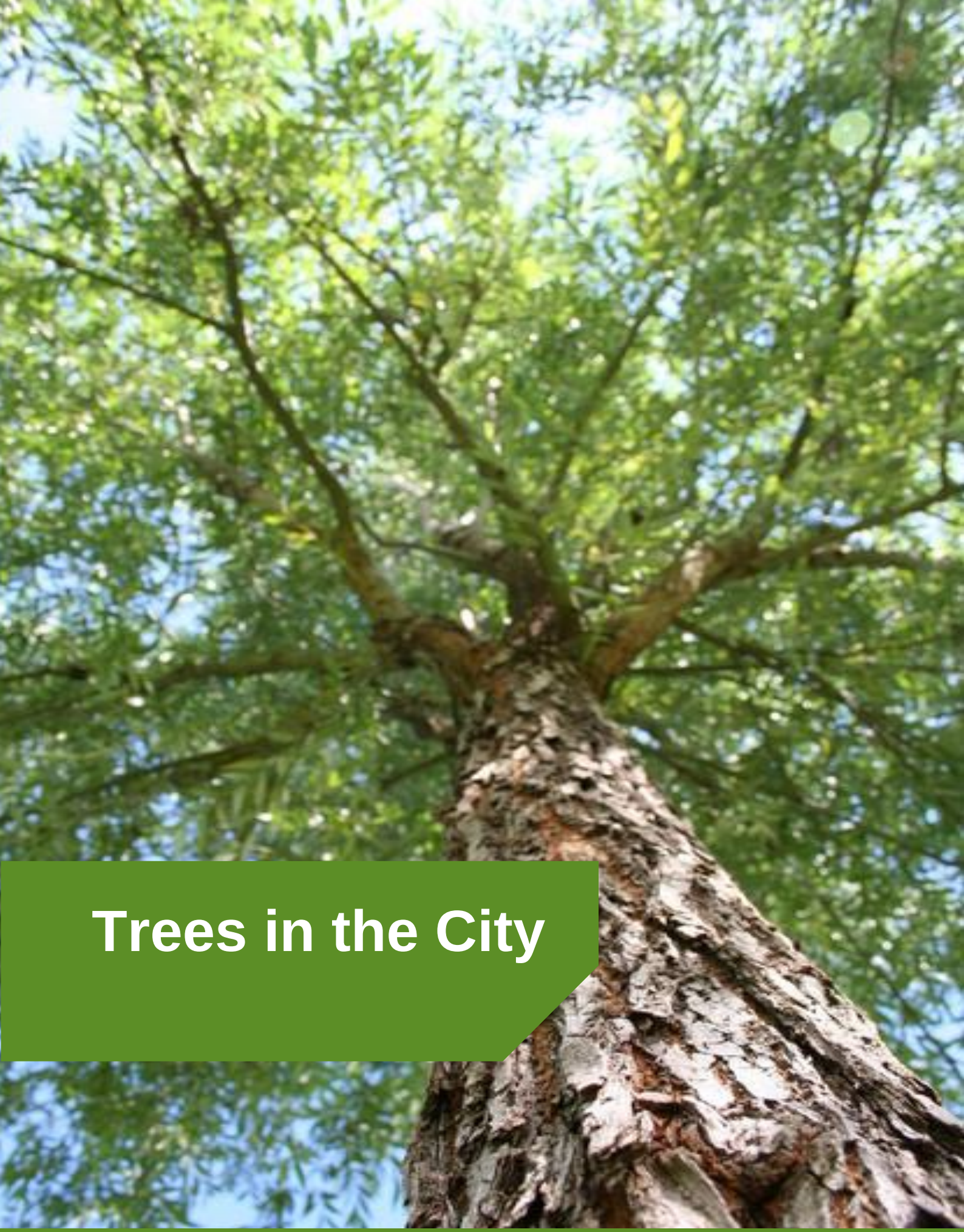


Trees in the City

The City of Edinburgh Council's Forestry Service – Tree Management Policies – September 2023

Contents

1 Introduction

This second **Trees in the City** has been updated and builds upon its predecessor to set out the Council's policies relating to the management and maintenance of its trees within the city. It also considers the development of tree-related projects and initiatives. Trees in the City supports the strategic actions of Edinburgh's Million Tree City.

The document provides a framework under which the Council's Forestry Service operates and provides information to residents about what the service will and will not do with regards to managing and maintaining trees in the city. The implementation of these policies also relies on and refers to other sections of the Council that have tree assets or influence tree numbers in the city. The document also considers woodland creation, maintenance, and management. Information is provided on associated tree and woodland policies currently in place and highlights those planned for the future.

Trees are an integral part of the city contributing economic, social, and environmental benefits. Trees are also important for the city as it aims to become more sustainable and meet the challenges of climate change, as well as create critical habitats for wildlife and help tackle pollution and improve air quality.

Trees are living organisms that require management and maintenance to ensure they are kept healthy and safe throughout their life cycle. However, like humans, trees do suffer from pests, diseases, and pathogens. Likewise, some of health conditions cause little harm and form part of natural life and trees can recover; however, other health conditions can cause severe harm and threaten a tree's viability and survival.

While an individual tree may be infected and suffer, there are increasing numbers of pests, diseases, and pathogens that can threaten entire species and tree pandemics have a massive impact on our native trees. Dutch Elm Disease has affected the city's Elm trees for many years. More recently, Ash Dieback will likely see most of our ash trees removed and will have a disastrous impact on the wildlife that rely upon this common tree species throughout the city. The loss of majestic trees to disease changes the city's landscape, and new trees will take many years to grow to maturity.

Trees are expected to grow in a variety of places and challenging environments throughout the city, sometimes in relatively hostile growing conditions. Trees may be subject to root compaction or other constraints in streets, grow in flood zones, receive damage from vehicles along road verges, or be subject to vandalism. Trees also need to be appropriately chosen to grow in a variety of environmental conditions and locations from the coastal areas to inner city and rural areas, in parks, greenspaces, and cemeteries to historic woodlands, hills, and within the regional park.

As a result of damage by people, vehicles, and storms; death from pests or diseases; development, or old age, many trees are removed from the cityscape each year. Therefore, planting trees must replace those lost. Therefore, the Council supports the ambitious goal of making Edinburgh a million-tree city

by 2030 through the planting of at least 250,000 more trees.

1.1 Objectives of the document

The policies set out in this document have the following general objectives:

1. To set out clearly existing and future tree-related policies that will inform how the Council manages trees and woodlands in its own ownership.

2. Provide guidance to inform the public on tree-related matters and on their rights and responsibilities.

1.2 Scope of the document

This document does not attempt to create policies on trees related to planning or development control as these policies and guidelines are set out elsewhere. Whilst the laws governing trees in Conservation Areas and those covered by Tree Preservation Orders are a part of Planning legislation, the content about them has been included in this document to help inform the reader.

1.3 Glossary of terms

Ash Dieback Action Plan – A Council strategy to actively manage the risks associated with Ash Dieback disease affecting Ash trees across the city.

BS 3998:2010 'Tree work – Recommendations' – the latest British Standard applying to work carried out on trees.

BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations' – the latest British Standard applying to tree protection in relation to works carried out close to trees.

CAVAT – Capital Asset Value for Amenity Trees is a method for valuing trees as public assets, taking in cultural, social and environmental factors as well as visual amenity contribution.

Conservation Area – a planning designation applied to parts of the city which confers a measure of protection over the trees located within it.

Ecosystem services – a wide range of processes and resources delivered by ecosystems that are of benefit to people, such as removal of atmospheric pollution, storm water storage etc.

Edinburgh Million Tree City – A project that aims to plant 250,000 more trees by 2030 to make Edinburgh a million-tree city.

Extra-heavy standard – a tree grown in a nursery usually 16 to 18 cm girth or more.

FCS – Forestry Commission Scotland, the government's former forestry regulation body and land manager. Two executive agencies of the Scottish Government deliver forestry and land management functions (see Scottish Forestry and Forestry and Land Scotland that manage the National Forest Estate).

Helliwell valuation method – an aid to practical planning and management of woodlands and urban trees by evaluating their relative contribution to the visual quality of the landscape.

i-Tree eco valuation – a model developed by the US Forest Service to quantify a selection of ecosystem services delivered by trees at the city scale.

LFGNP – Lothians & Fife Green Network Partnership – made up of councils and governmental agencies to promote green network development.

Millennium woodlands – Woodlands that were planted in Edinburgh in the period 1997-2001 as a part of the Millennium Forest project.

PM_{10} – Particulate matter of very small size (<10 µm [micrometres]). The principal source of airborne PM_{10} matter is road traffic emissions, particularly from diesel vehicles.

Scottish Forestry is an executive agency of the Scottish Government responsible for regulatory, policy, support and grant-giving forestry functions.

Standard tree - a tree grown in a nursery usually 8-10 cm girth or more.

Transplant – a young tree 2 or 3 years old grown in a nursery usually 30 to 45 cm tall.

TPO – Tree Preservation Order, A designation made under planning legislation to protect trees either individually or in groups.

VTA – Visual Tree Assessment. This is a methodology for systematic assessment of tree condition developed by Claus Mattheck.

Whip – a young tree, 3 years old or more, usually 60 to 120 cm tall.

2 The Benefits of Trees in the City

2.1 Introduction

Trees make a vital contribution to quality of life in Edinburgh, both as street trees and as a component of parks, gardens and woodlands. They provide sensory stimulation, visual relief and aesthetic pleasure that changes with the seasons, help to provide the setting for buildings and screen unwanted views, and reduce the impact of noise.

They provide ecosystem services and act as reservoirs for biodiversity. For many citizens, trees are the most obvious and readily available form of contact with nature. Surveys indicate that Edinburgh citizens value daily contact with nature very highly.

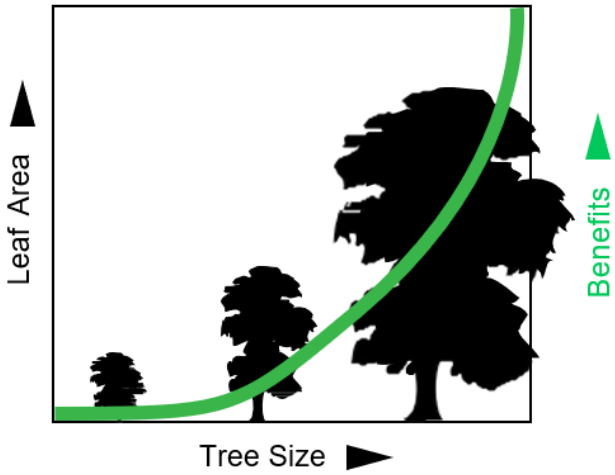
Trees remove pollution from the atmosphere and perform a service in removing particulates (known as PM_{10}) thereby improving air quality. Tree roots may help to store storm water thereby alleviating localised flooding. Trees provide shade in summer and shelter in winter. As trees grow they convert atmospheric carbon dioxide into wood-storing carbon, lessening the rate of climate change.

The benefits of trees may be summarised as follows:

- Improving biodiversity and providing a range of ecosystem services
- Storing carbon dioxide from the atmosphere
- Providing shelter in winter and shade on hot days
- Health benefits – including removing harmful particulates from the air
- Relieving localised flooding
- A range of other benefits.

