

Tree on private land and risk

1. Council advice on Private trees

The council do not provide a tree inspection service for private trees. If trees are protected by a Tree Preservation Order (TPO) or in a Conservation Area We will arrange to visit the site and provide some general advice.

You can check if a tree is protected on the Council's interactive planning map on our website

<https://www.highpeak.gov.uk/hp/council-services/planning-and-buildings/interactive-planning-map>

2. Tree owner advice

As a landowner you must make sure your trees don't pose a risk to other people on or next to your land. You should regularly inspect your trees and if you notice anything obviously wrong with the tree eg dead or broken branches, areas of dead bark, cavities, fungi, splits or anything else that might be a risk, you should seek the advice of a tree work professional and undertaken any necessary works to reduce the risk to an acceptable level.

The common sense guide to tree risk management provide details on the legal responsibilities of tree owners and how to manage risk. Here is a link to this document

<https://www.forestry.gov.uk/safetreemanagement>

If you are in doubt about the condition of your tree you should seek advice from a qualified Tree Surgeon or Arboricultural Consultant. The Arboricultural Association provide advice on choosing a tree professional:

<https://www.trees.org.uk/Find-a-professional>

3 Dangerous tree in a neighbour's property

If you think a tree on someone else's property is dangerous you should always speak to the landowner first before contacting us. You will probably want to bring to their attention the advice above. You may wish to consider putting your concerns in writing.

If you're unhappy with the landowner's response, or think the tree is a serious hazard, then you may wish to get advice of an arboricultural professional to assess the tree.

<https://www.trees.org.uk/Find-a-professional>

4. When the council will become involved

If a tree is imminently dangerous and has the potential to effect a third party property or public land such as a park or highway and the land owner is refusing to undertake works the council may be able to ask the owner of the tree to carry out any work to the tree under the Miscellaneous Provisions Act (1976).

By imminently dangerous we mean a tree where the risk of failure is high and it poses an unacceptable risk and is therefore of immediate concern. For example dead trees, large broken hanging branches trees where the roots have lifted and the tree is not stable where if the tree failed there is a high risk it would hit a 'target' – this might be people or property. .

We cannot take action where the concern about the trees which otherwise are healthy but is due to their size or proximity to property they are of concern.

How the council assess tree risk is set out in High Peak Borough Council's Good Practice Guide – Tree Risk Management

[https://www.highpeak.gov.uk/media/118/Good-practice-guide-4---tree-risk-management/pdf/Tree Strategy - Good Practice Guide 4 - Risk management strategy reviewed 2016.pdf](https://www.highpeak.gov.uk/media/118/Good-practice-guide-4---tree-risk-management/pdf/Tree%20Strategy%20-%20Good%20Practice%20Guide%204%20-%20Risk%20management%20strategy%20reviewed%202016.pdf)

We have no powers to deal with trees on private property causing a general nuisance such as shading or leaf fall or to restrict their height except for evergreen hedges – see High Hedges advice .

<https://www.highpeak.gov.uk/article/587/Resolving-high-hedge-disputes>

If the tree is on private land, but obstructing a road or footpath, you should report this to Derbyshire County Council

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