EDINBURGH’S TREES

- 638,000 trees in Edinburgh
- 17% of city under tree canopy
- much of tree cover in large woodlands – Corstorphine Hill/Hermitage
COUNCIL TREES

• 8,500 street trees
• trees in parks
• managed by our Forestry Service
• tree tagging and numbering
• disease surveys
PRIVATE TREES

• vital in parts of city with virtually no public open space
• tree management and responsibility for damage is the owner’s responsibility
• tree is yours if its trunk grows on your land
• unprotected trees - no permission needed from Council
• ‘Protected trees’ – owners must notify or apply to Council to fell or do works
WHAT IS A PROTECTED TREE?

• covered by a Tree Preservation Order (TPO)
• in one of our 50 conservation areas (if trunk diameter over 7.5cm at 1.5m height)
• retained by a condition on a planning permission
• criminal offence to cut down, top, lop, uproot or wilfully damage a protected tree without authorisation
TPOs

• 170 in force
• TPO No. 1 made in 1954 (Mortonhall)
• range from single tree (Barnton Oak) to large woodlands (Duddingston)
• we receive c. 100 applications for works to TPOd trees per year
TCOs

• control works to trees in conservation areas
• felling, lopping, crown-lifting
• receive c. 500 - 600 TCO notifications per year
• highest of any Scottish council
• binary decision: to make or not to make a TPO
DECISION-MAKING

• new TPOs made by officers under delegated powers
• Development Management Sub-Cttee confirms new TPOs within 6 months
• decisions on TCO notifications & TPO applications delegated to officers
• cases appear on Weekly List but no mechanism in law for:
  • neighbour notification
  • public consultation period
  • third party objections or representations
Community Council Training Session

TREE PROTECTION
TREES
TREES
BENEFITS OF TREES

• Clean Air
• Landscape Enhancement
• Reduce Water Run-off
• Food & Materials
• Shelter
• Wildlife value
• Soil Stabilisation
WELLBEING

• Car Commuters
• Hospital Patients
• Living close to Trees
  • Know more/better relationship with neighbours
  • Feel safer
  • Involved in less domestic violence
TREE PRESERVATION ORDERS

• Legal document made by a Planning Authority under Section 160 of The Town and Country Planning (Scotland) Act 1997

• Legal Burden

• Makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the Council’s permission

• Exemptions
Can be made when it is
- expedient and
- in the interests of amenity.
- Trees or woodland are of cultural or historic significance

Anyone can apply for TPO to be made
- Trees should have a significant impact on the public amenity of an area and
- be in good condition and have a significant life expectancy

All types of trees, including hedgerow trees, can be covered. And from single trees to woodlands.

An owner retains responsibility for protected trees
TREES PRESERVATION ORDERS

- Making a **TPO**
  - Served on those with a legal interest on the land
  - Advertised
  - 28 days for Objections/representations
  - Confirmation
TREES PRESERVATION ORDERS

• Applying for permission
  • On-line application (eplanning)
  • No neighbour notification
  • No right of representation

• Considerations

• Decisions
  • Approve with or without conditions
  • Refuse

• Appeals
TREES PRESERVATION ORDERS

• 282 applications for consent in last 3 years
  • 68% Granted
  • 24% Refused or partly refused
• 13 appeals
  • 2 allowed
TREES IN CONSERVATION AREAS

• Notification not application
• 6 weeks written notice
• After 6 weeks the tree work specified may proceed.
• 2 years to carry out the work
• Council cannot refuse permission or apply conditions
• Cannot require replacement trees
• Exemptions
UNAUTHORISED TREE WORK

• The Planning and Building Standards Portal can be checked to find out if tree work is authorised
• Unauthorised work in the process of being carried out report by phone
• Unauthorised work already carried out, use the breach of planning control form on the Council website
OFFENCES FOR TPO & CA

• Criminal offence
• Criminal court level of evidence required
• Case must be in the public interest
• Penalties
• Where trees are removed or destroyed
  • Duty on owner to replace
  • Enforced by a Tree Replacement Notice
  • Appeal
  • Direct Action
Contacts and sources

CEC Forestry Service
forestry.service@edinburgh.gov.uk

TPOs & TCOs & General Enquiries
planningtrees@edinburgh.gov.uk

National Planning Portal
www.eplanning.scot

CEC Guidance on Privately-Owned and Protected Trees
www.edinburgh.gov.uk