2.2 Which tree is most valuable?

As trees increase in age and size, their benefits increase exponentially.



This means that it is of key importance to conserve and maintain existing trees, especially where they are old and large. Replacing old trees with newly planted ones is of course essential, but for new trees to replicate the benefits provided by older, larger trees they would need to be replaced at a rate of 40 to 1, or alternatively wait for 30 – 50 years for their value to increase naturally. Older and larger trees in the city are currently undervalued and should not be removed unless there are compelling reasons to do so.

2.3 Benefits of trees

Trees provide benefits both to the environment, promote people's wellbeing, and create healthy, liveable, and sustainable communities. Some of the benefits are outlined below:

Contribution to landscape quality, screening eyesores and enhancing buildings

Most people enjoy seeing and being amongst trees. The inclusion of trees in residential developments can transform the appearance of sites for the better and create a more diverse and pleasing environment. The positive impact of broadleaved woodland on property prices is well documented, with increases in property values ranging from 5% – 18%[1]. The larger the trees are, the greater their proportional value.

Industrial and commercial areas and employment sites with access to natural greenspace can have more productive and satisfied employees. Retail areas with trees perform better than shopping centres without them. The tourist attraction of wooded areas is widely acknowledged, with many local economies benefiting significantly. As a consequence of all of these contributions, commercial, and urban areas with good tree cover tend to attract higher levels of inward investment.

Countering climate change

"Trees are a key part of our armoury to combat climate change"[2]. Trees naturally absorb carbon dioxide (CO_2), a major greenhouse gas, through the process of photosynthesis. Thus, trees help to create a significant carbon sink, sequestering carbon to benefit everyone through a natural process. The UK's forests and woodlands contain around 150 million tonnes of carbon and act as an ongoing carbon sink by removing a further 10 million tonnes of carbon from the atmosphere every year[3]. It has been calculated that a 33% increase in UK woodland cover would deliver an emissions abatement equivalent to 10% of greenhouse gas emissions by the 2050s[4].

The adoption of low-carbon options, such as timber in construction, is also beneficial. Every cubic metre of wood that is used as a substitute for other building materials saves around 1.1 tonnes of CO_2[5]. More extensive use of timber in this way could store 10 million tonnes of UK carbon (equivalent to 37 million tonnes of CO_2) by 2020.

Tempering the effects of severe weather

The capacity of trees to attenuate water flow reduces the impact of heavy rain and floods and can improve the effectiveness of Sustainable Urban Drainage Systems (SUDS). By moderating temperatures through a combination of reflecting sunlight, providing shade, and evaporating water through transpiration, trees serve to limit the 'urban heat island' effect. Trees moderate local microclimates, as urban areas with trees are cooler in summer and warmer in winter. Trees also help to alleviate fuel poverty. Well-positioned

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[1] 'The Case for Trees', Forestry Commission, 2010. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf

[2] Ibid.

[3] https://www.forestresearch.gov.uk/documents/7738/FCMS022_6_-_Mitigation_-_planting_more_trees.pdf

[4] 'The Case for Trees', Forestry Commission, 2010. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf

[5] https://wpif.org.uk/uploads/publications/Climate%20Change%20Use%20Wood_%20English%20Text.pdf

trees help to improve the environmental performance of buildings by acting as a buffer or 'overcoat', reducing thermal gain in summer.

Improving air quality

Local air quality is improved as trees cut the level of airborne particulates and absorb nitrogen dioxide, sulphur dioxide, and ozone.

Monitoring for PM_{10} (any particulate matter in the air with a diameter of 10 micrometres or less) is carried out at automatic Air Quality Monitoring Stations (AQMS) strategically located across the city. All monitoring locations reported concentrations below the annual mean Air Quality Strategy objective for PM_{10} ($18\mu g/m^3$) in 2020[6].

Whilst monitoring data demonstrates that the UK Standard for PM_{10} (40 µg/m3) is not being exceeded and PM_{10} levels across the city are well below this standard, the Scottish Government has specified a more stringent Air Quality Standard for PM_{10} (18 µg/m3) in Scotland.

Monitoring data suggests that the majority of heavily trafficked routes within the city centre area are likely to exceed the Scottish Government's annual objective for PM_{10}. Therefore, the Council must continue working towards containing and reducing levels of PM_{10}, wherever practicable. The evidence is that appropriately sited and designed tree planting will assist in reducing PM_{10} and other pollutants.

Trees and woodlands in Edinburgh remove around 100 tonnes of airborne pollutants a year[7].

Biodiversity

Trees host up to 5,000 different species of invertebrate[8] that, in turn, form crucial links in a healthy food chain that benefits birds and mammals.

Lines of trees can form the basis for biodiversity networks or links between habitats; and woodlands provide pockets of wildlife that become more biodiverse over time, as well as providing opportunities for people to be closer to nature.

Reducing openspace management costs

Openspaces with good levels of tree cover may be less costly to maintain than grassed areas. Cutting grass by gang mower is amongst the cheapest form of active maintenance, with annual costs of around £2,100 per hectare[9]. However, gang mowing is only possible on larger areas.

Woodland is cheaper to maintain, ranging from £325 per hectare per year to £1,880 per hectare per year for the more complex type of woodland planting[10]. It is the diversity and other benefits described elsewhere in this section that tip the balance towards tree planting. This is not a recipe for the wholesale blanketing of parks and openspaces with woodland, rather an indication that modest increases in tree cover of the sort advocated in the

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6 https://www.edinburgh.gov.uk/downloads/file/30443/laqm-annual-progress-report-2021

7 https://forestry.gov.scot/images/corporate/pdf/wiat-urban-forest.pdf

8 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf

9 Figures from 2011 contained within https://www.woodlandtrust.org.uk/media/1828/trees-or-turf-for-urban-green-space.pdf have been adjusted for 2022 to account for inflation.

10 Ibid.

adoption of initiatives, projects such as the Edinburgh Living Landscape or Edinburgh Million Tree City, will bring some cost savings whilst at the same time creating additional benefits.

Health benefits

The presence of trees often encourages people to exercise, thereby reducing the incidence of heart attacks and Type 2 Diabetes[11]. Trees absorb considerable quantities of airborne pollutants and the resulting cleaner air cuts asthma rates. Asthma rates reduce among children aged four and five years old by 25% for every additional 343 trees per square kilometre[12].

Wooded environments are known to calm people, relieve stress, and provide a spiritual value that supports improved mental health and wellbeing. When they can see trees from their beds, patients' recovery times are faster as well[13].

The general health dividend provided by trees has been scientifically proven – Dutch research shows neighbourhoods with good tree cover are, statistically speaking, significantly healthier than less green urban areas. The positive benefits of trees do not stop there. Because they provide increased shade, the risk of skin cancer in tree-covered areas should be lower.[14]

Food growing

The growing of fruit trees in urban areas is increasingly popular and in line with the greater interest in local food production. Apples, pears, plums, and other fruiting species can all be grown successfully in Edinburgh, and whilst they do require management, they do not require particularly specialised conditions or care. Fruit trees can be an important part of community orchards, community gardens, and allotments.

Providing useful by-products

Urban trees provide a range of different by-products – from small amounts of timber to mulch, and as mentioned above, fruit.

Creating community spirit

More than 80% of people live in urban areas in Scotland[15]. Our home and community environments are much more harmonious and closely knit where the urban setting includes trees[16]. Trees create a sense of place and our feelings of pride in our surroundings are also heightened.

Urban areas with good tree cover tend to attract higher levels of inward investment[17] and also contribute indirectly to local economies.

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[11] 'The Case for Trees', Forestry Commission, 2010. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf

[12] Doick, K.J., Handley, P., Ashwood, F., Vaz Monteiro, M., Frediani, K. and Rogers, K. (2017). Valuing Edinburgh's Urban Trees. An update to the 2011 i-Tree Eco survey – a report of Edinburgh City Council and Forestry Commission Scotland. Forest Research, Farnham. 86pp.

[13] Ulrich RS. View through a window may influence recovery from surgery. Science. 1984 Apr 27;224(4647):420-1. doi: 10.1126/science.6143402. PMID: 6143402.

[14] 'The Case for Trees', Forestry Commission, 2010. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718033/eng-casefortrees.pdf

[15] https://forestry.gov.scot/images/corporate/pdf/wiat-urban-forest.pdf

[16] 'People, parks and the urban green: a study of popular meanings and values for open spaces in the city', Burgess M, Harrison CM, Limb M, Urban Studies. 25, 455-473, 1988; 'The power of trees', Tina Prow, University of Illinois, Human Environmental Research Library.

[17] 'Managing Urban Spaces in Town Centres – Good Practice Guide', DoE and The Association of Town Centre Management, 1997.

Trees make positive contributions to urban living conditions. Crime can be reduced where streets are planted with trees[18] and noise levels from traffic can be reduced[19].

2.4 Problems posed by trees in urban areas

Most trees are not a problem but in certain situations trees at any stage of growth from sapling to fully grown may present problems varying in severity from nuisance, such as saplings growing out of masonry; unwanted shading and blocking views; to danger to life, limb and property due to defective limbs, roots, the effects of disease; or following extreme weather. In most cases, these issues can be effectively managed. There are variations between species and varieties in the probability and severity of problems occurring, and it is of key importance to select the right tree for the right place. However, trees grow naturally from seed or by suckers and in some locations the growth of trees in unsuitable locations may lead to significant problems.

In order to manage tree-related problems, a comprehensive range of tree management policies have been drafted, which are intended to provide a reliable and sensible framework for the management of the Council's tree stock.

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18 'Environment and Crime in the Inner City. Does Vegetation Reduce Crime?' Kuo FE & Sullivan WC, Environment and Behaviour 33 (3), pp 343-367, 2001; 'Aggression and Violence in the inner city: Effects of Environment via Mental Fatigue', Prof. Kuo FE & Sullivan WC, Environment and Behaviour 33 (4) July, pp 543-571, 2001.

19 'Assessing the Benefits and Costs of the Urban Forest, Dwyer JF, McPherson EG, Schroeder HW & Rowntree R, Journal of Arboriculture 18 (5), pp227-234, 1992; 'Identified Benefits of Community Trees and Forests', Coder KD, University of Georgia Cooperative Extension Service – Forest Resources Publication FOR96-39, 1996.

3 The Status of Trees in Edinburgh

3.1 Overview

Survey work carried out by Forest Research estimates that there are 712,000 trees in Edinburgh[20]. The Council has been undertaking tree counts over the last few years and is planning an updated i-Tree Eco survey in 2024. The Council owns a large amount of land in Edinburgh, the largest parts of which are woodlands and parks and open land with varying amounts of trees.

It is difficult to know reliably whether the total number of trees in the city has been increasing or decreasing, as accurate population counts have never been carried out. Some data does exist however – Scottish Forestry carries out survey work and estimates that 17% of Edinburgh's land area is covered by tree canopies. For comparison, Scotland as a whole currently has 17.6% tree cover. For cities and towns, the mean figure for England and Wales is 11.8%, which would suggest that Edinburgh is relatively well covered by trees. However, much of Edinburgh's tree canopy cover is concentrated in large woodlands, such as Corstorphine Hill (76 hectares) and the Hermitage of Braid (58 hectares). The number of trees in streets is relatively small (around 1.4% of the total). In London and the South West of England, street trees comprise between 2 and 14% of canopy cover.

