

Tree Management Strategy 2026-2031 (Draft)

1. Introduction and Purpose

North East Derbyshire District Council (the Council) manages trees across a wide range of Council-owned and Council-managed land, including open spaces, recreation grounds, cemeteries, closed churchyards, housing land, and selected estate roads maintained on behalf of Derbyshire County Council. Trees are a valuable asset that contribute to public safety, environmental quality, biodiversity, climate resilience and the character of places across the district.

This Tree Management Strategy sets out the Council's overall direction and principles for tree management during the period 2026–2031. It sets out how the Council will balance its duty of care to manage risk with its commitment to protecting and enhancing the natural environment and supporting community wellbeing.

The Strategy:

- sets out the Council's strategic approach to tree management and planting;
- clarifies roles and responsibilities in relation to trees under Council control;
- defines the principles that guide inspection, maintenance, planting and replacement decisions; and
- outlines current priorities and future direction for increasing canopy cover and biodiversity.

While the Strategy describes the Council's current approach to inspection, maintenance and planting, individual decisions will continue to be made on a site-specific and risk-based basis taking account of local circumstances, statutory duties and available resources.

Detailed legal requirements, technical standards and operational procedures are intentionally contained within the appendices, allowing the main body of the Strategy to remain clear, focused and accessible.

2. Strategic Context

Trees play a critical role in delivering wider Council objectives, including environmental sustainability, climate adaptation, health and wellbeing, and place-making. This Strategy directly supports delivery of the Council's wider policy framework, including:

- the Council Plan 2023–2027;
- the Climate Change Action Plan 2024–2030, particularly Theme 6 (Biodiversity);
- the Council's biodiversity reporting commitments; and

- partnership initiatives at county and national level, including tree and woodland strategies.

By providing a consistent and proportionate approach to tree management, this Strategy helps ensure that decisions relating to trees are transparent, defensible and aligned with long-term environmental and community outcomes.

This Strategy is supported by in-house service plans.

3. Scope, Responsibilities and Governance

This Strategy applies to trees that fall within the Council's inspection and maintenance responsibilities, including trees:

- on Council-owned land and open spaces;
- within cemeteries and closed churchyards;
- on housing land and open-plan estates managed in partnership with Rykneld Homes; and
- on selected estate roads maintained by the Council under agency arrangements with Derbyshire County Council.

Tree inspection and maintenance is led by the Streetscene Grounds Maintenance service, working in partnership with Planning, Estates, Engineers, Rykneld Homes and external bodies where required. The Council recognises that responsibility for trees elsewhere, including on private land or adopted highways, sits with other organisations or landowners, and clear signposting is provided where this applies.

Overall responsibility for this Strategy sits with the Council's relevant service directorate, with operational delivery led by the Streetscene Grounds Maintenance service. Performance and delivery will be monitored through established internal governance and reporting arrangements.

Governance arrangements and detailed responsibilities are set out within the relevant appendices.

4. Key Tree Management Principles

The Council's approach to tree management is guided by the following principles:

- **Duty of care** – trees will be managed in a proportionate manner to reduce foreseeable risk to people and property, while recognising their environmental and social value;
- **Legal compliance** – all works will comply with relevant legislation, Tree Preservation Orders and Conservation Area controls;
- **Biodiversity enhancement** – wherever practicable, trees will be retained, diversified and managed to support habitats and ecological networks;
- **Sustainability and climate resilience** – species selection and management practices will reflect current and emerging climate and disease pressures; and

- **Transparency and consistency** – decisions relating to planting, pruning, removal and replacement will follow clearly defined standards and documented processes.
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5. Tree Inspection and Maintenance – Strategic Overview

The Council is progressing towards a comprehensive, mapped tree inventory supported by a prioritised inspection and maintenance regime. This approach ensures resources are directed to where risk and need are greatest.

