

## 1.0 INTRODUCTION

1.1 This tree policy is part two of “Trees Newcastle”. Part one outlines our aims and objectives and our first 5-year action plan.

1.2 The benefits of trees and woodlands have long been acknowledged. In the last decade there has been very significant reinforcement of the need for action on a worldwide scale to protect and conserve trees. In 1994 “Sustainable Development: The UK Strategy” was published as Britain’s response to the 1992 UN Conference on Environment and Development; the “Earth Summit” in Rio de Janeiro. An important recommendation of the “Earth Summit” was that individual countries should prepare strategies and action plans to implement the agreements. The following initiatives relate to trees and woodlands.

- **Agenda 21** - a comprehensive programme of action to achieve a more sustainable pattern of development for the 21st century
- **The Climate Change Convention** - a framework for action to reduce global warming
- **The Biodiversity Convention** - protecting the diversity of species and habitats
- **A Statement of Principles**- for managing, conserving and sustainable development of the world’s forests

Trees have a significant part to play in achieving the above programmes. For its part, the UK Government is committed to improving the management and conservation of forests and encouraging the expansion of the UK’s tree cover. It is also encouraging the planting, management and protection of trees important to amenity.

1.3 Newcastle City Council recognises the benefits of trees in the city where they improve amenity and urban environmental quality and provide shelter and screening. Trees also help the urban environment in less obvious ways for example by absorbing atmospheric pollution including carbon dioxide, filtering dust and noise, stabilising soils and providing habitats for wildlife.



We are committed to conserving the City's trees and woodlands and increasing the overall stock of trees.

1.4 The City Council has committed itself to environment policies EN3, EN3.2 and EN3.3 within the Newcastle Unitary Development Plan adopted in January 1998. These policies seek to retain and improve Newcastle's tree stocks.

1.5 We are currently looking at ways of making Newcastle the first UK carbon neutral city. We have also prepared "Your Wildlife" Newcastle's Biodiversity Action Plan. We continue to make and administer Tree Preservation Orders to protect privately owned trees of amenity value from the threat of unnecessary removal or inappropriate management. There are currently 369 Tree Preservation Orders in Newcastle. We have followed a voluntary Code of Practice protecting our own trees for over 20 years.

1.6 Our tree policies define the principles that we will apply to the trees for which we have duties and responsibilities.

- **Newcastle City Council is responsible for trees, woodlands and hedges on land it owns. Private owners are responsible for their own trees. However the Council has certain obligations imposed by statutes and legal agreements, which relate to trees and the public interest.**
- **Trees on private land may cause a nuisance or obstruction of the highway. The City Council may have to use powers granted through the Highways Act 1980 or the Local Government (Miscellaneous Provisions) Act 1976.**
- **Trees on private land may be maintained by the Council through a legal agreement with the owner.**
- **Many trees are protected through the Town and Country Planning Acts and related legislation. (Tree Preservation Orders and**



**Conservation Areas) Newcastle City Council is required to authorise tree work by private owners before it is carried out. There are statutory powers to enforce the tree protection legislation.**

1.7 Part three of the tree strategy is our Tree Management Guidance for Council-owned trees which provides detailed good practice advice. The guidance explains how the tree policies will be applied when we are responding to requests for work, when preparing Management Plans and in caring for the Council's tree stock generally. The guidance outlines the circumstances when pruning or felling of trees will be considered appropriate and describes the various types of tree work which are accepted as good practice within the authority.

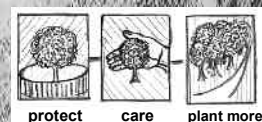
1.8 Trees are defined as woody perennial plants with a self-supporting stem or trunk, reaching a stature of at least 6 metres. The stem may divide into two or more stems provided the division is above ground level. Some tree species can be managed in a particular way, for example by coppicing to control growth, retaining the tree in a shrub-like form. Coppiced woodland and juvenile trees are included within the remit of this tree policy. Hedges are also included and have their own set of policies, reflecting the recent and emerging UK policies on hedges. These policies are not intended to apply to shrubs and other non woody vegetation .

## **2.0 Newcastle City Council Tree Policy**

2.1 **'Protect', 'Care', 'Plant More'**. These are the guiding principles that Newcastle City Council will apply to the trees, woodlands, and hedges for which we have responsibility. Our three key policies T1, T2 & T3 spell this out in more detail.