The contribution of privately-owned trees to canopy cover in the city is significant. For example, districts such as the Grange, which have virtually no public openspace, but many mature trees located in domestic gardens provide tree canopy cover.

There are a number of reasons for the previous reduction in street trees, but essentially the problem is that they are not always replaced when they die or are felled or are affected due to proximity of utility and other works damaging roots. It can be expensive to excavate tree pits at the roadside, and regulations affecting road occupation may have made it more difficult to carry out planting operations. There is increasingly a risk-averse culture, which tends to reject the planting of trees near utilities and may also mean that tree pits on footways, which are not promptly replanted, may be infilled or tarred over. However, with the ambitions of becoming a million-tree city, as well as climate and nature emergencies having been declared, it is expected that more street trees will be planted.

Trees in streets are most effective in delivering the types of benefits we increasingly need to obtain from our tree population. Through concerted efforts to plant more street trees will their numbers increase across the city.

3.2 Tree pests and diseases

One of the biggest threats to the status of trees in the city comes from tree pests and diseases.

[20] Doick, K.J., Handley, P., Ashwood, F., Vaz Monteiro, M., Frediani, K. and Rogers, K. (2017). Valuing Edinburgh's Urban Trees. An update to the 2011 i-Tree Eco survey – a report of Edinburgh City Council and Forestry Commission Scotland. Forest Research, Farnham. 86pp.

Most people will be aware of the arrival in the UK of a potentially disastrous disease affecting ash trees, which was first detected in 2012. Three names have been in use for the causal agent of this disease, initially *Chalara fraxinea*, then *Hymenoscyphus pseudoalbidus*, but the name *Hymenoscyphus fraxineus* is now being used widely[21]. The immediate future for *Hymenoscyphus fraxineus* and ash is simply not known at this stage, and Edinburgh will follow best practice advice in dealing with the threat.

Dutch elm disease, which arrived in Edinburgh in 1976, is a significant disease, resulting in around 1,000 trees infected and felled every year in the city at its peak. Edinburgh continues to rely on elms planted in Victorian times for a significant amount of its tree cover, and many of the larger and more valuable trees are therefore vulnerable to the disease. Whereas many cities abandoned disease control many years ago, Edinburgh's disease control campaign, running continuously since 1976, has limited the losses and ensured a greatly longer life for most elms.

Phytophthora lateralis affects Lawson's Cypress (and its many cultivars) and has already been confirmed at a number of sites in the West of Scotland. It could yet become a significant cause of death in urban populations of this species as its distribution and prevalence is not yet fully known.

Currently, the main threat to our native oaks in the UK is from Acute Oak Decline. In southern Britain, the Oak Processionary Moth has also become a serious pest due to its potential impact on public health (caused by its highly irritant hairs). The Scottish Government have confirmed six interception cases of Oak Processionary Moth in Angus, East Lothian, Fife, Inverness, and two in Lanarkshire[22].

Horse Chestnut is affected by Bleeding Canker (caused by *Pseudomonas syringae pv. aesculi*) and Horse Chestnut Leaf Miner, both of which have been highly significant in southern parts of the UK, but only Bleeding Canker is currently a significant issue in Scotland, where 50% of urban horse chestnut trees were found to have been infected in 2007. There is no known cure.

Other insect pests, such as Emerald Ash Borer, Asian Longhorned Beetle, Citrus Longhorned Beetle, and Pine Processionary Moth have not so far taken a hold in the UK, but in mainland Europe and North America these have caused the death of trees on a massive scale, which has had a significant economic impact. An outbreak of the Asian Longhorned Beetle occurred in 2012 in southern England. Control measures designed to eradicate the beetle were immediately put in place and are thought to have been successful. An outbreak of the Asian Longhorned Beetle in Edinburgh, for example, would pose a significant threat to 59.3% of the city's trees[23]. International trade and warming climates increase the risk of the Pine Processionary Moth, as well as other species, establishing breeding populations in the UK.[24]

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[21] https://www.forestresearch.gov.uk/research/chalara-research/

[22] https://www.planthealthcentre.scot/sites/www.planthealthcentre.scot/files/2019-11/phc_pest_review_opm.pdf

[23] Doick, K.J., Handley, P., Ashwood, F., Vaz Monteiro, M., Frediani, K. and Rogers, K. (2017). Valuing Edinburgh's Urban Trees. An update to the 2011 i-Tree Eco survey – a report of Edinburgh City Council and Forestry Commission Scotland. Forest Research, Farnham. 86pp.

[24] https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/pine-processionary-moth-thaumetopoea-pityocampa/

4 Private Land and Development

4.1 Overview

Trees and woodland make an enormous contribution to the unique urban landscape of Edinburgh and play a major role in the international importance of its setting. In addition, trees and woodlands provide a wide range of environmental, social and economic benefits. In response to this, the Council aims to protect and enhance trees and woodlands through a range of statutory and policy measures. These measures relate to trees on private and public land, and trees which are affected by development.

Key planning documents and policies that concern trees are available on the Council's website. This document does not set out to create or review planning or development control policies, which have their legislative basis in planning legislation and are subject to a separate consultation and approval process.

5 Management Policies

5.1 Introduction

Edinburgh's residents, visitors and businesses benefit from the many economic, social and environmental functions and values that the city's trees and woodlands provide. It is therefore in the interests of all that trees and woodlands are managed to the highest standard to maximise their benefits and minimise the risks and difficulties that they may present to the public.

The policies set out in this document are intended to cover the majority of tree-related concerns, and to provide guidance on how the Council will deal with these in relation to its own land holding. Whilst there are 54 policies, there may still be eventualities arising not covered by a policy. The Council does not have unlimited resources to respond to tree problems and work requests, and therefore has to prioritise which works are most important. The policies are intended to make the decision-making process around tree work more transparent.

5.2 Aims of tree management policies

The aims of the tree management policies are:

- To set out how the Council will manage, protect, and enhance its tree stock;
- To set out the criteria for decisions taken by the Council in respect of the management of trees and woodlands, and how work will be prioritised;
- To set out how the Council intends to fulfil its duty of care in respect of health and safety and public liability;
- To promote positive management of Edinburgh's trees through adoption of good practice;
- To highlight tree protection legislation in the form of Tree Preservation Orders and Conservation Areas;
- To support Edinburgh's Biodiversity Action Plan[25] and other landscape, ecological, placemaking, and sustainability strategies where appropriate.

5.3 Legal Obligations

The Council has a duty of care to maintain its trees in a safe condition where that is "reasonably practicable". Proactive management ensures that it is able to meet its Health & Safety liability relating to public trees, allowing people to safely enjoy the amenity, conservation and health benefits that Edinburgh's trees provide.

Duty of care is defined by several different Acts, including the Occupiers Liability (Scotland) Act 1960 and the Health & Safety at Work Act etc 1974, section 3 (1); Land Reform (Scotland) Act 2003; Roads (Scotland) Act 1984; Town and Country Planning (Scotland)

25 https://www.edinburgh.gov.uk/downloads/file/26216/edinburgh-biodiversity-action-plan-2019-2021

Act 1997; Wildlife & Countryside Act 1981; and Nature Conservation (Scotland) Act 2004. The management of trees is informed by Health & Safety Executive guidance "Management of Risk from Falling Trees" (SIM 01/2007/05) 2007.

The above legislation, together with established case law, means that the City of Edinburgh Council must:

- Survey its trees.
- Have this done by a competent person.
- Take reasonable action to ensure that they are reasonably safe.
- Create individual tree reports to instigate works orders to deal with potentially serious structural faults posing a potentially serious risk to public safety and show that such works have been completed and issues resolved. All trees are to be retained by default but following an inspection it will be determined either that works will be carried out or tree will be removed.

The Council manages its own trees via the City of Edinburgh Council's Forestry Service (within Neighbourhood Environmental Services in Place directorate), which utilises a specialised tree management database called Ezytreev. There are plans to move towards using another asset management system, Confirm, to allow for better integration across service areas, allow sharing of information, for improving customer contact, and managing enquiries.

This allows the Council to keep accurate records of all the city's trees under active management and allows it to prioritise and programme tree work.

5.4 Common Law Rights

Householders have a Common Law right to remove (abate) the nuisance associated with trees encroaching onto their property. The following advice is given in relation to the exercise of Common Law rights with respect to encroaching trees:

- You can only consider removing those parts of the tree from where they cross the boundary of your property. You have no legal right to cut or remove any part of a tree that does not overhang your property (i.e. cutting the top to reduce the height) or is not beneath your property (i.e. the roots).
- You must not carry out any tree works on branches or roots that foreseeably may result in the tree becoming unsafe or results in the decline or death of the tree. It is advised that you seek appropriate competent advice before carrying out any pruning, especially when severing tree roots.
- You do not necessarily have the right to enter on to land not belonging to you in order to carry out the removal of branches etc. You do have the right to carry out these works from your own land.
- For your own safety you are strongly advised to consult a professional tree surgeon for guidance on how best to prune back encroaching trees, unless the works are very minor, meaning you could do the works with hand secateurs, loppers or similar.
- Before you consider doing any works to a tree or trees you should find out if they are protected by a Tree

Preservation Order or are within a Conservation Area. If the trees are protected you will need to gain consent by making an application or giving notice to the Council. To find out if the trees are protected and guidance on how to apply for works if they are protected contact the Council's Planning section.

- You are advised to discuss with your neighbour your intention to prune encroaching branches. Legally you do not own the encroaching branches and you should offer these to your neighbour. But in all likelihood, you should consider disposing of the arisings yourself. If the encroachment relates to a Council owned tree, any cuttings must be disposed of appropriately and not returned to Council land.

5.5 Trees and subsidence

The subsidence of buildings in Edinburgh due to the presence of tree roots is very uncommon. Trees cause subsidence in some other parts of the UK when, in dry periods, the roots extract water from within the structure of shrinkable clay soil. It is the subsequent contraction of the clay which causes the settlement of buildings in these cases. Edinburgh has only very small, localised pockets of this type of soil and due to typical weather conditions it is unlikely that trees will be associated with subsidence in the city. If you have any concerns in relation to trees and subsidence within Edinburgh it is advisable to obtain professional advice from a competent consultant. Ground investigation and soil analysis will normally be required to establish if a tree is contributing to building subsidence before any remedial action can be carried out.

5.6 Council powers in relation to privately owned trees

The main powers Council has in relation specifically to privately owned trees are:

- Power to create Tree Preservation Orders: Town and Country Planning (Scotland) Act 1997 (as amended); Town and Country Planning (TPO and Trees in Conservation Areas) (Scotland) Regulations 2011.

- Power to designate Conservation Areas: The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

- Power to enforce necessary works to trees in relation to roads and footpaths. The Roads (Scotland) Act 1984.

