

Nunthorpe Parish Council
Policy, principles and guidance
on trees in Nunthorpe



Trees are a highly valued feature of the parish of Nunthorpe making an enormous contribution to the character and beauty of our landscape. Trees create and maintain environments rich in biodiversity. Nunthorpe Parish Council recognises both the human and environmental benefits of having a healthy and sustainable tree population.

The Parish Council has established this Policy, which is subordinate to, but consistent with, Middlesbrough Council's Tree Policy.

POLICY ON MANAGEMENT OF TREES IN NUNTHORPE

Nunthorpe Parish Council has agreed to undertake the following ten activities on behalf of the residents of Nunthorpe

- 1. To monitor and respond to all proposals by Middlesbrough Council for rezoning of land which could entail removal of trees.**
- 2. To monitor and respond to all planning applications to Middlesbrough Council from developers, residents, utility companies or others which could entail removal of trees.**
- 3. To monitor the implementation of Middlesbrough Council's Tree Policy by Council Officers, residents, utility companies, and others, drawing attention to apparent deviation.**
- 4. To urge Middlesbrough Council to engage in meaningful consultation with the Parish Council, Ward Councillors and residents regarding any proposals by Middlesbrough Council to fell mature trees.**



- 5.** To encourage Middlesbrough Council to replace trees felled for good cause by Middlesbrough Council with at least an equal number of mature trees in as close proximity as possible to the felled trees, and with specific replacement sites recommended before the felling takes place (whether the trees were removed due to disease, to preserve public safety, or to facilitate development.)
- 6.** To encourage Middlesbrough Council to require those seeking permission to fell trees (whether developers, residents, utility companies or others) to replace the trees with at least an equal number of mature trees in as close proximity as possible to the felled trees, and with specific replacement sites recommended before the felling takes place (whether the trees were removed due to disease, to preserve public safety, or to facilitate development).
- 7.** To encourage Middlesbrough Council to fund the planting of additional trees in Nunthorpe, in locations to be determined after consultation with the Parish Council.
- 8.** To fund the planting of additional trees in Nunthorpe, in locations to be determined after consultation with residents, insofar as funding can be made available.
- 9.** To draw the attention of residents to the Tree Policy of Middlesbrough Council and the Tree Policy of Nunthorpe Parish Council.
- 10.** To draw the attention of residents to good practice in relation to the management of trees.



PRINCIPLES AND GUIDANCE ON MANAGEMENT OF TREES.

Importance of trees in an urban environment

Not only do trees have a visual quality, but they also enhance the environment in less obvious ways.

Trees improve air quality by acting as natural air filters removing dust, smoke and fumes from the atmosphere by trapping them on their leaves, branches and trunks. Just 1 hectare of beech woodland can extract 4 tonnes of dust per year from the atmosphere.

Trees reduce the 'Greenhouse' effect by removing carbon dioxide from the air and releasing oxygen. Each year a mature tree produces enough oxygen for 10 people.

Trees are also an effective sound barrier and can limit noise pollution. Recent research shows that trees also help reduce the stress of modern life.

Trees in themselves benefit the environment and the landscape, but they are also an integral part of the ecosystem providing benefits to wildlife and biodiversity.

Trees, especially older or veteran trees and those in groups or woodlands, provide habitats for native ground flora such as bluebells and fauna, particularly bats, birds and invertebrates.

Take care of trees and they will take care of you.



Nunthorpe trees and climate change.

The Earth's climate is changing. Global temperatures are projected to continue rising, bringing changes in weather patterns and impacting the world around us. Undoubtedly, green infrastructure is our life support system and trees are an essential part in mitigating the impact of climate change.

Trees are a highly valued feature of Nunthorpe; they make an enormous contribution to the character and visual beauty of our landscapes as well as creating and maintaining environments rich in biodiversity.

The Nunthorpe Tree Policy is to encourage residents to actively manage trees on their own property and to use any influence the Parish Council may have to protect existing trees on land owned by Middlesbrough Council.

Nunthorpe Parish Council intend to promote the planting of new trees wherever required, involving organisations such as the Woodland Trust who provide free trees and encouraging volunteers within the community to plant them.

The purpose of this policy is to monitor the protection of Nunthorpe trees against damage or felling, whether inadvertent or otherwise and to urge the planting of new trees as an essential part of all new developments in Nunthorpe.

The Parish Council will continue to use our statutory advisory role in planning matters to encourage Middlesbrough Council in implementing their planning policies which should be sympathetic to the provision and retention trees for the benefit of future generations to come.



The Ownership of Trees in Nunthorpe

The ownership of trees in Nunthorpe can be divided into three groups.

A. Trees on Council land, covered by the Middlesbrough Council's Tree Policy.

B. Trees on private land protected under a Tree Preservation Order (TPO), which are covered by Middlesbrough Council's Tree Policy, and are subject to the planning application process.

C. Trees on private land not protected by a Tree Preservation Order.

This Parish Council document provides guidance to residents having privately owned trees, in the context of Middlesbrough Council's approach to maintaining and managing trees, as detailed in the Council's Tree Policy and the Council's Tree Protection Orders.