We will try to achieve the following wherever possible, using our statutory powers and offering encouragement and advice to others:

**T1 Healthy trees, hedges and woodlands will be protected, retained and enhanced. No tree will be felled or pruned without good reason.**



Newcastle City Council will discourage any tree felling or pruning that is unnecessary. Essential work would include removing hazards, complying with legal requirements such as the highways legislation, and to allow approved development or redevelopment works to proceed. We will also take steps to ensure that where trees are being retained, they are protected from unnecessary removal or damage above or below ground.

## **T2 Trees, hedges, and woodlands will be managed to ensure healthy growth and development.**

Appropriate tree management is needed, particularly in an urban area like Newcastle, to ensure that trees, hedges and woodland are properly cared for through the various stages of their growth and development and to enable trees to thrive in a city environment. As part of that management, maintenance work will be needed to trees, hedges and woodland from time to time to retain them in a healthy condition and ensure optimum conditions for growth. Younger trees and plantations need careful and more intensive management, to help them develop into healthy mature trees in future years. We also need to take care of our veteran trees to ensure that they are not removed prematurely and that they pose no danger to the public. Programmed work to trees in accordance with agreed management plans is recommended.

## **T3 Tree stocks in Newcastle will be increased with particular attention given to locally native species of local provenance where appropriate and promoting a mix of tree species of different ages, including juvenile and veteran trees, to ensure a healthy, balanced, tree population.**

Opportunities will be taken to plant more trees in Newcastle as our tree cover is well below the UK average. There is a particular need to increase the area of locally native woodland where there is space to accommodate woodland and where circumstances allow. However, we will take care that other valued wildlife and habitats are not lost or damaged by woodland



planting. Individual trees and tree groups are also of great value including trees of more exotic or ornamental species, tolerant of local environmental conditions.

### **3.0 Policy For Trees on Council Land**

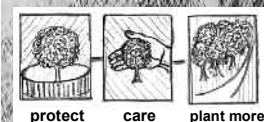
**CT1 A Risk Management Strategy for Trees will be developed by the City Council providing for trees to be subject to regular health and safety inspections.**

3.1 Owners of trees have a duty of care and are legally obliged to carry out regular inspections to ensure that any foreseeable hazards can be identified and made safe. As a responsible land owner Newcastle City Council intends to introduce a system of regular inspection and monitoring of its trees.

**CT2 No tree or woodland will be felled or pruned without adequate justification.**

3.2 Newcastle City Council will not carry out felling or pruning that is unnecessary. Management and maintenance work will be carried out in accordance with policies T1, T2, & T3. Trees do require work from time to time for example to reduce risk and liability, or to ensure that people are not deprived of a reasonable right of enjoyment of public or private property. Groups or plantations of young trees need to be assessed regularly whilst they are growing and selected trees will need to be removed to make way for the remaining trees to develop. The circumstances where Newcastle City Council considers that pruning or felling would be acceptable are outlined in the Tree Management Guidance. This general guidance is expected to cover all but the most unusual or extreme cases.

**CT3 All requests for works to trees or woodlands on council land must be assessed and authorised by Newcastle City Council's Tree Management Team with reference to the current Tree Management Guidance.**



3.3 The Tree Management Team is based within City Grounds and works in partnership with landscape officers in Planning and Transportation.

**CT4 Individuals or organisations requesting tree work will be informed of the outcome within 4 weeks (28 working days) of receipt. Agreed tree work will be carried out within 12 weeks (60 working days) of the decision notification, unless there are special reasons to programme the work in a particular season. Applicants will be informed of any delays.**

3.4 The Tree Management Team will be responsible for informing the public about the outcomes of requests for tree work, giving reasons for refusal if necessary. The Team will be responsible for ensuring compliance with any legislation or restrictions affecting trees in their ownership. Tree work that has been agreed will usually be passed straight to the arboricultural teams for implementation within 12 weeks. However there may occasionally be circumstances where work has to be done at a certain time of year. Many tree species are more vulnerable to pruning for example when sap is rising or when in leaf. It may be necessary to avoid tree work at certain times to prevent disturbance to other vegetation or to wildlife, for example roosting bats or nesting birds.