- Power to control the spread of Dutch elm disease: Dutch Elm Disease (Local Authorities) Order 1984, as amended 1988. The Council position on use of these powers is set out in the report "Dutch elm disease – legislative review", Council Executive 8 November 2005.

These powers are limited. The Council does not have the power to compel a private owner to remove a dangerous tree unless it threatens a public (adopted) road or footway, nor does it have powers to compel owners to carry out tree work on the basis of light deprivation, encroachment, or damage to property. These are matters that need to be resolved through negotiation or, failing that, by resort to civil legal action at your own expense consulting with a solicitor if necessary.

6 General Tree Management Policies

6.1 General approach to tree management

POLICY 1

Trees in Council ownership will be inspected for safety on a cycle between one and five years according to size, targets, condition, and survey recommendations for each tree. This information will be recorded on the Council's tree asset database.

POLICY 2

Tree inspections and arboricultural work will only be undertaken by qualified, experienced, and competent people.

POLICY 3

The Council will take steps to bring all its trees under active, appropriate and informed management.

The approach to managing the Council's tree stock is based on good management practice, and in particular on the guidance produced for the owners and managers of trees by the Health & Safety Executive. Good management practice is not set out in any one text, but the Council the right balance between the risks and the benefits of trees by the document "Common Sense Risk Management of Trees"[26], produced in 2012 by the National Tree Safety Group and endorsed by many bodies, including the Health & Safety Executive.

Tree inspections will be carried using the Visual Tree Assessment (VTA) method of survey.

Trees are inspected periodically to check their condition and identify any works to make them reasonably safe, which may include pruning or, if required, removal of the whole tree. Following a tree survey, and where appropriate, trees in council ownership may be tagged with a coloured plastic numbered tree tag to help identify the tree for future tree inspections or when responding to tree related enquiries. Visual tree inspections carried out on a 5-year cycle, or sooner if required, may suggest more detailed inspections or more regular monitoring of individual trees.

The process of gathering the necessary data on each tree to allow informed management decisions to be made is resource intensive and is therefore a gradual one, in which the trees presenting the probable greatest hazard (i.e., streets, etc.) are surveyed first. Whilst the Council's first tree asset database was set up in 2008 and is now extensive, it is not a complete record of all trees, and further efforts are required to ensure that the whole tree population is recorded.

The Council accepts that historically there may be instances of poor species selection and particularly where trees, upon reaching maturity, have been identified as causing considerable damage to property, footways, and

[26] https://ntsgroup.org.uk/wp-content/uploads/2016/06/FCMS025.pdf

surfacing. However, the presumption will be to not fell a tree. Each case will be considered on its merits, and the Council will follow appropriate arboricultural standards and only seek to remove individual trees where they cannot be maintained in a sustainable manner considering evidence such as excessive damage and reparation costs that may be attributed to leaving a tree.

It is of key importance that all tree inspections and arboricultural work to Council-owned trees will be undertaken by qualified, experienced, and competent arborists. This is one of the key issues to emerge from related case law involving public liability.

These policies will be supported by the creation of a Tree Safety Inspection Guidance document, which will provide an operational guide for tree safety inspections and a Tree Risk Management Framework.

A Tree Risk Management Framework should be developed to incorporate a reasonable and balanced risk-based approach to tree management that ensures the Forestry Service complies with legal and regulatory requirements and best practice. The framework should complement the Forestry Service Workforce and Resources Plan to ensure that adequate resources are allocated that are proportionate to the risk of harm trees pose to the public and property. The framework should outline decision making with regards to risk zoning, inspection regime, health and safety, etc., to inform decision making and management of the city's trees and woodlands. Additionally, the framework should help maintain, conserve, and enhance the city's tree stock and canopy cover and support the outcomes of Edinburgh Million Tree City.

6.2 Prioritisation of tree works

POLICY 4

The Council prioritises tree work according to the individual tree's health and safety risk and considering current available resources. Tree works will normally be completed in safety priority order.

POLICY 5

The Council accepts the right of householders to remove overhanging branches, (subject to compliance with Tree Preservation Orders and/or Conservation Area status) and where required will assist householders to identify a suitable arboricultural contractor who can carry out works to the appropriate standard.

POLICY 6

The Council will consider applications from private owners to alleviate amenity reduction or nuisance problems on the basis that they will fund the works, that the works will be agreed with the Council beforehand, that a suitable arboricultural contractor is appointed, and that each case will be considered on its individual merits.

As set out above, the Council has a legal and moral duty to ensure that the public can go about their daily business with a reasonable expectation of safety in relation to trees. The Council has limited resources to carry out tree works, so all work has to be prioritised in a rational and defensible way. This means that safety works – addressing trees that present a known safety risk – will always

take priority. High priority works are typically those required on trees displaying defects that unless remedied could foreseeably fail, resulting in injury to the public or damage to property.

Priority will further be given to premises, such as schools, or other public buildings and locations with high footfall (e.g., Princes Street Gardens, Meadows and Bruntsfield Links, Leith Links, etc.) to ensure public safety as far as is reasonably practicable, especially following storms. Site managers and the public can alert the Council to:

- Snapped or hanging branches large enough to cause injury if they fall.
- Cracks or splits in the main branches or stem that open with wind movement of the tree.
- Tree leaning at an angle more than before the storm event.
- Movement of the main stem of the tree at ground level. This is usually seen by the ground heaving as the tree sways. Trees sway in the wind normally but should not be moving at its base.

The ranking of priorities is inevitably an imperfect business as trees are living organisms and failure rates cannot be predicted with the same accuracy as engineering structures. The availability of appropriately qualified and experienced staff to make judgements is therefore key.

The Council may therefore simply not have the resources to carry out certain types of work. Details and examples of the types of common tree related issues that result in service requests and complaints that are regarded as amenity or nuisance requests are provided in part 9.

It is recognised that members of the public may have a legitimate complaint regarding a tree in Council ownership, where works are required to alleviate the nuisance. An example of this is a tree standing on Council land which has grown to overhang a neighbouring garden. Currently the Council may well be unable to undertake the required works as resources are prioritised towards essential safety works as detailed above. However, in the circumstances previously detailed, a householder has Common Law rights to abate a nuisance caused by overhanging branches or roots.

There are however cases in which Council-owned trees cause a nuisance, for example by blocking light or views, but are not overhanging the householder's property. Again, the Council may be unable to prioritise these works, leaving the householder currently with no remedy. In such cases the Council may consider as its discretion to agree to tree works to be carried out at the householder’s expense, although each enquiry will have to be dealt with on its individual merits. Authorisation may be refused if the tree is otherwise in good health or whether the Trees and Woodlands Officer feels any proposed tree work is likely to be detrimental to the tree (i.e., increase risk of infection, creates an imbalanced crown, etc.).

If the works are agreed with a Trees and Woodlands Officer, an experienced arboricultural contractor will have to be appointed and a copy of their insurance certificate and qualifications must be provided to the Forestry Service before any work can be carried out. All tree works must be carried out to approved industry standards in accordance with BS 3998: 2010 ’Tree work –

Recommendations'.

6.3 Service standards and performance measures

POLICY 7

The Forestry Service will develop appropriate services standards and performance measures to manage trees for other Council service areas and establish the desired resource levels required to meet their needs.

The Forestry Service undertakes works to other parts of the Council, and to ensure that sufficient resources are employed to manage trees for their clients, service level agreements were in place. With organisational changes and service areas moving into Place directorate, developing service level agreements (SLA) between some sections are no longer deemed appropriate. Therefore, there is a move towards developing service standards and performance measures with other Council service areas. These service standards (i.e. what service will be provided) and performance measures (i.e. how well the service is provided) define the standards these service areas can expect from the Forestry Service and set out the key performance metrics by which arboricultural services are measured. This still assures accountability and allows assessment of the level of resources required.

6.4 Responding to tree enquiries

POLICY 8

For non-emergency tree-related safety issues a Trees & Woodlands Officer will aim to acknowledge receipt of an enquiry within 5 days, carry out a tree inspection within 20 working days following receipt of the enquiry, and notify the customer thereafter of what action the Council intends to take.

POLICY 9

Claims made in writing to the Council in relation to alleged damage caused by a Council owned tree will be acknowledged within 10 working days of receipt.

The Council is endeavouring to adopt a proactive approach to tree management. Work planned in advance can be implemented more efficiently so, as far as possible, it is the intention to generate work programmes from the results of systematic survey work and routine inspection programmes.

The Council receives many enquiries relating to trees, the majority of which are perfectly legitimate, and which require an inspection to be made.

From time-to-time damage may be caused to private property by trees. In the event that an owner considers that their property has been damaged by a Council tree (for example, a fallen tree or branch) they should contact the Council. It is advisable that they contact their insurance provider for advice. In addition, if they wish to make a formal claim for damages or to formally notify the Council with concerns about future damage, it

should be done in writing, supplying full details of the circumstances.

An appropriate Council Officer will write a report on the condition of the tree relating to the claim. This may require a site visit. This report will be passed to the Council's Insurance Services who will process the claim for any damages. The Council does not determine the claim. Claims are managed by a claims handler who will decide whether any damages or compensation is awarded.

6.5 About the work we do to trees and in woodlands

POLICY 10

The Council will not carry out works to trees, or fell them, unless it is necessary to do so. When works are carried out, the reasons for the work will be documented and recorded.

POLICY 11

Management of ivy and trees. The Council will control ivy on trees where it is having a significantly negative effect.

POLICY 12

Where practicable, all arisings (logs, branches etc.) from tree works in high amenity areas will be removed and used in an environmentally sustainable manner. In woodland situations, however, standing dead wood, logs and chippings may often be left on site, where this can be done safely, to enhance biodiversity and increase wildlife habitats.

The Council aims to carry out works to trees to the appropriate industry standards. In most cases the relevant standard is British Standard 3998: 2010 'Tree work - Recommendations'. Generally, the Council's approach is only to carry out works where necessary, either for safety reasons, disease control, for the health of the tree or woodland or for amenity reasons. Occasionally trees may have to be removed to allow certain works to be carried out, such as road re-alignment or construction projects. Often these latter types of work are subject to Planning legislation, and there is an opportunity for public debate about proposals before they are approved.

Trees in parks and openspaces are managed to reflect the circumstances of the individual site and the type, age, and condition of the current or historic trees.

Trees in parks and openspaces generally have more room to grow compared to street trees and typically achieve their full height and spread. Ongoing maintenance includes the dealing with health and safety tree works and the removal of low branches from pathways only where they pose a risk to public safety.

Street trees in Edinburgh include a high number of large 'landscape' type trees growing in architecturally significant street spaces. Given this, street trees need to be regularly monitored to keep them in a safe condition for residents and the public. Only trees that are deemed unsafe are removed or felled. It is the Council's intention to retain street trees in a safe condition as a public amenity.

Replacing street trees is complicated by the nature of the tree locations. Many factors hinder the replacement of lost street trees such as underground utilities, space available for the tree to grow above or below ground and the

increased costs associated with the establishment of street trees.

Woodlands require a slightly different approach to management and are generally managed as a whole rather than as individual trees. In most woodlands the risk presented by defective trees is far less than if the tree was located next to a busy road, so the type of work done will reflect this.