The Middlesbrough Council Tree Policy can be viewed on the Council website:-

<https://www.middlesbrough.gov.uk/sites/default/files/Tree-Policy-2018.pdf>



A. Trees on Council Land

In relation to trees on Middlesbrough Council land, the Council's Planning Service will:-

1. Seek, wherever possible, to retain appropriate trees on any new development.
2. Seek to retain preserved (TPO) or protected (conservation areas) trees unless there are overriding reasons for their removal.
3. Ensure appropriate replanting takes place to replenish a site in the event of the need to remove trees.

Inspection: The Council will inspect on a regular basis all individual trees that are either on the public adopted highway, or are within public open space but within falling distance of a public adopted highway. If a resident considers a Council tree is creating a problem, the resident is encouraged to report this to the Environment Contact Centre on 01642 726001. If a resident is making a report outside business hours (Monday to Friday, 7.30am to 3pm) because the situation is so unsafe as to constitute an emergency case, an emergency "Out of Hours" service is available on **01642 726050**.

Pruning: As pruning can weaken the structure of trees, the Council will only conduct or allow pruning under the circumstances laid out in its Tree Policy. More information on when and how to tackle a problem requiring acceptable pruning on a Council-owned tree is provided in the Council's Tree Policy. The Environment Contact Centre also provides advice.

It is important to note that, where Council-owned trees are blocking light into a property, there is no legal 'right to light'. The Council is not by law obliged or required to carry out work to a tree for the benefit of level of light. This also applies to trees impacting on solar panels or blocking a satellite TV signal.



Felling: The Council will not fell any tree without good reason. The Council will avoid felling trees unless it is absolutely necessary, and each case will be carefully judged on its merits.

The Council advises that felling may be considered where a tree is:

- Dead, dying or infected by a disease that has a significant detrimental impact on the host.
- A danger to public safety.
- Causing an obstruction to a public highway, right of way, access to property or footpath.
- A major contributor to serious structural damage to buildings or infrastructure.
- Clearly of a size and species deemed by the Council to be inappropriate to their situation.
- In an area which is designated for development or redevelopment

Nunthorpe Parish Council has requested Middlesbrough Council to be consulted whenever there is any intention of felling Council-owned trees within the boundary of Nunthorpe. (Nunthorpe Tree Policy 4)

Nunthorpe Parish Council invites any resident observing any Council-owned tree that displays any of the specified criteria to contact the Nunthorpe Parish Council Clerk –

C/o The Parish Clerk, 1, Muirfield, Nunthorpe, Middlesbrough, TS7 0JN. Tel: **01642 274283**; e-mail clerk@nunthorpepc.org.uk

This should prevent situations arising where mature trees are felled by Middlesbrough Council without notifying the Parish Council, subsequently impacting on the benefit and amenity of those trees to the Nunthorpe community.



B. Trees on Private Land, Protected under a T.P.O.

Tree Preservation Orders (TPOs) are created by the Local Planning Authority in respect of trees or woodland that are considered to have a significant impact on the amenity of a local area. It is a criminal offence to cut down, uproot, top, lop, wilfully damage or wilfully destruct any tree protected by a TPO. Any proposed works relating to a tree protected by such an order requires the submission of a planning application to Middlesbrough Council Planning Office. Please note, any surrounding hedges and hedgerows are not included in a TPO.

At present there are 19 TPOs in Nunthorpe:-

NO.	MAIN PROPERTIES/ AREAS COVERED	TREES COVERED
TPO No. 1 1972	Grey Towers 2-8 and 1-5 Guisborough Road 192-200. Stokesley Road 2-6 and Three Acre Plantation.	2 no. individual Sycamore trees. 7 no. areas and 4 no. groups of mixed deciduous, coniferous and evergreen.
TPO No. 3 1976	Land to the south of No. 25 Stokesley Road.	2 No. areas of mixed deciduous.
TPO No. 4 1976	Land within grounds of The Box, 114 Guisborough Road, Nunthorpe.	3 no. areas of mixed deciduous and evergreen.
TPO No. 5 1976	Land to the south of No. 25 Stokesley Road.	2 no areas of mixed deciduous.
TPO No. 6 1976	167 Guisborough Road, 26-38 Moor Park, 188 Guisborough Road, 171 Guisborough Road.	2 no. individual deciduous trees and 3 no. groups of mixed deciduous.
TPO No. 7 1977	South of Guisborough Road, Marton and Nunthorpe playing fields.	2 no. individual Ash trees