**CT5 Where a request for tree work is refused, there is a right of appeal to the Head of Planning and Transportation, and if necessary, Development Control Committee.**

3.5 We have always allowed a right of appeal where decisions about council trees were in dispute and this will still apply. Landscape officers in Planning and Transportation will reassess the tree or trees and make a recommendation with full regard to the Tree Management Guidance. On very rare occasions when agreement cannot be reached, Development Control Committee will make the decision.

**CT6 All work to council trees or woodlands will be carried out in liaison with the Tree Management Team.**



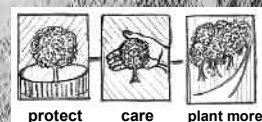
3.6 Newcastle City Council is committed to ensuring that our trees are properly cared for and that tree felling and pruning is carried out to a very high professional standard.

**CT7 Newcastle City Council will plant a new tree to replace every tree felled. The replacement will be in a location close to the site of the original tree except where circumstances dictate otherwise.**

3.7 Except in the case of plantation thinning, replacement planting is essential to ensure continuity of the tree stock. A single young tree will take many years to achieve the size and scale of a large mature tree and in some locations it may be possible to plant several replacements. Replacement trees do not have to be in the exact same spot as the felled tree and a nearby location may be more practical and appropriate.

3.8 Street trees deserve special mention. City streets offer a very unnatural environment for trees and they need special care and protection. This can be costly. Streets are where most of our services cables, pipes and overhead wires are found, together with junction boxes, letter and telephone boxes, street lights, signs and access chambers. The presence of this equipment above and below ground makes it difficult to find large enough spaces to plant trees. In residential areas verges have often been surfaced with tarmac and many people have driveways. When mature street trees are felled it is often impossible to remove the tree stump without damaging services and this means we have little chance of planting a replacement tree in the same place. We need to choose locations for new street trees with great care and concentrate on streets that still have verges and new road schemes where tree planting can be planned at the outset. Major development or redevelopment offers us our best opportunity for planting new street trees.

**CT8 Newcastle City Council will work towards preparing phased Tree Management Plans for its trees and woodlands.**



3.9 The Tree Management Team will use the results of regular tree inspections to compile an inventory of our tree stock and to plan management work. Certain trees need regular repeat pruning work to adapt them to their setting. Street trees for example may need regular pruning annually or at 2, 4 or 5 yearly intervals. Regular pruning might include reducing the width of the crown to prevent damage by high vehicles, lifting the crown to prevent branches hanging low over the road or footpath and to prevent obscuring of signs and street lights. Tree work that is programmed and budgeted for in advance is more cost effective than waiting for problems to be reported. However the need to respond to individual and emergency situations is acknowledged, for example when trees suffer storm damage.

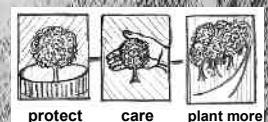
**CT9 New tree planting will be in accordance with Newcastle City Council's Design Guidance.**

3.10 We are working on design guidance for use by everyone involved with tree planting operations, from design to specification, implementation and establishment care. Whilst this guidance may not cover every single individual circumstance it is intended to draw attention to basic principles for selecting suitable trees for particular locations and for proper planting and care from the outset.

**CT10 Tree planting and establishment will be carried out in accordance with good horticultural and silvicultural practice as defined by BS 4428:1989, BS 3998:1989 and BS 7370:1991 and other good practice guidance promoted by government agencies and professional institutions.**

3.11 We are committed to achieving a very high standard of workmanship and setting a good example to others.

3.12 The policies set out above **supersede** Newcastle's Code of Practice for Trees on Council Land introduced in 1977 and last revised in 1990.





## **4.0 Additional Policies For Trees On Private Property Adjoining Council Land Or Highways**

**CTA1 A Risk Management Strategy for Trees is being developed by the City Council. This may include inspection of trees on privately owned land that are adjacent to and/or overhang Council property or highways, where a concern has been reported to the Council.**

4.1 Owners are responsible for trees on their property and have a duty of care to others. Best practice advice suggests regular inspections by owners to ensure that any foreseeable hazards can be identified and made safe. As a responsible land owner Newcastle City Council intends to introduce a system of regular inspection and monitoring of its trees. We will encourage other landowners to do likewise. We will consider whether neighbouring trees are likely to pose any threat to members of the public using Council property, if we receive reports that a tree or trees are giving rise to concerns.