Thinning of young woodlands is often required to reduce density and to allow maturing trees room to grow. This involves the removal of a proportion of the trees and is a normal part of woodland management. If it is not done, trees within young woodland may become spindly and unstable, leading to the woodland becoming unviable in later years. Typically, this would be carried out in woodland where the trees are between 10 and 30 years old.

Tree removal is regrettable, but necessary under a number of circumstances. The decision to remove a tree is not taken lightly and, apart from when a dangerous tree needs urgent attention, we will endeavour to inform local residents when and why we believe that tree felling is necessary.

Trees may be pruned for a variety of reasons, including the removal of damaged, poorly formed or crossing branches, to reduce the likelihood of failure by taking 'weight' out of the tree and generally to keep a tree in a healthy safe condition.

When trees are pruned or felled, arisings (i.e., logs, branches leaves, etc.) need to be dealt with appropriately. How arisings are disposed of will vary from site to site and according to practical constraints. Generally, all arisings from tree work in parks, gardens, streets, and cemeteries will be removed from site. Normally branchwood is chipped, which creates a by-product that can be used for mulching or surfacing paths, and timber may be removed from site and sold by auction. Sometimes timber may be stacked until it can be collected by a suitable vehicle.

In woodlands it may be appropriate to leave chipped material on site to compost naturally, and it may also be useful to leave logs on site to rot down thereby providing habitat. Where logs are left on site it is imperative that they are left reasonably safe so that they do not roll down slopes where they could cause injury or damage to property.

When safe to do so, dead trees will be left standing in woodlands, sometimes referred to as standing deadwood or monoliths, although branches may need to be removed. This practice is used to completely mitigate against any risks of failure, whilst creating a valuable habitat resource; it is usually not expected that the tree will remain alive, although some species may regenerate. The Council will adopt the Woodland Trust's guideline of 20 cubic metres of deadwood per hectare of woodland wherever practicable to help support biodiversity.

The public is not permitted to remove wood (or other parts of a tree) from Council owned or managed land.

Unauthorised persons are not allowed to use a chainsaw of any type on Council owned or managed sites.

In some areas, ivy growth on trees is common. Often it poses no risk in itself and may provide a valuable wildlife habitat. However, in some circumstances in can threaten the stability of trees, either through an increased sail effect in high winds, or by increasing risk of failure because snow accumulates in it. This

can be a hazard where there is public access or property. Ivy can be associated with woodlands that are in decline, and although there are differing views on cause and effect, the control of ivy in declining woodlands can have a positive effect.

When severing or removing ivy, consideration must be given to the potential presence of bird nests and bat roosts. These factors alone should not negate ivy control but may delay the process until a full assessment has been carried out.

6.6 Tree stumps

POLICY 13

The Council will not remove tree stumps except where there are compelling reasons to do so, and then only if it is practicable and appropriate. In woodland locations, stumps will generally be left to decay in-situ.

Ideally when a tree is felled, the stump is removed; however, it is usually not possible to remove the stump at the same time. Stumps in parks, openspaces, gardens, and streets may be unsightly and can be a trip hazard. Stump removal requires appropriate machinery and consideration of the surrounding environment.

Stumps may be retained long-term, but where stumps are to be retained they should be cut at a height and left in a safe condition. Most broadleaved tree species and a few coniferous species (e.g., Yew) will produce new shoots when stumps are retained after felling[27]. Such regrowth might be acceptable, or even desirable in some situations.

Alternatively, stumps may be drilled, treated with herbicide, and plugged to prevent any regrowth. Stumps may take many years to decay naturally.

Where resources allow, and wherever practicable, stumps are removed. Stumps from street trees are not removed routinely. Tree stumps in woodlands, parks, openspaces, and public gardens are typically removed as part of the felling of the tree.

Stump removal requires the use of special equipment, usually a stump grinder, which reduces the above-ground parts of the stump into small chips. It is often possible to grind away the stump down to between 300 and 450 mm below ground depending on the machine. This process is time-consuming and energy intensive.

Removal of stumps from footway and roadside locations can be difficult and complicated as there may be underground utilities present and works may involve temporary road closures. For these reasons removal of stumps in footways cannot always be achieved or carried out quickly. In woodland sites, it is usually appropriate to leave stumps to decay in-situ.

A tree stump may be retained to provide a habitat or be sculpted or carved to create a feature. However, such stumps will naturally decompose because of the development of decay-causing organisms via the roots.[28]

Where stumps have been removed, where removal has meant it is difficult, or due to disease, any replacement tree may not be planted in the same spot. The Council will try to replant as close to the original tree location as possible

[27] BS 3998 (2010).

[28] BS 3998 (2010).

where it is appropriate to do so.

Currently, the Council has a backlog of stumps that need to be removed and this is being dealt with on a prioritised basis as and when resources allow. In future, improvements to service standards, performance standards, and resources would allow more stumps to be removed.

6.7 Damage to Council Trees

POLICY 14

The Council will prosecute any unauthorised person found to be damaging or pruning its trees or allows another person to carry out works on their behalf without our permission, or disposes of tree waste illegally, and where appropriate apply the maximum penalty.

The Council will value its trees using the CAVAT system and use this information to assist in the management of its tree stock. Any private individual or external organisation that undertakes actions that result in tree damage or if they remove Council-owned or protected tree(s) will be pursued for compensation for the full amenity value of the tree as calculated using the CAVAT system. The same applies to any unauthorised person who instructs or allows another person or external organisation to carry out works on their behalf to Council-owned trees without prior permission in writing from the Council.

Any person(s) who disposes of tree waste illegally onto Council property will also be prosecuted.

7 Routine Tree Management Policies

7.1 General approach to management of roadside trees

POLICY 15

The Council will develop a specific policy relating to the management of roadside trees.

'*Well-managed Highway Infrastructure*'[29], is a UK government guidance document that specifies local authorities "should develop a policy for the installation, subsequent condition inspection and maintenance of highway trees".

Trees are important to the environment but can present risks to road users and adjoining land users if trees become unstable or cause obstruction or create visibility issues. In Scotland, Sections 88 and 92 of the Roads (Scotland) Act 1984 give roads authorities the responsibility to remove projections that impede or endanger road users and provide restrictions on planting of trees near carriageways.

This policy should establish an appropriate methodological approach for safety inspections, including those outside but within falling distance of a road. The inspection process will be documented and reviewed on a regular basis.

7.2 Roads - Sight line obstruction

POLICY 16

The Council will undertake work to a tree in its ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street, footway, or road).

Standards for visibility vary according to the class of the road and the speed limit in force. If a privately-owned tree is causing an obstruction to the visibility at a road junction or footway (sight line), then powers exist under the Roads (Scotland) Act 1984 to make the owner of the tree remove the obstruction. Such work will be identified by Transport Inspectors during inspections or following an enquiry and only passed to the Forestry Service if the owner fails to take appropriate action within 28 days of receiving notification to complete remediation work.

A site inspection will be undertaken within 20 working days of receipt of a service request and the customer notified of what action is considered appropriate.

[29] https://www.ciht.org.uk/media/11915/well-managed_highway_infrastructure_combined_-_28_october_2016_amended_15_march_2017_.pdf

7.3 Footways - Trip hazard

POLICY 17

The Council will undertake measures to make safe an unacceptable trip hazard in streets, footways, roads caused by the growth of a Council owned tree.

In response to a reported tree trip hazard on a public footway, a joint inspection will be carried out between a Tree and Woodlands Officer and Transport Inspector to assess potential solutions.

If a privately-owned tree is causing damage to the footway leading to a trip-hazard, powers exist under the Roads (Scotland) Act 1984 to make the owner remove the obstruction. Such work will be identified by Transport Inspectors during inspections or following an enquiry and only passed to the Forestry Service if the owner fails to take appropriate action within 28 days of receiving notification to complete remediation work. There are a number of ways the Council can repair a footway damaged by tree roots.

Simply, the footway surface can be 'built-up', or isolated roots can be pruned (if these do not affect the stability of the tree) and the footway surface repaired. In some circumstances it may be appropriate to consider the installation of a root barrier which can prevent problems re-occurring. Removal of the tree is usually the last resort (accepting that in some circumstances where the tree is low value or can be replaced, removal may be the most appropriate solution).

7.4 Trees obstructing an adopted road

POLICY 18

The Council will undertake measures to make safe any unacceptable carriageway obstruction due to trees in streets, affecting roads caused by the growth of a Council owned tree.

POLICY 19

The Council will undertake work to a tree in Council ownership to maintain a minimum 5.5 metre height clearance over the carriageway - where reasonably feasible.

Where trees and large shrubs are interfering with the passage of vehicles or pedestrians along an adopted road or footway, the owner of the tree is responsible for their maintenance. The Council has the power under the Roads (Scotland) Act 1984 to order a landowner to carry out such clearance, and in some instances will carry out pruning work itself, reclaiming incurred costs from the owner of the tree in question.

A Trees and Woodlands Officer will carry out a site inspection and if required will create a work order to maintain a 5.5 metre minimum height clearance. If a privately-owned tree is causing an obstruction to a road, powers exist under the Roads (Scotland) Act 1984 to make the owner of the tree remove the obstruction.

7.5 Danger to public road (private tree)

POLICY 20

The Council will undertake measures to make safe any unacceptable carriageway risk due to private trees in a dangerous condition, within falling distance of the public road.

If a tree in private ownership is shown to be a danger to the public road it will be identified for work to make it reasonably safe. The landowner will be contacted and instructed to make the tree safe under the Roads (Scotland) Act 1984. Such work will be identified by Transport Inspectors during inspections or following an enquiry and only passed to the Forestry Service if the owner fails to take appropriate action within 28 days of receiving notification to complete remediation work. If it is necessary that the Council undertakes this work, then the owner will be charged in full for the Council's costs.

7.6 Footway – obstruction by tree

POLICY 21

The Council will undertake work to a Council owned tree to maintain a minimum (where reasonably feasible) 2.5 metre height clearance over an adopted footpath associated with a street, designated cycleway, or road.

Any works necessary to prevent an obstruction in the width of an adopted footway associated with a road due to the presence of a Council-owned tree would be considered on a case-by-case basis. If a privately-owned tree is causing an obstruction to an adopted footway associated with a road, powers exist under the Roads (Scotland) Act 1984 to make the owner of the tree remove the obstruction.

7.7 Public light – obstruction by tree

POLICY 22

The Council will undertake work to a tree in its ownership to ensure that it does not unduly obstruct the streetlight zone of illumination.

The Forestry Service will prune branches if the branches affect the zone of illumination. A Trees & Woodlands Officer will carry out a site visit and create a work order if appropriate. If a privately-owned tree is causing an obstruction to a public light in a street, powers exist under the Roads (Scotland) Act 1984 to remove the obstruction. Such work will be identified by Transport Inspectors during inspections or following an enquiry and only passed to the Forestry Service if the owner fails to take appropriate action within 28 days of receiving notification to complete remediation work. If the owner does not, the Council will do the work and recharge the owner. When the Council puts in new public lighting or wishes to move a public lighting column, consideration is made of the impact on existing trees. Similarly, when new trees are being planted, these are to be placed so they do not cause problems to existing public lights in the street.