In summary:

- most trees are inspected on a 3–5 year cycle, with more frequent inspection where location, condition or species warrants it;
- inspections are primarily visual from ground level, with aerial inspection undertaken where further investigation is required;
- maintenance works may include pruning, crown management, habitat retention or removal, based on risk and condition; and
- emergency works may be undertaken without prior routine inspection where an immediate risk is identified.

Detailed inspection methodologies, risk assessment processes and maintenance standards are contained in Appendix B.

6. Tree Planting and Canopy Growth

The Council recognises that historic canopy loss has occurred and is committed to reversing this trend through a structured and realistic planting programme. Tree planting is viewed not only as replacement for losses but as a long-term investment in climate resilience, biodiversity and community amenity.

Key commitments include:

- planting approximately **1,000 trees and 1,000 hedgerow whips between 2025 and 2028**, subject to funding and site availability;
- prioritising replacement planting where appropriate and feasible;
- expanding **community-led initiatives**, including Community Tree Nurseries and Community Orchards; and
- supporting the delivery of biodiversity net gain and partnership-funded planting schemes.

Planting targets and priorities will be reviewed annually in line with funding availability, inspection outcomes and identification of suitable sites.

7. Current Priorities and Future Direction

Current priorities

The Council's current focus includes:

- developing and supporting Community Tree Nurseries;
- establishing and expanding Community Orchards;
- delivering planting schemes funded through Section 106 agreements; and
- improving public engagement and site nomination processes.

Future direction

Looking ahead, the Council will continue to explore:

- opportunities for new woodland creation and recreational wooded spaces;
- expansion of hedgerows and hedge trees;
- improved use of mapping and data to inform canopy planning; and
- partnership working to maximise environmental and community benefit.

Operational detail supporting these initiatives is contained within Appendix C.

8. Complaints, Requests and Public Engagement

The Council is committed to responding to enquiries and complaints about trees in a fair, proportionate and consistent manner. In doing so, it will:

- prioritise issues relating to public safety;
- clearly distinguish between Council-managed trees and those under private or third-party ownership; and
- apply consistent standards when considering nuisance-related requests.

Public engagement is encouraged through online nomination systems and community initiatives that support planting and stewardship. Detailed procedures, response times and guidance are provided in Appendix D.

The Council will seek to ensure that engagement and participation opportunities relating to tree management and planting are accessible and inclusive, taking account of different community needs and circumstances.

9. Review and Monitoring

This Tree Management Strategy covers the period 2026–2031. The Strategy will be reviewed periodically to ensure it remains current and effective, taking account of:

- changes in legislation or national guidance;
- inspection outcomes, canopy data and performance information;
- funding availability; and
- updates to relevant Council strategies and policies.

Monitoring of progress, including planting and canopy change, will inform future revisions and investment decisions.

Delivery of this Strategy will be prioritised through annual service planning and reviewed in light of available funding, staffing capacity and emerging risks. Where necessary, priorities may be adjusted to ensure statutory duties and public safety considerations are met.

In addition to periodic review, the Strategy may be revisited where significant changes occur, including major disease outbreaks, severe weather events, legislative change or material shifts in funding or service capacity.

Public-facing guidance and website content relating to tree management will be kept under review to ensure consistency with this Strategy and its appendices.

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Appendix A – Legal Framework and Permissions

A1. Duty of Care

North East Derbyshire District Council, as a tree owner and land manager, owes a duty of care in both civil and criminal law to take reasonable and proportionate steps to prevent foreseeable injury or damage arising from trees under its control. This duty applies to trees on Council-owned land, land managed on behalf of partner organisations, estate roads maintained under agency agreements, and land where the Council undertakes tree works by licence or agreement.

The Council recognises that trees are living organisms subject to natural processes, weather events, pests and disease. The duty of care does not require the elimination of all risk. Instead, it requires a balanced, risk-based approach comprising inspection, assessment, record-keeping and appropriate intervention, proportionate to site usage and the level of risk.

