

CITY DEVELOPMENT PLANNING

DEVELOPMENT QUALITY HANDBOOK

Tree Protection

■ OBJECTIVE

This guideline is supplementary to local plan environment policies and supports the Council's aims of retaining of healthy trees of landscape or amenity significance, encouraging new tree planting wherever appropriate within new development and promoting a substantial renewal of the city's woodland resource.

■ POLICY CONTEXT

NPPG 14 "Natural Heritage" states that:

"Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Local plan policies seek to protect trees on development sites. For example policy GE11 of the Central Edinburgh Local Plan states:

"Development proposals must show consideration for any trees on or around the site; the survival and retention of healthy mature trees must be accommodated through the construction period and in the proposed layout of buildings."

■ SCOPE OF GUIDANCE

These guideline applies on a city-wide basis.

■ STATUTORY AND OTHER REQUIREMENTS

The Council has a specific responsibility under planning legislation to ensure that in granting planning permission for new development, provision is made for the preservation or planting of trees.

Proposals for work to trees covered by a Tree Preservation Order (TPO) will require written consent. This consent will lapse if work is not carried out within two years of decision. Work being undertaken should be in accordance with BS 3998 (1966) "Recommendation for Tree Work". The provisions of a TPO will not apply in cases where the uprooting, felling or lopping of trees:

- (1) is urgently necessary for safety reasons;
- (2) is necessary for the prevention or abatement of a nuisance; or
- (3) is in compliance with any obligation imposed by (or under) an Act of Parliament. In cases (1) and (2) notice in writing of the proposed operations must be submitted to the planning authority as soon as practicable after the operations become necessary.

Within a conservation area, an owner is required to provide 42 days written notification to the Council of any intention to undertake tree work. The applicant is free to implement the work at the expiry of this period unless the Council considers the trees to be of sufficient public amenity value to serve a TPO to protect the trees. Conditions for TPOs will then apply.

1. Making a Tree Preservation Order

The Council will, where appropriate, consider using TPOs to secure the preservation of trees which satisfy the following criteria:

- a) trees must be of sufficient stature and be prominently located so that they can be described as being of amenity value to the public at large. In considering the amenity value of trees, their importance as a wildlife habitat will be taken into consideration.
- b) trees must be in sound condition with a significant life expectancy;
- c) the Tree Preservation Order when made must be enforceable (i.e. circumstances should not exist which significantly prejudice the existence of the tree).

2. Tree Preservation Orders

All of the following provisions apply to trees covered by a Tree Preservation Order:

- a) The making of a TPO will imply a strong presumption against any form of development or change of use of land which is likely to damage the trees or woodlands or otherwise severely prejudice their future long term existence.
- b) In the case of new development no development will be permitted within a zone measured 10m from the outermost edge of the tree canopy or 20m from the bole of the tree whichever is the greater.
- c) The removal of trees for arboricultural reasons (e.g. wind damage, fungal decay, etc.) will not imply that the space created by their removal can be used for some form of development. Trees so removed should be replaced by specimens of the same species, or alternative species as approved by the planning authority, which are capable of achieving the same stature as the original trees. Accordingly, the same requirement as laid down in (b) above will apply.
- d) Unless specified otherwise, every tree which is removed after receiving the necessary consent will be replaced by at least three specimens of the same or similar species.
- e) Deciduous trees planted as replacements will be of a size not less than “standard” trees as defined in BS 3936 Part 1 1980, unless the trees form part of a woodland, in which case suitably sized whips (deciduous) and/or forest transplants (conifers) will be acceptable in accordance with standard forestry practise.
- f) Consents for tree work other than felling will be conditional on the work being undertaken in accordance with BS 3998 1966 “Recommendation for Tree Work”. Operations normally referred to as lopping or topping are considered prejudicial to the amenity of the area in which the trees are located and will not receive approval.
- g) Deviation from or relaxation of, any of the foregoing requirements will only be at the discretion of the planning authority and only after an unavoidable need has been established.

3. Conservation Areas

Mature trees within conservation areas are considered by the Council to have a similar value to those covered by Tree Preservation Orders. In the case of new development proposals affecting trees in conservation areas, allowance should be made for an undeveloped zone measured 10 metres from the outermost edge of the tree canopy or 20 metres from the bole of the tree whichever is the greater.

4. General Requirement

Development proposals must take account of all existing trees, whether or not they are covered by TPO, indicating on the application plans their position, canopy spread and provision made for their protection during construction work and long term retention.

■ REASONED JUSTIFICATION

Woodlands, trees and hedgerows are important features contributing to landscape quality, amenity and nature conservation value, and their retention can be crucial to the maintenance of that quality in a range of settings. These settings may vary from inner city environmental improvement schemes and conservation areas, tree lined streets and parks, designed landscapes in historic gardens through to long established or ancient woodlands, some of which may form the city's Green Belt.

Mature trees contribute greatly to the special character of conservation areas and should be regarded as having as much value as those covered by Tree Preservation Orders. Existing trees can be threatened by development proposals for the large gardens and villa grounds found in many conservation areas, and developers must give due consideration to their retention at an early stage in the design process. Where appropriate, the Council will serve a Tree Preservation Order on trees in conservation areas to confirm this level of protection.

To ensure that a tree's long term existence is not prejudiced by development proposals, an area around the tree must be left undisturbed to avoid root and other physical damage, and to allow for future branch spread and tree growth. In addition, sufficient distance should be left between a new building and a mature tree to avoid obstruction of light and views, and risks to property from falling debris and trees. Construction within conservation areas and areas covered by Tree Preservation Orders should therefore be limited to a distance of 20 metres from the bole or 10 metres from the outermost edge of the tree canopy, whichever is the greater.

On a wider scale the Council recognises the potential and need to achieve a greatly increased amount of tree planting throughout Edinburgh and has approved to this end an Urban Forestry Strategy.

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