



South Tyneside Council

Tree and Woodland Policy

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1.0 Introduction

South Tyneside Council (the Council) has approximately 500 hectares of tree canopy coverage. Of these, 300 hectares are the responsibility of the Council to maintain. The Council also recognises the, cultural, and ecological significance of trees, as well as the emotional attachment they can inspire.

The Council is responsible for the management of trees within parks, cemeteries, open spaces, Housing Services properties, and woodlands. South Tyneside's tree population is a natural resource which affords shade, wildlife value, visual screening, noise and pollution reduction, shelter from prevailing winds and encourages local interest within the urban landscape. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

- They provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity.
- Research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.
- They act as a screen, increasing privacy in residential roads and gardens.
- they reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs.
- They absorb traffic noise in built-up areas and can help reduce noise pollution.
- They improve air quality by filtering airborne dust, smoke, and fumes.
- They convert carbon dioxide to oxygen, increasing the quality of the air locally and helping to reduce the 'greenhouse effect.'

Whilst it is recognised that trees provide a wide range of benefits to society, they are living organisms that naturally lose branches and may occasionally fall. Although the risk to human safety is considered extremely low, the Council, as a tree owner, still has a legal duty of care to take reasonable management measures to avoid foreseeable injury or harm. This duty of care is established under both civil and criminal law and includes responsibilities under the Occupiers Liability Acts of 1957 and 1984 to ensure that visitors or trespassers on their land are safe. The Council must regularly inspect trees and take appropriate action if a tree is deemed dangerous or poses a risk to public safety. This may involve pruning, felling or other maintenance work to mitigate potential hazards.

2.0 Scope of the Policy

This Policy sets out the Council's approach to managing the trees it owns or maintains. The Policy refers exclusively to trees and does not include shrubs or other vegetation. Furthermore, the Policy does not cover trees that grow on land owned or occupied by schools, academies, or other local authority trading companies.

Trees that are protected by Tree Preservation Orders (TPO) or that grow within Conservation Areas are dealt with by the relevant legislation and administered by the Local Planning Authority (LPA). Privately owned trees are not within the scope of this Policy. The Council has no authority to intervene in disputes between neighbours regarding trees, although Part 8 of the Anti-social Behaviour Act (2003) gives Local Authorities some power to deal with complaints or disputes about evergreen high hedges affecting residential properties.

3.0 Management Responsibility and Legislation

The Council has a statutory duty of care under the Health and Safety at Work etc. Act 1974 and the Occupiers' Liability Acts (1957 and 1984) to ensure that members of the public and its staff are not put at risk due to a failure by the Council to take all reasonable precautions to ensure their safety. As such, the Council, either as owner or manager, is responsible for trees located on land it manages.

The Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 contain provisions for protecting trees that provide public amenity, and there is an implied duty that the Council should take steps to protect trees that fall under this scope.

As the Highway Authority for the Borough of South Tyneside, the Council is also responsible under the Highways Act 1980 for ensuring that any trees adjacent to the highway are managed to prevent them from becoming a hazard to the safe use of the highway.

Section 96A of the Highways Act 1980 (as amended by subsection 115 of the Environment Act 2021) requires the local Highways Authority to consult members of the public before felling street trees (exemptions may apply).

An adequate management system to assess risk is required under the Management of Health and Safety Regulations 1999.

The Highways Act 1980 and the Local Government (Miscellaneous Provisions) Act 1976 give the Council powers to deal with trees in private ownership that endanger the highway, persons, or property. Some of these powers are discretionary and may result in the private owner paying the Council's reasonable costs for carrying out remedial works.

Other legislation has also been considered as part of this policy, including:

- The Forestry Act (1967) which requires certain permissions and licences to be granted where felling of trees is proposed within a woodland setting
- The Wildlife & Countryside Act (1981) which places requirements in relation to nesting birds and bats
- The Hedgerow Regulations (1997) which introduced powers allowing important rural hedgerows to be protected.

4.0 Tree Surveying

In managing the risk of trees, we will proactively inspect all trees that the Council has responsibility for and will maintain an Operating Procedure that defines the tools, processes, systems, and standards of tree inspections. All trees in Council ownership and/or under Council management will be inspected periodically. Some inspections will be undertaken on a reactive basis as and when required and will be recorded in an inventory. The time frame for reinspection will be determined by an individual risk assessment for each tree or group of trees.

As tree surveys are undertaken and any required remedial or reactive work is identified, they will be scheduled in line with the priorities defined in the Tree Team Operating Procedures, with risk management of the trees always being a priority. Please note that due to the unpredictable nature of urgent works arising, in certain circumstances, it may not be possible to give accurate timescales for non-urgent inspections or planned maintenance works.

5.0 Prioritising Tree Work to Manage Risk

All standard tree inspections will include an individual risk assessment for each record of an individual tree or a group of trees. When remedial works are recommended to manage the level of risk, the following table sets out the priority and target time frames for the works to be completed. Should an exceptional weather event occur, such as a major storm, this may impact the delivery time. Details of risk rating point scoring system used to guide the inspector's decision, can be found in the operating procedure.