A2. Legislative and Regulatory Framework

Tree management is undertaken with regard to a wide range of legislation and regulations, including but not limited to:

- Town and Country Planning Act 1990, including Sections 211 and 212;
- Town and Country Planning (Tree Preservation) (England) Regulations 2012;
- Wildlife and Countryside Act 1981 (as amended), particularly protections for nesting birds;
- Conservation of Habitats and Species Regulations 2017, including bat protection;
- Health and Safety at Work etc. Act 1974;
- Occupiers' Liability Acts 1957 and 1984;
- Forestry Act 1967 and Environmental Impact Assessment (Forestry) Regulations;
- Highways Act 1980 and the Environment Act 2021, including the duty to consult on certain highway tree removals.

The Council will have regard to updated statutory guidance, codes of practice and relevant case law.

A3. Tree Preservation Orders and Conservation Areas

Tree Preservation Orders (TPOs) and Conservation Areas afford statutory planning protection to trees in the interests of public amenity. Except where specific exemptions apply, works to protected trees require planning consent or prior notification to the Local Planning Authority.

Within North East Derbyshire, some trees are protected by County Council TPOs.

For Council-managed trees, Streetscene officers are responsible for checking designation status, consulting with Planning colleagues where necessary, and ensuring that appropriate consents or confirmations of exemption are secured prior to works being undertaken.

A4. Common Law Rights

Under common law, adjoining landowners have a limited right to prune encroaching branches or roots back to their boundary. Such works must not:

- extend beyond the boundary;
- make the tree unsafe or significantly damage its health;
- involve unauthorised access to neighbouring land; or
- breach planning or wildlife legislation.

Arisings from works undertaken under common law remain the property of the tree owner and should be offered back prior to disposal, unless alternative arrangements are agreed.

A5. Access to Neighbouring Land

Some inspection or maintenance activities require access to neighbouring land to be undertaken safely. Access must be agreed with the landowner or occupier in advance.

The Council will provide reasonable notice, minimise disruption and ensure sites are left in a tidy and safe condition.

Where works to a private tree require access to council land to be undertaken safely, written permission must be obtained from the Council's Estates section before undertaking works.

A6. Housing Land and Tenanted Properties

On housing land managed in partnership with Rykneld Homes, responsibilities are set out in tenancy agreements. Trees within enclosed tenant gardens are generally the tenant's responsibility unless they are dead, dangerous, or causing proven structural damage supported by independent evidence.

Tenants must obtain written permission from Rykneld Homes before undertaking works, and restrictions apply to new planting, pruning and removal of trees.

A7. Churchyards and Cemeteries

Trees within closed churchyards may require additional permissions under ecclesiastical law, including diocesan faculty approval, alongside planning controls. Trees within Council-managed cemeteries are managed to balance public safety, heritage value, biodiversity and respect for memorials.

A8. Felling Licences

Tree felling may require a Forestry Commission licence unless an exemption applies. Where felling volumes, woodland status or EIA thresholds are unclear, advice will be sought from the Forestry Commission prior to works being undertaken.

A9. Highway Trees and Duty to Consult

Where the Council maintains trees on estate roads under agency arrangements, the statutory duty to consult on removal of certain street trees rests with the relevant Highway Authority. The Council will cooperate fully to ensure compliance and public engagement requirements are met.

Appendix B – Inspection, Risk Management and Maintenance Standards

B1. Inspection Objectives

The purpose of tree inspection is to identify defects or conditions that could result in foreseeable harm, enabling proportionate management actions to be taken. Inspection does not guarantee that trees are safe but forms part of a reasonable risk management approach.

B2. Inspection Frequency

Most trees are inspected on a 3–5 year cycle.

Increased frequency (2–3 years or annual) applies where:

- trees are adjacent to highways, play areas or high-use spaces;
- previous inspections identified defects;
- species are vulnerable to disease or failure;
- trees are recently planted.

Ash trees affected by dieback may be inspected during the growing season to aid diagnosis.

B3. Inspection Methodology

Inspections are normally visual, from ground level.

Tools may include probes, mallets and diameter tapes.

Aerial inspection is undertaken where:

- cavities, decay or defects cannot be adequately assessed from the ground;
- monitoring of known defects is required.

