.5.1 Background

The Authority's green spaces provide important recreational areas for communities to enjoy and bring benefits for physical health and emotional wellbeing. Trees are an important part of the borough's landscape and are a sensitive and sometimes emotive issue to manage.

The Authority has responsibility for the management and maintenance of approximately 141,000 trees across the borough. This includes trees in open spaces, parks, cemeteries and woodland areas. Every year, the Authority receives hundreds of tree related enquiries relating to requests for pruning, tree removal, tree planting and the removal of leaf litter.

Trees make a valuable contribution to both wildlife conservation and the protection and development of a variety of habitats. They contribute to the visual landscape by softening the shape of the built environment and can positively affect property values. Trees and woodland areas also play a crucial role in the carbon cycle, acting as sinks (absorbing CO₂ from the atmosphere) and stores (retaining carbon in trees and soils) helping to improve air quality and reduce the impact of flash flooding. They also protect soil from erosion and reduce sediment run-off.

In 2009, the Authority introduced a Tree Management Policy. The policy is a framework which sets out how the Authority protects and manages its trees. It is also a reference point to enable a consistent approach towards tree management. The policy was reviewed in 2010 and again in 2016, to take into consideration quality of life issues and to include a comprehensive list of tree species recommended for specific land types or locations.

The policy takes into consideration the Authority's Biodiversity Action Plan. In relation to biodiversity, trees provide a stable eco-system where wildlife such as birds, animals, insects and plants thrive. The policy also takes into consideration other sustainable development policies, which sets out management objectives for managing specific areas such as open spaces, schools, cemeteries, housing estates and parks.

1.5.2 Climate Emergency

In July 2019, full Council declared a Climate Emergency, setting a target to reduce the carbon footprint of the Authority and the borough by 50% by 2023, and to be carbon neutral by 2050.

Subsequently, in further acknowledgement of the urgency of the Climate Emergency, the refreshed Our North Tyneside Council Plan 2021-25, approved by full Council in September 2021, included the following ambition: “We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030.”

Protecting existing trees and increasing tree planting, woodland and canopy cover will form a key part of the carbon net-zero 2030 plan that Cabinet will consider in 2022.

1.5.3 Policy Review

In December 2020, a working group of council officers was established to review the Authority’s existing Tree Management Policy. As part of this work, changes were made to the policy. It was also recognised that a new Tree Planting Strategy should be developed, to support full Council’s declaration of a Climate Emergency.

In July this year, the Authority, together with other Local Authorities in the region including Newcastle, South Tyneside, Sunderland, Gateshead and Durham, was successful in securing funding to establish a North East Community Forest, with the ambition to plant 500 hectares of woodland by 2025. This funding supports the objectives set out in the Tree Planting Strategy.

On 7th September 2021, the refreshed Tree Management Policy and draft Tree Planting Strategy was presented to the Authority’s Environment Sub-Committee for comment and consideration.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

To approve the proposed Tree Management Policy changes and the introduction of the Tree Planting Strategy.

Option 2

Not to approve the proposed Tree Management Policy changes and introduction of the Tree Planting Strategy.

Option 3

To request changes to the Tree Management Policy and Tree Planting Strategy, prior to further consideration by Cabinet.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

The Tree Management Policy has been updated to incorporate legislative changes and includes a new section on climate change. Agreeing the recommendations set out in paragraph 1.2 of this report will support the delivery of the Our North Tyneside Council Plan 2021-25 carbon net zero 2030 ambition and the additional benefits that protecting existing trees and increasing tree planting, woodland and canopy cover can bring.

