

UP HATHERLEY PARISH COUNCIL

Cheltenham, Gloucestershire



Policy on the Management of Trees owned by Up Hatherley Parish Council

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Next Review Due: January 2028

1.Introduction

This policy outlines how Up Hatherley Parish Council (the Council) manages its trees and responds to reports, enquiries and complaints from the public about Council-owned trees, as well as the rationale behind the decision making process that has to balance the needs of the individual, the wider community and that of future generations.

The Council values the parish-wide tree cover and recognises the immense potential for human and environmental benefits associated with a healthy and sustainable tree population. The value that trees contribute is also recognised at a national level and is supported through the Environment Act 2021 and by the Government's pledge to not only stem the tide of nature loss, but to turn it around and to leave the environment in a better state. The England Trees Action Plan is central to this. It sets out the Government's long-term plan for the whole treescape - trees, woodlands and forests. It includes a vision for trees in 2050 and the economic, environmental, and social benefits that can be realised through new trees and woodlands.

However, the number of trees and canopy composition (the area of ground directly shaded by the leaves and branches of a tree) across the county, and the UK in general has declined in recent years. Current national strategy is to plant more trees but ensuring that it is the right tree in the right place. It is within this context that our approach to managing trees is set.

In the development of this guidance, the Council recognises key legislation, national policy and issues relating to UK-wide trees and hedges and forest health.

2.Definitions

The definition of a tree is a perennial plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground. Beneath the ground, a tree has a root system that acts as an anchor and

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stores the water and nutrients which the plant needs to grow. The surface immediately above the root system is vitally important for the tree's health and should be protected.

A hedgerow is defined as any boundary line of trees and shrubs over 20m long and less than 5m wide, and where any gaps between the trees or shrubs are less than 20m wide (Bickmore 2002) It includes banks and other earthworks associated with the hedge.

Hedges are a line of woody species that may include trees that form a boundary between two parcels of land. There is no legal maximum height for a hedge

3.General Principles

The Council only carry out essential management work to the local tree stock. The Council consider the following reasons as essential management of trees:

- To manage risk to people and property
- Where trees are seen to be damaging built infrastructure
- Where trees are reducing the safe access and egress of a public right of way

Trees have evolved to cope with a range of climatic and weather conditions. As self-optimising organisms, generally they will remain healthy, stable and safe where their environment remains consistent. However, as living growing organisms, it is recognised that trees can develop defects or health issues, e.g. ash dieback, that may lead to failure that poses a risk to people and property in close proximity.

The Council recognise this potential risk and their responsibility to assess trees for safety and may from time to time carry out maintenance work to manage risk. Where tree management work is necessary, this is completed in the most sympathetic manner to maintain the health of the tree and its contribution as a natural asset, while ensuring that individual trees do not pose a physical risk to people or property.

It is important to state that any pruning work has the potential to provide the opportunity for pathogens to enter via wounds. Pruning can also promote vigorous re-growth leading to the need for future cyclical management at significant and ongoing cost. Therefore, pruning will only be carried out where this is necessary for the reasons given above.

Please refer to Appendix 1 for frequently asked questions.

4.Procedures arising from this policy

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4.1. Assessing tree safety

To provide context to the risk posed by trees, approximately:

3 people are killed each year by trees in public spaces and 5-6 when trees or branches fall on them. A person is 50 times more likely to be injured at home than to be fatally injured by a tree!

To ensure that this level of risk remains low and that The Council meets its duties as a responsible land owner, the Parish Council will liaise with the Borough Council Tree Officer and may employ specialist arboricultural contractors to carry out tree safety inspections (who should use the nationally recognised Quantified Tree Risk Assessment (QTRA)).

The Council contractors, (Ubico) carry out small-scale tree works on a regular basis. Where larger or more specialist work is required, specialist contractors may be employed to carry out the work on the Council's behalf. Where contractors are used for safety assessments or tree works, they must meet the Council's procurement policies relating to qualifications and competencies, health and safety systems and insurance.