Risk Rating (as determined by the Tree Inspection)	Priority schedule for tree work
1 Extreme	as soon as possible
2 Serious	within 7 days
3 Significant	within 4 weeks

4 Moderate	within 3 months
5 Slight	within 1 year
6 Minimal	within 3 years (not required to action)
7 Insignificant	No Action and Re-inspect within 5 years

- Extreme is defined as immediate threat to public safety.
- Serious is defined as causing a high-risk obstruction and or physical failure anticipated soon.

6.0 Prioritising Tree Work not related to tree risk management

The Council may occasionally engage in tree works that do not involve tree risk management and where there is no legal obligation to carry out such works; however, these will only be scheduled as and when budgets and resources allow. As above, should an exceptional weather event occur, such as a major storm, it will impact the delivery time.

7.0 Types of Tree Work and Reasons to Prune or Remove Trees

We will only prune or remove trees for the following reasons:

- Where it is required by law*
- To maintain or enhance benefits of the tree.
- Safety
- Routine maintenance of tree canopy form
- Maintenance of certain clearances, for example streetlights or a building roof
- To control plant pests and diseases
- To prevent significant damage
- To avoid a more significant later expense
- Where exceptional circumstances justify it

We will only prune or remove trees where there is a good reason to do so. *This may also be permitted through full planning consent.

This is because:

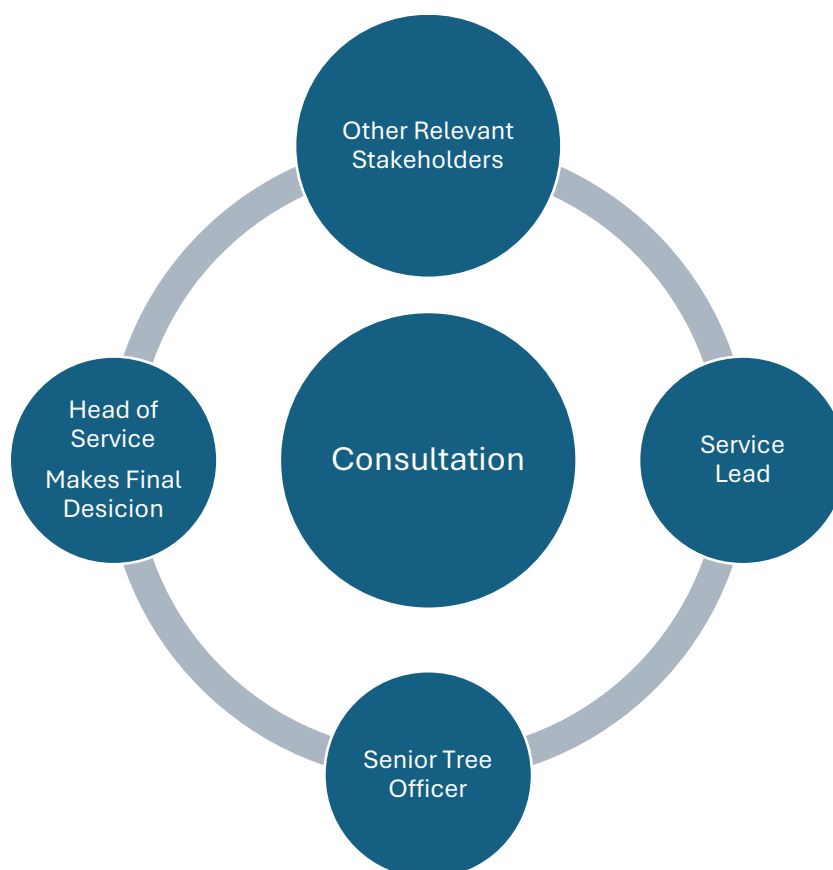
- Pruning always causes some harm to trees, although it may be beneficial on balance in some circumstances.
- All tree works carry some risk.
- Doing so generally reduces some of the benefits provided by trees, at least temporarily.
- Unnecessary works can negatively draw on resources that could be more effectively deployed.

If your tree related issue is not covered above, please refer to the Council website.

Exceptional Circumstances.

Cases will be considered individually on their merits according to a clearly defined decision-making process. This will balance harm against benefits.

Decisions to define exceptional circumstances will be taken in collaboration as outlined below.



The decision-making for exceptional circumstances, taken in collaboration with Head of Service, Service Lead, Senior Tree Officer and may include other relevant stakeholders such as finance, legal, members etc. with the Head of Service making the final decision.

8.0 Tree Planting on Council Land

The "Our South Tyneside Vision and Strategy" emphasises the importance of addressing both the Climate Emergency, recognised by the Council in 2019, and the Ecological Emergency, declared in 2023. These declarations are crucial because they highlight the need for tree replacement and enhancement of tree canopy coverage, as trees play a pivotal role in absorbing carbon dioxide, providing oxygen, supporting biodiversity, and mitigating the impacts of climate change and ecological degradation. By prioritising tree replacement and enhancing canopy coverage, we can ensure a healthier environment for future generations.

Replacing trees not only preserves the treescape for the future, it also represents an opportunity to make it better suited to our needs now. South Tyneside Council contributes to this goal by being part of the North East Community Forest, a project aiming to plant tens of thousands of trees across the region. We will therefore take every opportunity to plant trees, wherever it is appropriate to do so, and where resources allow, following the principle of the right tree in the right place. Members will be consulted on tree planting activities.