**CTA2 Owners of any trees that are a potential nuisance or danger to the public or to public property will be asked to carry out remedial work. In the event of failure to carry out work we will use statutory powers to implement essential works and recharge the costs to the owner.**

4.2 Newcastle City Council has powers under the Highways Act, The Local Government (Miscellaneous Provisions) Act 1976 and in common law to ensure that members of the public are not put at risk when using Council land or facilities and to avoid risk to its own property.

**CTA3 Owners of trees that are a potential nuisance or danger will be offered advice in the event that the trees in question have protected status.**

4.3 Where trees are protected by Tree Preservation Orders or within a Conservation Area owners will be advised whether a formal application or notification for the tree work will need to be submitted. Certain works to trees are exempt from tree protection provisions.

## **5.0 Additional Policies for Trees on Private Property Maintained by the City Council**

5.1 The policies in section 3 (Policies CT1 to CT10) will apply to trees on land where the Council has entered into an agreement with a private owner, except where the terms of the agreement specifically require otherwise. Newcastle City Council maintains land by agreement for example in

churchyards, trunk roads and around scheduled Ancient Monuments, where the Council is not the owner of the land.

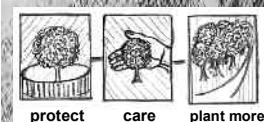
5.2 Where applicable we will take into account the presence of Tree Preservation Orders or Conservation Area status and will apply policies TPO 1 to TPO 13 as appropriate. Recent changes in legislation require us to advertise proposed work to protected trees on Council land. Scheduled Ancient Monument consents, Church Faculties or other restrictive covenants must also be adhered to.

## **6.0 Policies for Trees Protected under the terms of the Town and Country Planning Legislation**

**TPO 1 Newcastle City Council will protect trees and woodlands that are of acknowledged amenity value, that are visible to the public, that are in reasonable health and condition and where there is a discernible threat, using the powers available under the Town and Country Planning Act and related legislation.**

6.1 All Local Planning Authorities have a duty enshrined in the Town and Country Planning legislation and in National Government guidance to protect trees and woodlands of amenity value. Trees and woodlands can best be protected by Tree Preservation Orders (TPO's) although there are certain circumstances where a TPO cannot apply. Trees within designated Conservation Areas also enjoy a degree of protection since any work to the trees must first be notified to the Local Planning Authority. In making Tree Preservation Orders and Conservation Areas, Local Planning Authorities must follow the procedure prescribed in the legislation. There is opportunity for individuals and organisations to object to the proposals if they wish. We will make every effort to inform and advise owners whose trees are affected by Tree Preservation Orders and Conservation Areas.

**TPO 2 Trees and woodlands included within Tree Preservation Orders or within Conservation Areas will be protected where possible from harmful operations. We will encourage owners to maintain their trees in a healthy condition to enhance local amenity.**



6.2 Trees and woodland will be retained wherever appropriate. Trees will also be protected from unnecessary removal or pruning and from damage to any part of the tree above or below ground. Management works that promote better and healthier tree growth and development will be encouraged and applications for appropriate and timely works will be supported.

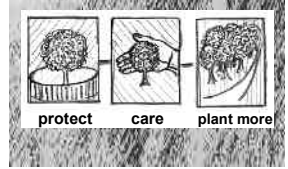
**TPO 3 No tree or woodland will be felled or pruned without adequate justification.**

6.3 We will not support felling or pruning that is unnecessary. Trees do require work from time to time to reduce risk, liability and nuisance or to ensure that individuals are not deprived of a reasonable right of enjoyment of public or private property. Groups or plantations of young trees need to be assessed regularly whilst they are growing and selected trees will need to be removed to make way for the remaining trees to develop. The circumstances where we consider that pruning or felling would be acceptable are outlined in the Tree Management Guidance. This general guidance is expected to cover all but the most unusual or extreme cases.

**TPO 4 The City Council will ensure that the tree protection legislation is properly enforced and will take steps to investigate reports of unauthorised tree work. Where an offence has been committed and there is clear and sufficient evidence to do so, the Council will consider prosecution.**

6.4 Councils have powers under the Town and Country Planning legislation to prosecute offenders who damage or destroy protected trees in contravention of the law. This includes damage to the tree trunk, limbs and canopy above ground and also the tree roots below ground

**TPO 5 All applications or notifications for works to protected trees or woodlands will be processed and authorised by the Head of Planning and Transportation in accordance with statutory requirements and delegated powers. Landscape officers will assess trees in accordance with the Tree Management Guidance consulting the Tree Management Team where necessary.**



6.5 The Tree Management team based within City Grounds works closely with landscape architects based in Planning and Transportation. The Tree Management team are able to provide technical and specialist arboricultural and health and safety advice, to inform decisions about protected trees.