The Council receives enquiries, reports and complaints about trees in both public and private ownership, adjacent to public rights of way and highways. If a report is received identifying a dangerous tree, the Council will first establish on whose land the tree is growing. The Council can only confirm if the Council owns the land or if a Tree Preservation Order has been made on a privately-owned tree; beyond this, the Council cannot advise on trees in private ownership. Where the tree is confirmed as owned by the Parish Council, it will arrange an inspection and follow the inspector's recommendations for management work. Routine tree audits comprising of safety inspections will be carried out every 3 years.

Where a privately-owned tree is identified as posing a risk to public users of highways and open spaces or it is impeding access to a public right of way or highway, the Parish Council will attempt to identify the landowner and refer the issue to the Borough or County Council to deal with the matter of making the tree safe or clearing access.

4.2. Requests for tree safety assessments

Charges for tree safety assessments will be based on the work required with a minimum cost of £100.

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4.3 Trees requiring special consideration

In addition to the broad value that the tree population provides and its contribution to the social, economic, and environmental fabric of the parish, certain trees may be singled out for special consideration. Many trees outside of Council ownership are already recognised for special status by the use of Tree Preservation Orders (TPO). TPO trees in Up Hatherley Parish ownership need special permission before any work can be carried out. Therefore, to ensure that such trees are given due consideration, this policy outlines below how the Parish Council assess their own tree stock for special consideration.

The Town and Country Planning Act 1990 - Part VIII - Special Controls makes provision for Local Planning Authorities in England to designate and protect trees through the use of Tree Preservation Orders

There are many names given to trees that identify them as having special value; these include Champion, Heritage, Notable, Ancient and Veteran Trees. In addition, trees and woodlands have been planted to commemorate special events or as part of historic landscapes and, more recently, for landscape restoration and enhancement. The value of these trees is often irreplaceable due, for example, to their historical or cultural connections or the age of the trees and associated flora and fauna. This is particularly relevant where trees provide homes for protected species such as bats. Where this is the case, additional laws may be applicable.

Champion-designated because of their height, size or significance (69,000 in UK)

Heritage-contributed to or connected to our history and culture

Notable-mature trees which stand out because large in comparison with other trees around them

Ancient-has passed beyond maturity, often has a wide trunk and likely to be hollow, with a small crown

Veteran-describes a tree with habitat features such as wounds or decay, fruiting bodies and significant amounts of dead wood in the crown or fallen

In future proactive tree assessments, The Council may identify trees that should be recorded as special to the local community, because of their age, beauty, reason for planting. These trees will be mapped and details kept, identifying their special characteristics to ensure that they receive the appropriate protection. Importantly, this does not mean that issues relating to health and safety will be given less priority, rather, that more specialist management options will be considered to ensure that the tree/trees can remain in place for the longest possible duration. For example, it may be appropriate to cable brace or prop a designated special tree where ordinarily, the approach may be felling and replanting.

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5.Hedges

The Council does not own any hedges.

6.Complaints

The Council will consider complaints relating to how they have managed an enquiry, report or complaint about a tree or group of trees in their ownership. Complaints will be dealt with in line with the Complaints Policy.

7.Contacting The Council about trees and hedges

The Council can accept tree enquiries and reports of dangerous trees via:
07403582472 or email clerk@uphatherleyparish.gov.uk

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8. Trees owned by the Council

Fernleigh Green:



Item	Species		Item	Species
T1	Sycamore (Acer Pseudoplatanus)		T6	London Plane (Platanus x Hispanica)

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Item	Species	Item	Species
T2	Norway Spruce (Picea Abies)	T7	London Plane (Platanus x Hispanica)
T3	Cherry (Prunus)	T8	Sycamore (Acer Pseudoplatanus)
T4	Cherry (Prunus)	T9	London Plane (Platanus x Hispanica)
T5	Sycamore (Acer Pseudoplatanus)	T10	Sycamore (Acer Pseudoplatanus)
		T11	Weeping Willow (Salix Babylonica)