1.8 Appendices:

- 'Appendix 1: Tree Management Policy 2021
- 'Appendix 2: Tree Planting Strategy 2021-2024
- 'Appendix 3: Tree Management Plan 2021-2024

1.9 Contact officers:

Samantha Dand, Senior Manager, Local Environmental Services, tel. (0191) 643 7294
Paul Nelson, Environmental Sustainability and Street Lighting Manager, tel. (0191) 643 6467
Cathy Davison, Principal Accountant, Investment (Capital) and Revenue Strategic Finance, tel. (0191) 643 5727
Jackie Hunter, Biodiversity Officer, tel. (0191) 643 7279

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [Our North Tyneside Plan 2021-25](#)
- (2) [Environment Act \(2021\)](#)
- (3) [Town and Country Planning Act 1990\(as amended\)](#)
- (4) [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- (5) [England Trees Action Plan 2021 to 2024](#)
- (6) [NPPF \(2021\)](#)
- (7) [Planning Practice Guidance \(as amended\)](#)
- (8) [North Tyneside Council Local Plan \(2017\)](#)
- (9) [North Tyneside and Newcastle Biodiversity Action Plan](#)
- (10) [North Tyneside Council Climate Emergency Action Plan](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The financing of specific tree planting projects will be considered as part of the development of each project business case. Any investment required in addition to existing budgets will be reported to Cabinet/Council.

2.2 Legal

Tree owners have a duty of care to visitors, residents and passers-by. The Authority in addition has a statutory duty of care under the Health and Safety at Work etc. Act 1974 and the Occupiers Liability Acts 1954 and 1984 to ensure so far as is reasonably practicable its trees

are safe and not a danger to the public. In addition to ensuring that its trees are safe, the Authority has a number of other statutory responsibilities.

Under the Town and Country Planning Act 1990 the Authority, as the Local Planning Authority has a duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

Under Part VIII of the Town and Country Planning Act 1990 the Authority also has the power to make Tree Preservation Orders to protect landowners from cutting down, uprooting, topping, lopping, or causing wilful damage or destruction of a tree protected by such an order. Breach of such an order can amount to a criminal offence.

Under the Highways Act 1980 the Authority can require a landowner to make a tree safe if the tree is causing a danger to the highway. If the tree is not made safe, the Authority can undertake the work and charge the landowner for that work.

The Tree Management Policy is produced by the Authority to provide a guide to the public/landowners as to how the Authority discharges its various responsibilities given to it in relation to the management of trees.

The approval of the Tree Management Policy is an executive function.

2.3 Consultation/community engagement

On 18th May 2021, Ward Councillors were asked to identify any locations within their wards that they would like to be considered for potential tree planting, as part of the development of the new Tree Planting Strategy.

As part of the September Ward Member Briefings, Ward Councillors were again asked if they would like any locations to be considered as part of the Tree Planting Strategy.

On 7th September, the revised Tree Policy and proposed Tree Planting Strategy was presented to the Authority's Environment Sub-Committee for comment and consideration.

2.4 Human rights

Owners of land on which a tree is protected by a Tree Preservation Order are prohibited from taking specified steps to interfere with a protected tree on their land without the Authority's consent. This could be seen as an interference with their qualified right to the peaceful enjoyment of their land or possessions contrary to Article 1 of the First Protocol of the Human Rights Act 1998. However, if the legitimate aim of the Authority is to protect a tree this can be seen as a reasonable and proportionate interference with the landowner's property.

2.5 Equalities and diversity

Any new tree planting locations are assessed for suitability and a minimum of 1.2 metres is taken into consideration, to allow for wheelchair access.

2.6 Risk management

There are no risk management issues directly arising from this report.

2.7 Crime and disorder

If a Tree Preservation Order is made by the Authority to protect a tree and an individual ignores a protection order and damages a tree, they may be prosecuted by the Authority under the Town and Country Planning Act 1990 and on conviction ordered to pay a fine.

2.8 Environment and sustainability

Protecting existing trees and increasing tree planting, woodland and canopy cover will form a key part of the carbon net-zero 2030 plan that Cabinet will consider in 2022. Projects to plant trees in North Tyneside will have the carbon offsetting benefit calculated on a scheme-by-scheme basis.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X