TPO No. 7 1977 cont.	Land at rear of 128 Guisborough Road. 125, 127, 129, 129a, 129b, 131, 131a, 131b, 133, 135 Guisborough Road. 21a and 21b Moor Park.	Areas of mixed deciduous, coniferous and evergreen
	Land at rear of 105-123 Guisborough Road, 2 The Avenue, 2a and 2b Marton Moor Road, Orchard House.	Area of mixed deciduous, coniferous and evergreen.
TPO No. 9 1976	Rear of 50-56 and No. 60 Connaught Road.	4 no. individual trees.
	Land off Gypsy Lane, Nunthorpe.	Area of mixed deciduous mainly Ash but with Oak, Sycamore and others
	Land at rear of Windsor Crescent, Nunthorpe.	Area of mixed deciduous, mainly Willow, Sycamore and Ash with undercover Thorn and Elderberry.
	Land at rear of Gloucester Close and Kent Close, Nunthorpe.	Area of mixed deciduous, mainly Sycamore with Ash, Poplar and Elm
TPO No. 14 1979	23 Connaught Road.	Group of mixed deciduous.
TPO No. 15 1979	21 Bedford Road, Nunthorpe.	1 no. White Willow, 1 no. group of mixed deciduous.
TPO No. 26 1981	No. 18 Allerton Park, Nunthorpe.	1 no. Oak.
TPO No. 30 1984	67 Connaught Road, Nunthorpe.	1 no. Beech.
TPO No. 31 1984	114 Guisborough Road, Nunthorpe.	Woodland including mixed deciduous and coniferous.

TPO No. 37 1989	Poole Hospital and grounds, The Lodge, Stokesley Road.	Extensive landscaped grounds of former country house. Large groups and areas of deciduous and coniferous trees.
TPO No. 39 1989	No. 7 Cleveland Drive.	Group of 5 no. trees supersedes part of TPO No. 33.
TPO No. 43 1990	Grey Towers Farm, Nunthorpe.	Areas/groups of coniferous and deciduous trees.
TPO No. 47 1993	53 Connaught Road.	1 no. Horse Chestnut.
TPO No. 51 1996	Church Lane, Nunthorpe.	131 no. individual various species and 17 no. groups of various species.
TPO No 76 1998	4 Westwood Avenue	1 No. Beech



C. Trees on Private Land, NOT Protected by a T.P.O.

Trees on private land are the responsibility of the landowner/householder who has a responsibility, in law, known as the 'duty of care' i.e. the householder should take reasonable care to avoid acts or omissions which he or she could reasonably foresee may result in harm or injury. When a householder fails to exercise his or her responsibility, and harm or injury results, the householder may be subject to a claim for negligence.

One of the problems occurring on private land is trees obscuring or blocking light onto an adjacent neighbour. A right to light may be earned in circumstances where a neighbour has enjoyed light uninterruptedly to a window or other opening associated with a dwelling for 20 years before the obstruction appeared. A growing tree may eventually create such a problem.

The key word in caring for trees on private land is "management". Some trees require an occasional review of their well-being. Does the tree look healthy, are the branches and foliage well balanced, or are there any large fungi attached to the tree? Where necessary, residents are advised to use a reputable tree surgeon, to seek three quotes for work and to avoid using those who knock on doors without invitation.

Pruning: Expert advice is strongly recommended. Pruning will encourage trees to grow upwards rather than outwards, but should be avoided unless necessary because pruning can weaken the structure of trees through introduced disease. Where pruning is required, residents are advised to make a clean cut with a good pruning saw close to the main trunk of the tree. The cut should be made square to the branch and preserve the bulge at the base of the branch, known as the branch collar.



To prevent disease and decay, it is important not to damage the bark of the tree. Cutting the branch flush with the main stem is likely to create a larger wound. Most native trees are best pruned in winter when dormant, except field maple, cherry and walnut which need pruning in summer to reduce risk of disease and sap bleeding.

Coppicing: This involves cutting a tree near to its base to encourage new growth. Trees could be ready to coppice after 7–10 years, depending on species and growth rate.

Thinning: Thinning involves felling some planted trees to reduce the competition for light, water and nutrients. By giving the remaining trees more room, they develop a better shape, grow stronger and are less likely to blow over in adverse weather. Thinning will not usually occur until Year 10 at the earliest, but it depends on how close together the trees were planted.

High Hedges: High hedges are often *leylandii*, which can grow very tall in a short time. They require regular maintenance to keep them under control. Nunthorpe Parish Council requests that residents with *leylandii* have consideration for neighbours by restricting a *leylandii* hedge to a height that will not affect the reasonable enjoyment of adjoining property.

In cases where a neighbour is affected by fast growing evergreen hedges, the High Hedges Act may be applied to require the owner of an evergreen hedge to reduce its height.

If a resident thinks that a neighbour has let a hedge grow to an unreasonable height, the neighbour can complain to Middlesbrough Council. Before taking any action, the Council will expect the resident to provide evidence to show that all other means of resolving the dispute have been tried and have failed. The Council will charge a fee to the complaining resident.



If Middlesbrough Council agrees that reasonable enjoyment of property is being affected by a hedge, the Council can take action to force the owner to cut the hedge back to a reasonable height. There is no set height, as this will depend on a number of factors such as

- The proximity of the hedge to the neighbour's window.
- The size of the gardens
- The length of the hedge
- The compass direction of the hedge from the garden (N, S, SW, E, etc.)
- The distance between the hedge and the boundary of the property
- The slope of the garden

Consulting a solicitor for advice may be an alternative.

Trees are green gold.

**Take care of the trees and they will take care
of you.**



July, 2019