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Long Mynd:



Tree	Species	Tree	Species
T1	Weeping Willow (Salix Babylonica)	T8	Cherry (Prunus)
T2	Silver Birch (Betula Pendula)	T9	Dead newly planted tree
T3	Weeping Willow (Salix Babylonica)	T10	Hawthorn (Crataegus Monogyna)
T4	Horse Chestnut (Aesculus Hippocastanum)	T11	Mountain Ash / Rowan (Sorbus Aucuparia)
T5	Apple (Malus)	T12	Cherry (Prunus)
T6	Weeping Willow (Salix Babylonica)	T13	Siberian Crab Apple (Malus Baccata)
T7	Mountain Ash / Rowan (Sorbus Aucuparia)	T14	Hawthorn (Crataegus Monogyna)

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Appendix 1: Frequently Asked Questions

The list below outlines the nature of the most frequent requests made to The Council for tree pruning. All of these are non-essential and requests for pruning or felling for these reasons will not be considered.

It is important to reiterate that any pruning work has the potential to provide the opportunity for pathogens to enter via wounds. Pruning can also promote vigorous re-growth leading to the need for future cyclical management at significant and ongoing cost. Therefore, pruning will only be carried out where it is necessary.

Will the Council prune trees and hedges for cosmetic reasons, appearance or height?

This is unnecessary, costly and may adversely affect the long-term health and structural integrity of trees/hedges. Therefore, The Council does not normally prune trees/hedges for these reasons but will prune trees for the reasons of access, safety and the health of the tree (refer to earlier section on tree safety)

Will the Council prune trees to improve light / reduce shading?

There is no statutory or common law right to light applicable to trees in the UK. Therefore, The Council will not carry out tree works to allow natural light or reduce shading in relation to domestic property. However, where two or more evergreen trees in a line have the potential to be considered as a hedge, Part 8 of the Anti-Social Behaviour Act 2003 may be relevant. Where this is the case, the Borough council can carry out an assessment on these grounds.

Will the Council prune trees to improve the effectiveness of solar panels?

The fact that there is no statutory or common law right to light applicable to trees in the UK also affects the use of solar panels. The presence of existing trees and the impact that they may have, both at present and in the future, should be taken into account when considering the installation of solar panels and the council will not prune trees for this reason.

Will the Council prune trees to improve the effectiveness of TV aerials or satellite dishes?

The purchase of a TV licence or subscription to a service provider such as Sky, provides the purchaser with the right to operate the equipment that receives any available signal. However, there is no legal right to TV / satellite signals in the UK. The Council will not carry out tree works in relation to loss or disruption of signal. Guidance should be sought from the service provider with regard to negating issues relating to reception.

Will the Council prune trees that have grown and are now blocking my view?

As there is no right to a scenic view un-obscured by trees in the UK, The Council will not carry out tree works solely to improve views to and from domestic or commercial premises. This includes areas where views may have previously existed. The Council do reserve the right to

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remove its own trees where it can be established that this will be for the benefit of *public* landscape and visual amenity - for example, in respect to historic parks.

Will the Council prune trees as they shed leaves, fruits and debris?

Reasonable debris such as leaves, fruits, nuts, flowers, residues, minor deadwood, are naturally occurring by-products of the trees' life processes and must be expected where trees occur. The Council will not carry out tree works in relation to negating such matters.

Will the Council prune trees to reduce the nuisance caused by birds and insects?

The excretions of birds and insects, primarily honeydew associated with aphids, are beyond the control of the Parish Council and, therefore, no tree works will be undertaken to prevent problems of this nature.

Will the Council prune trees because branches are overhanging my boundary?

The Council have no duty to prune overhanging branches except where they are in direct or potential conflict with an adjacent built structure. The owner or occupier of adjacent land does have a common law right to cut back overhanging branches to their boundary line. However, it should also be noted that anyone carrying out tree pruning under this right owes a duty of care to the owners of trees and should take reasonable precaution when enacting this right in order to ensure that the long-term health and structural integrity of trees is not compromised.