7.8 Protection of trees during construction

POLICY 23

The Council will ensure that all construction and development, including temporary installations and placement of movable equipment, near to trees follows BS:5837 (2012) “Trees in relation to design, demolition and construction - Recommendations” and that the most recent National Joint Utilities Group “Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees” are followed where carrying out works in root protection areas cannot be avoided.

Trees in parks and streets and other areas may be in close proximity to sites for construction and development. Examples are the creation of paths, the installation of public lighting in parks, or the erection of temporary structures. Trees may be affected by physical damage to branches and stems, the severing of structural or fine roots, or the compaction of soil, which reduces the amount or air and water available to the tree. It is of key importance that trees are protected. This policy simply brings the protection afforded the Council’s own trees into line with the expectation placed on private owners in relation to development.

7.9 Protection of trees during events and activities

POLICY 24

The Council will ensure that trees are protected as part of events and activities, including mitigation and enforcement to protect tree root zone and tree canopies from damage.

Trees in parks and streets and other areas may be in close proximity to sites used for filming, events, and activities by event organisers.

Damage to trees can be accumulative, for example due to continued compaction of the surrounding soil or immediate, for example due to striking a branch with a vehicle. Both types of damage can be detrimental to the health and safety of the affected tree. As damage can become evident some time after an event has taken place, it is important that all trees are afforded protection.

Professional advice will be provided to event organisers for particular parks and openspaces frequently used for events on the best protection standards to be applied by event organisers to ensure that trees are protected from damage above and below ground. Compaction of tree roots and physical damage to trees should always be avoided. Events organisers will need to adapt their event to fit into available space highlighted in the tree protection zone map.

The most effective way to prevent damage to trees is to provide sufficient protection during the set up and de-rig of event infrastructure, not placing items close to trees, and avoid driving across root zones. Fencing, barriers, and changing access and egress roots can

minimise the opportunity for tree damage. Trees and Woodlands Officers will inspect the event space and access and egress locations before, during, and after events to monitor activities around trees. Immediate remediation may be required if the mitigations fail to ensure the tree remains viable, safe, and risk potential is managed.

Event organisers have to take complete responsibility for the protection of trees when putting on events in the city's parks and openspaces where their set up, event, and take down may cause damage or come into conflict with trees. For events that require the bringing in of vehicles, setting up infrastructure, such as staging, fairgrounds, involve large and concentrated gatherings of people, such as concerts, then a tree protection plan will be required.

The Council will prepare information or provide guidance on the tree-related constraints within the space of the planned event. The event organiser must create a tree protection plan that contains mitigations that will be implemented to protect all trees (both above and below ground). A detailed tree protection plan shall set out, for example, those areas of the site with trees to show those trees that are vulnerable to damage, where root or canopy cover needs to be protected, and areas where no vehicles or other event infrastructure are permitted. The Council would then expect the event organiser to demonstrate how they will adhere to these arrangements. Compliance with a tree protection plan is mandatory for all event organisers.

The Council will reserve the right to stop events taking place if the risk of damage to parks and greenspaces, including trees, is deemed serious enough. The arrangements for this will be set out in the guidance for event organisers and within the terms and conditions for using a park or greenspace.

The event lease or agreement will be strengthened to include tree protection as a condition.

Appropriate enforcement is essential if tree protection within the city's parks and openspaces is to be taken seriously by event organisers. Financial sanctions may comprise of retention of some or all of the reinstatement bond or imposed contribution to the Million Tree City project or a sink fund for tree replacement. Non-financial sanctions may include refusing permission to use one or more parks and openspaces for a period. Enforcement and compliance with an agreed tree protection plan will be monitored and undertaken by Council officers (e.g., Planning enforcement, Trees and Woodlands Officers, for example, as appropriate) and adequately supported by the Council's event planning process. Evaluation of the performance of the event organiser with regards to adherence to tree protection requirements should also be reported during the event debriefing process.

7.10 Damage to trees caused by utility work

POLICY 25

The Council will seek restitution for damage to trees caused by excavations or other works associated with the installation, maintenance, or removal of public utilities.

The Council expects all public utilities and their contractors to protect the city's trees from damage. Utility works should use appropriate methods when working in proximity to trees (including root zones

and canopies) taking all necessary and specific precautions necessary.

Precautions are necessary within the protected root zone (generally bounded by the extent of the tree canopy). Advice must be sought from the Council's Trees and Woodlands Officers prior to any works commencing, being undertaken, when maintaining or altering utilities, and when backfilling trenches. The effects of work around trees may not be evident for some time after utility work is complete.

The Council reserves the right to consider undertaking assessment of the damage or likely damage caused and use the CAVAT calculation as a basis on which to quantify the damage. The Council will then seek restitution to mitigate any future tree loss or additional work that may be required to trees affected by utility work.

7.11 Traffic signal or street sign obstructed by tree

POLICY 26

The Council will undertake work to a tree in its ownership to ensure that not unduly obstruct traffic signals or street signs.

The Council will undertake work to a tree in its ownership to maintain clear sight lines (where reasonably feasible) for traffic signals and street signs (associated with a street or road). If a privately-owned tree is causing an obstruction to a traffic signal or street sign, powers exist under the Roads (Scotland) Act 1984 to make the owner remove the obstruction.

7.12 Crime and anti-social behaviour

POLICY 27

Where a Council owned tree or woodland is associated with criminal activity and/or anti-social behaviour, measures to alleviate the problem will be implemented on a site-by-site basis in consultation with the Police and local communities.

The Forestry Service may remove trees considered to be exacerbating crime and/or anti-social behaviour, but generally will remove only lower branches to allow sight lines through the trees so people cannot use them for cover. Where a tree is associated with criminal activity and/or anti-social behaviour, steps to reduce the problem will typically require the coordination of a number of agencies, including the police. Just pruning or felling a tree is not always the answer to the problem. Some research shows that areas with lots of trees actually help to make places safer. But, neglected spaces with overgrown trees and untidy areas can encourage criminal activity and/or anti-social behaviour. The Council's tree and grounds maintenance programme seeks to improve these areas by making the local environment cleaner, greener, and safer.

7.13 Vandalism

POLICY 28

The Council will investigate reports of vandalism to a Council owned tree or woodland and try to correct any damage where appropriate and within available resources.

The Council generally plants large trees that are more difficult to vandalise, including metal guarding, which is removed once the tree has become established, usually three years after planting. We actively promote tree planting and encourage local residents, including young people, to take part and care for the trees in their neighbourhood. These combined measures have reduced problems of vandalism to generally low levels.

8 Policies for Common Issues

8.1 Tree too big or too tall

POLICY 29

The Council will not prune or fell a Council-owned tree simply because it is considered to be ‘too big’ or ‘too tall’.

A tree is not dangerous just because it may be considered too big for its surroundings. Other problems would need to be identified for the Council to consider it to be dangerous. Generally, a site inspection will not be required.

8.2 High hedges

POLICY 30

The Council, as a last resort, will investigate complaints associated with High Hedges once a resident has exhausted all other avenues, has applied for a High Hedge Notice and paid the appropriate fee. The Council will serve notice on the hedge owner if appropriate. Failure to comply with a notice will result in the Council undertaking the work and recovering costs from the hedge owner.

The High Hedges (Scotland) Act 2013 came into force on 1 April 2014 (revised guidance 2019). A 'high hedge' is defined as a hedge that is (a) formed wholly or mainly by a row of 2 or more trees or shrubs; (b) rises to a height of more than 2 metres above ground level; and (c) forms a barrier to light[30].

It helps when neighbours cannot resolve problems relating to high hedges by providing an independent assessment of a high hedge that may interfere with the reasonable enjoyment of domestic property. Guidance is available on the Council's website or through the Council's Planning service. A resident can apply for a high hedge notice (fees apply per property to be assessed and if they hedge has more than 6 owners). Groups of trees or woodlands do not constitute a high hedge and are not covered by the High Hedges (Scotland) Act 2013.

The Council has hedges on its land; and some may be considered ‘high hedges’ as defined by the High Hedges (Scotland) Act 2013.

8.3 Leaves

POLICY 31

The Council will not prune or fell a Council-owned tree to remove or reduce leaf fall or remove fallen leaves deposited upon private property.

The Council does not carry out a public leaf collection service. Although complaints are sometimes received about the problems caused by leaves falling from trees, the loss of leaves from trees in the autumn is part of the natural cycle and cannot be avoided by pruning. The maintenance of rhones, gutters, and

30 https://www.legislation.gov.uk/asp/2013/6/contents

drains are the responsibility of the landowner, and the Council is not obliged to remove leaves that may have fallen from Council-owned trees. Where rhones, gutters, and drains are regularly blocked by fallen leaves gutter guards may be fitted to provide a low maintenance solution.

For roads, streets and parks, the Council carries out leaf collection in the autumn to clear fallen leaves from certain sites. In parks and openspaces, paths or areas of hard standing are regularly cleared of fallen leaves. Leaves on shrub, rose, or herbaceous beds are generally left. Leaves on grass areas are left until the majority of leaves have fallen before they are removed (unless leaving them would damage the grass in which case the accumulated leaves would be removed sooner). Collected leaves are usually sent for composting.

8.4 Light

POLICY 32

The Council will generally not prune or remove trees in cases where they cause a reduced amount of light to fall on a property, other than in exceptional circumstances.

In law there is no general right to light, except under specific provisions of the High Hedges (Scotland) Act 2013, and there is no right to light in connection with open land, such as a garden. Owners can exercise their Common Law right to remove (abate) the nuisance associated with encroaching trees, see section 5.4 - Common Law Right.

8.5 Bird droppings

POLICY 33

The Council will not prune or fell a Council tree to remove or reduce bird droppings caused by roosting birds in trees or remove bird droppings from private land.

Bird droppings may be a nuisance, but the problem is not considered a sufficient reason to prune or remove a tree. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife law). Warm soapy water will usually be sufficient to remove the bird droppings.

8.6 Fruit, berries, and nuts

POLICY 34

The Council will not prune or fell a Council-owned tree to remove or reduce the nuisance of fruit, berries, or nuts or remove such fallen fruit from private land. However, where fallen fruit is leading to significant anti-social behaviour issues the Council will consider measures to reduce the problem, including whether a phased removal and replacement with alternative species is reasonable.

Fruit trees such as apple, cherry and pear have the double benefit of spring blossom and autumn fruit. This makes fruit trees good for wildlife and a source of free food. But, there are some locations where fruit trees are less desirable, for example where soft fruit would make the footway slippery or where anti-social behaviour could encourage fruit being thrown at houses or cars. When considering what tree to

plant the Council takes account of the likelihood of such problems. Equally, where fruit trees are established but where there is a significant anti-social behaviour problem the Council will consider phased removal and replacement.

8.7 Sap and Honeydew

POLICY 35

The Council will not prune or fell a Council owned tree to remove or reduce honeydew or other sticky residue from trees.

Honeydew is caused by greenfly (also known aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould, which causes it to go black. The mould can make some surfaces slippery if wet.

Unfortunately, there is little that can be done to remove greenfly, which cause the problem, and pruning the tree may only offer temporary relief. Any re-growth is often more likely to be colonised by greenfly thereby potentially increasing the problem.