B4. Recording and Scheduling

Inspection records include:

- species (botanical and common name);
- condition and defects;
- location details;
- required works and priority.

Where works are identified, schedules are generated for operational delivery.

B5. Risk Assessment

Risk assessment considers:

- likelihood of structural failure;
- size and position of the tree or part;
- presence and frequency of targets;
- site usage and vulnerability.

Intervention is proportionate to risk and may include monitoring, pruning, reduction, monolithing or felling.

B6. Maintenance Standards

All works are undertaken in accordance with BS 3998:2010 Tree Work – Recommendations, with emphasis on:

- maintaining structural integrity;
- minimising unnecessary pruning;
- retaining habitat value where safe to do so.

B7. Ash Dieback Management

Ash trees are categorised into canopy condition classes.

Management responses include:

- enhanced inspection;
- staged reduction;
- creation of monoliths;
- felling where risk cannot be mitigated.

Location and ability to manage public access are key considerations.

B8. Health, Safety and Biosecurity

All works are subject to task-specific and dynamic risk assessments.

Appropriate PPE is worn.

Tools and equipment are cleaned between sites to reduce pathogen spread.

B9. Emergency Works

Emergency works may be undertaken without prior routine inspection where immediate risk exists, particularly following storms or structural failure.

B10. Contractors

Contractors must:

- hold appropriate qualifications;
- maintain sufficient insurance cover;
- comply with Council health and safety standards.

Appendix C – Planting Strategy, Processes and Aftercare

C1. Purpose and Strategic Context

Tree, hedgerow and woodland planting plays a key role in increasing canopy cover, enhancing biodiversity, delivering climate resilience and improving landscape character and community wellbeing. Planting decisions are long-term and consider future maintenance, safety, site usage and land tenure.

New planting will be considered and undertaken with reference to the operational plans.

C2. Planting Targets

Indicative planting targets include the establishment of approximately 1,000 trees and 1,000 hedgerow whips between 2025 and 2028, subject to funding availability, site suitability and competing land uses.

The planting targets for 2025-2028 were set in 2024/25, reflecting an existing UK Shared Prosperity Fund funded programme already in delivery and additional programmes under development. The UK Shared Prosperity Fund funding for this ended in 2026.

Planting targets beyond this period will be reviewed annually through service planning, subject to funding availability, inspection outcomes and identification of suitable sites.

C3. Pre-Planting Site Assessment

All planting sites are assessed for:

- soil type, compaction and drainage;
- underground and overhead services;
- proximity to buildings and highways (normally a minimum of 5m);
- existing canopy cover and spacing;
- public use and recreational activity;
- biodiversity value and habitat compatibility; and
- future land use or development constraints.

Sites that present unacceptable long-term conflict or risk are not progressed.

C4. Species Selection

Species selection reflects local landscape character, biodiversity value, resistance to pests and disease, climate resilience, anticipated mature size and future maintenance requirements. A diverse species mix is favoured to reduce vulnerability. Native species are prioritised where appropriate, although non-native species may be used where they offer clear resilience or amenity benefits.

C5. Tree Stock and Sizes

Planting stock may include whips, transplants, feathered trees or standard trees. Larger stock may be selected in high-risk or prominent locations to reduce vulnerability to vandalism and provide immediate visual impact.

C6. Hedgerows, Hedge Trees and Woodland Creation

Hedgerows are planted using mixed native species and designed to enhance wildlife corridors and landscape connectivity. Hedgerows may be enhanced through the addition of hedge trees. Woodland creation is supported by site-specific design, phased implementation and long-term management planning from the outset.

C7. Community Planting Initiatives

Community Tree Nurseries and community planting events enable local people to grow, plant and care for trees. Community involvement supports stewardship, local ownership and long-term success of schemes.

Community Orchards enable residents to engage with the trees in their community and access free, fresh fruit.

C8. Planting Standards and Establishment

All planting is undertaken in accordance with BS 8545: Tree: from Nursery to Independence in the Landscape – Recommendations. Appropriate measures including pit preparation, staking, guards, mulch and irrigation are applied to support establishment.