Anyone wishing to enact his or her common law right to cut back trees to their boundary where The Council owns the trees is encouraged to liaise with the council. This is to ensure that works do not compromise the health of the tree or breach protective designations. Furthermore, there is no automatic right to carry out work on a tree from Council-owned land. Where access is required, the Council must be contacted to agree access prior to any work carried out.

Any tree and hedgerow management work carried out under this right should adhere to the following:

- All work is carried out in accordance with BS 3998:2010 Tree Work – this standard gives general recommendations for tree work and guidance on management options for established trees and overgrown hedges
- Work is carried out at a time that does not conflict with leaf burst or leaf fall
- All work is carried out in accordance with relevant wildlife legislation especially during the bird nesting season
- Any contractor employed is suitably qualified and insured
- Disposal methods of all material associated with the works are agreed with the council in advance and must be in a safe and environmentally-friendly manner

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Can I pay for pruning to be done to Council-owned trees?

The Council values the parish tree population and will manage them appropriately. Therefore, the Council will not consider requests by individuals to pay for tree removal or pruning of Council-owned trees as this would be unnecessary and would have a negative impact on the local environment and its community.

Appendix 2: Ash Dieback

Within The Council's tree policy it is worth noting ash dieback as an issue of particular concern throughout the parish.

General notes on ash dieback:

Ash dieback will kill up to 80% of ash trees across the UK. At a cost of billions, the effects will be staggering. It will change the landscape forever and threaten many species which rely on ash.

Ash dieback (*Hymenoscyphus fraxineus*) is a fungus which originated in Asia. It doesn't cause much damage on its native hosts of the Manchurian ash (*Fraxinus mandshurica*) and the Chinese ash (*Fraxinus chinensis*) in its native range. However, its introduction to Europe about 30 years ago has devastated the European ash (*Fraxinus excelsior*) because our native ash species did not evolve with the fungus and this means it has no natural defence against it.

The fungus overwinters in leaf litter on the ground, particularly on ash leaf stalks. It produces small white fruiting bodies between July and October which release spores into the surrounding atmosphere. These spores can blow tens of miles away. They land on leaves, stick to and then penetrate into the leaf and beyond. The fungus then grows inside the tree, eventually blocking its water transport systems, causing it to die. The tree can fight back, but year-on-year infections will eventually kill it.

It's thought that we are going to lose significant ash populations in the UK. This is going to have a devastating impact on the landscape and the biodiversity of our woodlands, as well as a major loss in connections between habitats as we lose hedges and individual trees outside of woods.

The predicted cost of managing the diseases is high. It includes the practical expense of clearing up dead and dying trees, to the loss of its environmental services such as air purification.

There is hope on the horizon. Initial findings estimate that 1-5% of trees may show reasonable tolerance to ash dieback, but none have been found to display complete resistance. The population could eventually recover over time and studies are ongoing to investigate this.

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Tolerance to the disease is complicated because a number of factors play into it including genetic traits, the health of the tree, its environment, and the number of ash dieback spores in the atmosphere.

Policy Commitments

As part of this tree policy, and in regards to ash dieback specifically, we will;

- **Establish and record where ash trees are within the parish.**
- **Establish and record the health of each tree including;**
 - **Any symptoms and the advancement of the disease**
 - **Any risk to public health**
- **Monitor and record findings of each tree on an annual basis.**
- **Take appropriate action to mitigate risk to public safety and environmental commitments.**

Appendix 3: Useful documents

Common Sense Approach to Managing Tree Risk (2011) National Tree Safety Group. It provides guidance for inspecting and maintaining trees, proportionate to the low risk from trees, the benefits of trees and the health and safety obligations of those responsible for trees.

Trees of Special Interest: Ancient, Veteran and Other - Woodland Trust

Complete_good_hedge_management_guide_leaflet.pdf (hedgelink.org.uk)

The England Trees Action Plan May 2021