Some trees, such as limes, are more prone to attack by greenfly and in some years these insects are more common, especially following a mild winter. Honeydew is a natural and seasonal problem. Where new trees are planted we try to choose trees that are less likely to cause this problem. Where honeydew affects your car, warm soapy water will remove the substance, especially if you wash your car and re-apply wax as soon as possible.

8.8 Pollen

POLICY 36

The Council will not prune or fell a Council owned tree to remove or reduce the release of pollen.

Whilst some kinds of tree pollen are known to bring on in sufferers the symptoms of hay fever this is not considered justification for either the pruning of Council trees, or their removal.

8.9 Telephone wires

POLICY 37

The Council will generally not prune or fell a Council owned tree to remove or reduce interference with telephone wires.

It is the telephone service provider's responsibility to maintain your service. Several options are available to the utility company that do not require pruning of a tree to maintain the service. Often pruning is a temporary solution and the problem may reoccur when branches grow back.

For example, the cable can be sheathed at points of high friction; the line can also be redirected through the tree canopy. It may be that the telephone service provider is able to suggest an alternative solution to the problem of trees affecting telephone wires.

8.10 Television or Satellite Reception

POLICY 38

The Council will generally not prune or fell a Council owned tree to prevent perceived interference with television or satellite installation or reception.

It may be that a satellite or television aerial installer or service provider will be able to suggest an alternative solution to the problem, for example relocating the aerial/dish or means to boost the signal.

8.11 Wild animal or insect pests

POLICY 39

The Council will not prune or fell a Council owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals.

Bees, some animals, and many birds are protected species and advice should be taken before considering their removal. Advice on dealing with animal pests such as wasps can be obtained from the Council by calling 0131 608 1100.

8.12 Drains & invasive roots

POLICY 40

The Council will not prune, fell or cut the roots of a Council owned tree to prevent roots entering a drain that is already broken or damaged.

Tree roots typically invade drains that are already broken or damaged. Trees themselves very rarely break or damage the drain in the first place. Tree roots found in a drain are usually symptomatic of an underlying problem requiring repair of the broken pipe.

Tree roots can cause damage to paving areas, lawns, and the foundations of buildings or walls. Again, where a neighbour's tree is causing problems, an owner is within their rights to cut back roots to the boundary of their property, unless it is protected by a TPO or is within a Conservation Area. However, it is always worth remembering that undermining the future stability of the tree can lead to future liability for any future damage caused.

8.13 Tree touching buildings

POLICY 41

In the event that a Council tree is causing damage to property, a Trees & Woodlands Officer will aim to respond within 10 working days and, if appropriate, remedial works will be undertaken.

In many cases the solution will be for the Council to prune the tree, but in exceptional circumstances it may be more appropriate to fell the tree. If pruning is appropriate we will endeavour to undertake works to stop the problem re-occurring within three years.

8.14 Tree overhanging property

POLICY 42

The Council will generally not prune or fell a tree in Council ownership to alleviate the nuisance of overhanging branches.

Householders have the right to prune overhanging branches back to their

boundary as long as the pruning does not result in the demise of the tree. For any works on trees protected by Tree Preservation Orders (TPOs) or that stand within Conservation Areas, permission must be granted by the Arboricultural Officers within the Council's Planning service. All works should be carried out in accordance with BS3998:2010 Tree work – Recommendations. It is advised that this work is carried out by a fully insured and experienced arborist. Tree works should also be undertaken outside of the bird nesting season, which typically falls between the months of March and September.

8.15 Tree obstructing views

POLICY 43

The Council will not prune or fell a Council owned tree to improve the view from a private property.

There is no legal right to a 'view' and this issue is treated in much the same way as section 8.4.

8.16 Dangerous trees and tree-related emergencies

POLICY 44

The Forestry Service will aim to attend emergency tree incidents within 1 hour of its report to assess the situation and start the process of making the site safe.

The Council operates an emergency call-out system in the event of dangerous trees, and a duty officer is on call 24 hours a day, every day of the year. A stand-by squad of arborists is normally available should this be required, and the Council retains a number of private contractors who can stand by or attend in emergency situations.

If a Council-owned tree is in such a condition that it poses a very high risk to people or property and is considered to be an emergency situation, instruction will be given to start the process of making the tree safe. An emergency is defined as a tree that is in immediate danger of collapse or a tree that is causing an obstruction requiring urgent attention. Emergency tree works are defined as the minimum amount of work that requires to be done in order to remove the immediate risk to life, limb and property.

The number of tree-related emergency incidents is usually small, but in severe weather events there may be a large number created in a very short space of time. For example, the storm of 3 January 2012 caused over 450 incidents, which were reported as emergencies. When the wind blows, trees move and may look as if they are going to fall over. Trees have evolved to move in the wind to limit breakage and the movement of stem and branches is not in itself a dangerous sign. It is however not possible to guarantee that any tree will not fail, as even the healthiest may succumb in the most extreme conditions.

Trees at the highest risk of complete failure are ones displaying movement at the base of the tree (e.g., roots lifting and/or cracks in the ground opening and closing). Other typical situations that will usually require immediate attention are:

- Tree snapped or blown over;
- Tree rocking at its base – roots are likely to be damaged;
- Uprooted but held up by another

tree or building (hung-up);

- Large branch has broken off or is hanging off the tree;
- Fallen tree or branches blocking a road, footpath, or access to property; or
- Tree or branches fallen on to a house or car.

8.17 Dangerous trees not posing an imminent public danger

POLICY 45

Tree works will be limited and proportionate to the extent of risk posed by a tree that is dangerous or level of risk found at the time of inspection by a Trees & Woodlands Officer.

If not an emergency situation, a Trees & Woodlands Officer will acknowledge an enquiry within 5 working days of receipt and the customer notified of what action is considered appropriate within 20 working days.

Signs to look out for which may mean that a tree is a risk to people or property, but the risk does not require an emergency response include a tree which is:

- Dying - few leaves in summer or dieback in the crown;
- Bark is loose and falling off;
- Old splits and cracks in the trunk or large branches; or
- Smaller branches falling from the tree.

Trees can be made safe by pruning or felling. Typically, the Council would employ the most cost-effective approach. For certain high value trees, the Council will consider other options to reduce risk to an acceptable level including those that reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.

9 Tree Planting Policies

9.1 Tree planting programmes

POLICY 46

The Council will endeavour to maintain its tree stock and increase current tree numbers through additional and replacement tree planting. The Council will seek to diversity its tree planting across a wider range of native and where appropriate non-native species. The Council will look to increase and improve its tree cover within available resources as part of its annual tree planting programme, paying particular attention to historic street tree and parks and green space planting.

New tree planting should complement the local landscape character and the immediate environment should be enhanced. This can be achieved through considering planting density and species selection relative to the available space.

To maintain the number of trees in the city, it is necessary to plant trees. Trees naturally regenerate from seed and by suckering, and this is a significant factor in woodland sites, where no planting may be necessary to maintain long-term woodland cover. But in parks, streets, openspaces, public gardens, and cemeteries, planting is necessary to sustain tree cover and is undertaken routinely by the Forestry Service.

When considering planting, there are several factors to consider, including:

- What space will be available for the tree to grow into (both above and below ground)?
- What stature or form of tree is best?
- What species or variety to choose?
- What type of tree stock and planting method to be used?

The Council endeavours to follow a right tree, right place policy. The principle of this approach is to consider the constraints and opportunities of any proposed planting site and the desired features (or not) of proposed trees. This approach also considers the merits of both native and non-native tree species in order to support wildlife and safeguard against potential pests, diseases and the effects of climate change.

Any population of trees or woodland areas, regardless of character and size, should be managed in a sustainable way to enhance and conserve their status. At a minimum, the standard should ensure that any losses are matched by the replacement of new trees on at least a one for one basis; otherwise, over time, this will result in a deterioration and decline of the city's tree population. Without proactive management to conserve, protect, or regenerate our city's trees and woodlands, the environmental impact would be catastrophic.

It is generally recognised that large trees in a city bring considerably more benefits than smaller trees. Finding room for large trees is a problem in many locations, especially streets. The right tree, right place approach is intended to allow any trees planted to reach full height and maturity and remove the requirement for regular pruning programmes, which are very resource intensive, and also to

minimise any later nuisance impact. Studies recommend that for urban forests to be resilient to pests and diseases, no species should exceed 10% of the population, no genus 20% and no family 30%[31]. The i-Tree survey of 2017 of the city's trees found two species exceeded the 10% guideline (sycamore and common holly), no genus exceeded 20% frequency, and no family exceeded 30%[32].

Having a mix of native and non-native tree varieties within Edinburgh is an important measure in order to safeguard against the increased risk of a devastating loss of one or more tree species due to a new pest or disease becoming established. Introducing appropriate native and non-native tree varieties within Edinburgh will also help maintain the city's historic tree cover in the face of environmental factors related to climate change. We can increase the resilience of the city's trees by keeping them as healthy, and hence as robust, as possible.

Clearly other factors should also be considered, such as site character and design considerations, especially as part of historic planting schemes, but there should be a presumption against single-tree, single-variety mixes that make trees vulnerable en masse to pests and diseases.

Planting native trees is generally preferred, especially if the intent is primarily to attract wildlife. But non-native trees such as sycamore make a major contribution to Edinburgh's greenspace, and in some locations the desirable variety of colour, texture, scent and form is only available by choosing non-native species and varieties. The large number of species and varieties that will grow successfully in Edinburgh can easily be observed on a visit to the Royal Botanic Garden Edinburgh.

Where native trees are selected we will endeavour to purchase trees that are of local provenance - this being especially important if replanting trees in long established or ancient woodland.

As climate change increasingly becomes a reality, planting and caring for trees in cities will become even more important. We will also need to consider which types of trees will themselves be able to cope with hotter, drier summers and warmer, wetter and windier winters. There is still uncertainty about the degree and timing of such climate changes, and therefore no clear recipe for which trees to plant or not to plant. However, it is clear that reliance on single species or variety is risky and that planting a range instead is more desirable.

When the decision is taken to remove a Council-owned tree, the Council will determine whether it is appropriate to replant a tree in the same place (for example a street tree) or very close by (for example in a park or green space).

Any decision is made in consultation with the Roads Authority and relevant Neighbourhood. Wherever possible the site will be considered as a whole, reflecting its history, character, available space, use and local interests.

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[31] Santamour Jr, F.S., 2004. Trees for urban planting: diversity uniformity, and common sense. *C. Elevitch, The Overstory Book: Cultivating connections with trees*, pp.396-399.

[32] Doick, K.J., Handley, P., Ashwood, F., Vaz Monteiro, M., Frediani, K. and Rogers, K. (2017). Valuing Edinburgh's Urban Trees. An update to the 2011 i-Tree Eco survey – a report of Edinburgh City Council and Forestry Commission Scotland. Forest Research, Farnham. 86pp.

Consultation will not be required in respect of replacement planting (e.g., to replace a dead tree); however, community engagement may be undertaken at the discretion of the Trees and Woodlands Officer for other projects and where new planting is considered.