**TPO 6 Individuals or organisations applying for permission to carry out work to trees protected by Tree Preservation Orders will be informed of the outcome or reasons for delay within 8 weeks (40 working days) of receipt.**

6.6 If the City Council is unable to reach a decision applicants will be advised and may be asked to supply additional information in support of the request. Applicants will be made aware of their obligations with regard to wildlife.

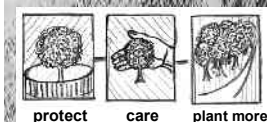
**TPO 7 Individuals or organisations notifying the Local Planning Authority of proposed work to trees within Conservation Areas will be informed of the outcome within 6 weeks (30 working days) of receipt.**

6.7 When Newcastle City Council does not agree with a request for work to trees in a Conservation Area, this may be resolved by negotiation and advice. If necessary an emergency Tree Preservation Order can be placed on the tree or trees.

**TPO 8 Newcastle City Council will inform the public that an application for work to a protected tree has been received and will also inform the public of any tree work agreed.**

6.8 We are considering a procedure to inform people by a notice posted on site. Members of the public may make comments on applications and these will be taken into account before permission is granted or refused.

**TPO 9 Where an application for tree work is refused, there is a statutory right of appeal to the Secretary of State for Transport, Local Government, and the Regions (DTLR) within 28 days of the decision.**



6.9 The legislation has always allowed a right of appeal where decisions about trees were in dispute. The DTLR will ask for a statement of case from the Council setting out their reasons for the planning decision. The applicant will also be asked to state their grounds for appeal. A DTLR inspector will recommend to the Secretary of State whether the appeal should be dismissed or allowed.

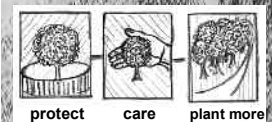
**TPO 10 Where approval is granted for pruning protected trees or for woodland management, this will usually be subject to a condition that precise details of the work be agreed with a landscape officer before the work is carried out. The work may be supervised on site by a landscape or arboricultural officer, at the discretion of the Local Planning Authority.**

6.10 Newcastle City Council is committed to ensuring that protected trees are properly cared for and that tree management and pruning is carried out to a high professional standard.

**TPO 11 Where permission is granted to fell a tree we will usually include a condition requiring a replacement tree to be planted unless there are very exceptional circumstances that dictate otherwise.**

6.11 Replacement planting is essential to ensure continuity of the tree stock and in the interests of local amenity. Replacement trees do not have to be in the exact same spot as the felled tree and it is usually possible to agree the best location and species for the replacement through negotiation. A nearby location may often be more appropriate, although the Tree Preservation Order may need to be updated to extend protection to the new tree.

**TPO 12 Newcastle City Council will encourage owners of large numbers of protected trees to prepare phased tree management plans or enter into management agreements rather than individual applications for tree work.**















## APPENDIX A

### Current Legislation and Planning Guidance

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compensation Act 1991
- Environment Act 1995
- Town and Country Planning (Trees) Regulations 1999
- Highways Act 1980
- Hedgerow Regulations 1997
- Wildlife and Countryside Act 1981 (as amended)
- “Tree Preservation Orders . A Guide to the Law and Good Practice.” DETR 2000
- Local Government (Miscellaneous Provisions) Act 1976 (sections 23 & 24)
- “Tree Preservation Orders: New Regulations The Main Changes for Local Authorities.” DETR 1999
- “High Hedges Possible Solutions” DETR 1999
- Newcastle Unitary Development Plan January 1998
- “Your Wildlife” Newcastle’s Biodiversity Action Plan
- Newcastle City Council Supplementary Planning Guidance for Landscape Schemes
- Forestry Act 1967 (as amended). Felling Licences
- Countryside and Rights of Way Act 2000

### ABBREVIATIONS

DETR Department of Environment, Transport & the Regions

DTLR Department of Transport, Local Government & the Regions