C9. Aftercare and Replacement

Aftercare during the establishment period (normally the first three years) includes watering, weed control, inspection and adjustment of stakes and guards, formative pruning and replacement of failed stock where appropriate.

Appendix D – Complaints, Nuisance and Requests

D1. General Principles

All enquiries and complaints relating to trees are logged, assessed and prioritised using a risk-based approach. Matters relating to public safety take precedence over amenity or nuisance concerns.

D2. Dangerous Trees

Where a tree on private land poses an imminent risk to people or property and the owner fails to act, the Council may use discretionary powers provided under the Local Government (Miscellaneous Provisions) Act 1976 (Sections 23 & 24 - Dangerous trees) as a last resort. Such interventions are proportionate and costs may be recovered where legislation allows.

The use of discretionary powers in relation to dangerous trees on private land is exceptional and considered only as a last resort where there is an imminent risk and the owner has failed to act. Responsibility for private trees remains with the owner at all times.

D3. Structural Damage

Claims of structural damage attributed to trees must be supported by independent technical evidence, normally an engineer's report. Trees are not removed solely due to proximity to buildings or alleged damage without substantiation.

Council/Rykneld Homes tenants with concerns a tree is causing structural damage to their rented property are directed to contact the Rykneld Homes.

Private residents/owners with concerns a Council tree is causing structural damage to their private property are advised to contact their insurance company who may arrange for a structural engineer's inspection to be undertaken.

D4. Nuisance-Related Complaints

The following issues are generally considered natural consequences of trees and do not normally justify removal:

- shading or loss of light;
- leaf fall, blossom, fruit drop or honeydew;

- bird droppings or wildlife presence;
- loss of view;
- interference with television or satellite reception.

Proportionate pruning may be considered where it can reasonably mitigate impacts without compromising tree health or amenity.

D5. Highway-Related Complaints

Complaints relating to trees affecting adopted highways, footways or carriageways are referred to the relevant Highway Authority unless the tree falls within the Council's direct maintenance responsibility.

D6. High Hedges

Complaints relating to high hedges are managed through statutory processes set out in the Anti-Social Behaviour Act 2003 and associated guidance.

D7. Cemeteries and Churchyards

Complaints affecting cemeteries and churchyards are managed sensitively, balancing respect for memorials and heritage with public safety, accessibility and biodiversity.

D8. Planting Requests and Site Nominations

Members of the public can nominate sites for tree planting or engage in the Community Tree Nurseries project via the online nomination form on the Council's website.

Appendix E – Biodiversity, Climate and Environmental Context

E1. Biodiversity Networks

Trees form part of wider ecological networks, including wildlife corridors, hedgerows and green infrastructure.

E2. Local Nature Recovery Strategy and Community Forests

Tree planting and management align with county-level Local Nature Recovery Strategies and Community Forest initiatives.

E3. Ancient and Veteran Trees

Ancient and veteran trees are recognised as irreplaceable habitats and are retained and managed wherever practicable.

E4. Climate Change

Management practices and species selection reflect the impacts of climate change, including extreme weather, drought, pests and disease.

Appendix F – Funding, Mapping and Data

F1. Canopy Loss and Gain

The Council monitors canopy loss and gain to inform planting priorities and strategic investment.

F2. Funding Sources

Funding for planting and replacement may include Council budgets, Section 106 contributions, grants and partnership funding.

F3. Mapping and Records

Trees and planting locations are recorded within the Council's mapping systems to support inspection, planning and coordination.

Appendix G – Technical Guidance and Further Reading

G1. British Standards

Key standards include BS 3998 (Tree Work) and BS 8545 (Tree Planting), or their successors.

G2. Terminology

Technical terminology is used in line with industry guidance to ensure clarity and consistency.

G3. External Guidance

The Council has regard to guidance from organisations such as the Arboricultural Association, Forestry Commission, Woodland Trust and the Tree Council.