Currently, the Council plants on average around 300 standard trees (typically trees ranging from 10-18 cm girth and 3-– 5 m in height) per year in parks and openspaces. This type of planting stock has proven to be much more resilient to vandalism and survival. Planting in woodlands and other more natural sites is more likely to use whips (trees 2 to 4 years old and ranging from 300mm to 900mm in height).

9.2 Tree planting initiatives

POLICY 47

The Council will support tree planting initiatives and projects to maximise available funding and resource opportunities to increase the numbers of trees and areas of woodlands in the city.

While tree planting programmes are undertaken directly by the Council, the Council supports tree planting initiatives and develops projects that benefit the city through the accepting of donations or through application of grants and other funding and resource opportunities. Such tree planting initiatives may be overseen by the Council or undertaken by partners or other organisations with the Council's support and are often funded by donations, grants, or other external funds, for example:

Tree Time

Tree Time has been set up in partnership with the Edinburgh and Lothian Greenspace Trust and the Woodland Trust. This aims to raise support as well as public and corporate donations to assist with the care and planting of trees along the city's streets and roadsides, recognising the relative expense of street tree planting and the fact that the city saw an estimated 22% decline since the 1990s of the number of street trees.

A range of packages are available for people to adopt an existing tree or plant a new tree.

Trees can be donated as a gift, in memory of a loved one, or in your own name, or sponsored by businesses to help the present and future generations enjoy the benefits of trees in the city.

See https://www.tree-time.com/ for more information on donating trees to benefit the city.

Edinburgh Million Tree City

An ambition of the 2050 Edinburgh City Vision[33] is for the city to attain million-tree status. The Edinburgh Million Tree City project aims to plant a minimum of 250,000 trees (accounting for tree losses in the city) to bring the city's current tree count to 1 million by 2030.

The project brings together principal stakeholders so that the city can better communicate its tree values, plant trees more quickly, and collectively look after those trees already in its care.

The project officially launched in October 2021 and has received grant funding from the Woodland Trust.

[33] https://www.edinburgh2050.com/

For more information see: https://www.edinburgh.gov.uk/parks-greenspaces/one-million-tree-city/1 or email:

Wee Forests

Wee Forests are part of the global family of 'Miyawaki Forests' or 'Tiny Forests'. Following the method - with its emphasis on community engagement, co-design, and careful soil preparation – means that Wee Forests meet a consistent global standard, and their benefits can be measured and shared. A Wee Forest is a tennis court-sized, densely planted, and fast growing, native species rich woodland in urban Scotland, which combines the specific Tiny Forest planting method with long term citizen science. Wee Forests can incorporate an outdoor classroom and are opportunities for school and community engagement. Young people can help to tackle the ecological and climate emergency by planting and looking after their own forest in their own neighbourhood. Wee Forests provide places to play in a natural setting and opportunities to enjoy nature, with benefits for mental and physical health. As well as local schools and communities being involved in design and planting, each Wee Forest will have a "Tree Keeper Team" of local volunteers to look after the planting and measure its benefits for nature and people.

Sites are assessed to meet various social and environmental targets and needs where possible, e.g., proximity to schools or areas with high levels of multiple deprivation; areas requiring increased habitat creation.

Sites are developed with support from NatureScot and earthwatch. The first four sites were planted at the end of 2021 and include: Peacocktail Close in Craigmillar; West Pilton Park, East Pilton Park; and an open space at Mount Vernon.

More information can be found at:

NatureScot: https://www.nature.scot/climate-change/nature-based-solutions/wee-forests-part-tinyforest-global-family

earthwatch: https://earthwatch.org.uk/get-involved/tiny-forest

Queen's Green Canopy

The Queen's Green Canopy was a tree planting initiative created to mark Her Majesty's Platinum Jubilee in 2022 and afterwards commemorate her life and remarkable service following her death. The initiative encouraged everyone to enhance their local environment by planting trees as a living legacy in honour of The Queen's remarkable reign and leadership of the nation and commonwealth.

The city was pleased to play its part in The Queen's Green Canopy initiative as a 'Champion City'.

See https://queensgreencanopy.org/ for more information.

9.3 Community involvement

POLICY 48

The Council will provide support where resources allow to support community groups, resident's associations, friends of parks groups, etc., and other volunteers with tree planting projects and involve the community in planting initiatives.

Community tree planting provides an opportunity for empowerment and involvement that brings together people of all cultures, ages, and genders together to achieve a common purpose. It can provide physical and mental health benefits far beyond the initial tree planting event.

A four percent square metre increase in the treed area for every square metre of neighbourhood (equal to the addition of about 200 average trees (with 40m^2 crown area) on the streets) predicts increased health perception for individuals living in that area[34]. Trees planted in a neighbourhood decrease cardiometabolic conditions in ways comparable to an increase in annual personal income of £7,000 (allowing for inflation) or being 1 to 4 years younger[35].

The community can play an important part in the design, planting, and maintenance of tree planting programmes in their neighbourhood. The Council recognises that local communities, schools, resident's associations, friends of parks groups, etc., want to get involved in tree planting initiatives and planting projects in their neighbourhood. The Council will support community groups particularly in areas with high levels of multiple deprivation.

Volunteering to plant trees provides health benefits as well as supports community engagement and provides important socialising opportunities.

Tree planting initiatives such as Wee Forests and Edinburgh Million Tree City help to promote the development of outdoor learning opportunities and increase awareness of the role of woodlands as an outdoor learning resource and a resource for education, training and lifelong learning.

9.4 Maintenance of newly planted trees

POLICY 49

The Council will endeavour to maintain newly planted trees appropriately to ensure they have the best chance of establishing.

Any new tree that is planted will only reach its potential and achieve maturity if adequate resources are available to ensure the tree is maintained throughout its lifecycle.

Newly planted trees require monitoring and usually a maintenance input to ensure that they successfully establish. Additional maintenance is required, which could include weeding (either by herbicide or by the use of mulch), watering or fertilising, according to conditions, and adjustment or removal of tree ties or guards. The Council generally specifies the use of standard trees or occasionally extra-heavy standard trees for streets, parks and gardens, and smaller trees, such as whips or transplants, for woodland areas.

All standard trees and larger are protected from potential damage by a weldmesh guard supported by three stakes as not to suppress the tree's branch structure or cause damage due to rubbing. This guard is left in-situ for as long as possible to provide bark protection and deter vandalism.

[34] Kardan, O. et al. (2015) 'Neighborhood Greenspace and Health in a Large Urban Center', *Scientific Reports*, https://www.nature.com/articles/srep11610.pdf

[35] Ibid.

Trees (whips) planted as part of a woodland establishment programme are not usually watered but may need protection using a tree shelter. Watering of newly planted standard and extra-heavy standard trees has generally been inadequate and can result in tree losses. Watering has generally only taken place during the first spring or summer after planting; however, the frequency of watering and quantity of water required varies depending on local conditions. Watering is especially important in Edinburgh as it ranks as one of the driest cities in Scotland with around 28.7 inches of rainfall per annum (compared to 49 inches in Glasgow and 34.1 inches in Aberdeen)[36].

Ideally, newly planted standard and extra-heavy standard trees should be watered twice weekly during the growing season for the first 3 to 5 years. While the British Standard (BS8545:2014: Trees – from Nursery to Independence in the Landscape: Recommendations) does not recommend any particular frequency or duration of watering but recommends that this should consider the local conditions. Watering newly planted trees during the initial establishment period is not optional and should form part of proactive aftercare. It is appreciated that there are significant costs associated with adequately watering newly planted trees during the establishment period, but this would likely result in higher total numbers of trees reaching maturity compared with planting as many trees as possible and then not adequately following up on aftercare. Consideration should be given to resources to ensure higher numbers of established trees in the streetscape rather than achieving high numbers of tree planting.

Perforated watering pipes should be installed around the root zone of tree planting pits to facilitate watering and provide aeration.

Newly planted trees suffer competition for moisture when planted in grass areas, so control of weeds around the base of trees is crucially important. The preferred solution is to apply mulch (e.g., wood chips) at least 1-metre diameter around the base of the tree to a depth of 100mm. Mulch will need topped up from time to time.

[36] https://www.scottishfield.co.uk/homes-gardens/property-2/four-of-the-rainiest-uk-cities-revealed-to-be-in-scotland/

10 Tree Disease and Pathogen Policies

10.1 Impact of tree diseases and pathogens

POLICY 50

The Council will remain vigilant to the spread of tree diseases and pathogens and their potential impact on the city's trees. The Council will take appropriate action to mitigate an outbreak or damage caused to trees and seek to obtain the necessary resources to achieve any actions.

Some tree diseases and pathogens are species-specific, while others affect multiple host species[37]. Tree disease may be incited by pathogens such as fungi, bacteria, viruses, nematodes, and other microorganisms[38]. Insects serve as vectors and play a major role in disease development by providing wounds that allow pathogens to penetrate the tree and other functions[39]. Non-infectious tree diseases are caused by abiotic factors that directly damage tree health, such as freezing temperatures or air pollutants[40].

The prevalence and severity of tree diseases and spread of vectors is likely to align with anticipated changes in climatic conditions[41]. Of major concern are tree diseases that damage affected trees that ultimately lead to tree mortality, which presents a health and safety risk to people and property.

Where it is deemed appropriate the use biocontrol agents or other methods, including chemical treatment, may be deployed to help prevent, reduce, or eradicate pests.

10.2 Dutch Elm Disease

POLICY 51

The Council will monitor the continued spread of Dutch elm disease by undertaking an annual survey of the city's elm trees, starting each June. The Council will carry out a sanitation felling programme designed to reduce the spread of the disease and will advise private owners of what action needs to be taken by them.

Dutch elm disease was first identified in Edinburgh in 1976, and spread rapidly until, by 1987, over 1,500 elms per year were becoming infected[42]. The disease, a fungus, is invariably fatal. The beetle which spreads the fungus from tree-to-tree breeds in dying or dead elms, so it is imperative to remove infected elms promptly. This approach to controlling the disease, which has been in place for over 45 years[43], means that whilst elms have all but disappeared from most towns and cities, there are in excess of 35,000 elm trees remaining in Edinburgh.

Any public trees showing signs of the disease are felled and removed by the

[37] Frankel, S.; Juzwik, J.; Koch, F. (October, 2012). Forest Tree Diseases and Climate Change. U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. www.fs.usda.gov/ccrc/topics/forest-disease
[38] Ibid.
[39] Ibid.
[40] Ibid.
[41] Ibid.
[42] https://treecare.org.uk/2101/dutch-elm-disease-management-in-edinburgh/
[43] Ibid.

Council. Owners of private trees showing signs of the disease are written to and advice on the safe removal and disposal of the infected tree is provided. Dutch elm disease tree work is given high priority because although trees dying of the disease may only become dangerous after a year or two, failure to remove affected trees promptly allows the disease to spread rapidly, thereby increasing the overall workload.

The Council's approach to Dutch elm disease is set out in the Council's Executive report, "Dutch Elm Disease – Legislative Review" 2005[44].

10.3 Ash Dieback

POLICY 52

The Council will monitor the continued spread and impact of Ash Dieback by undertaking an annual survey of the city's ash trees. The Council will carry out a programme designed to remove diseased trees taking a risk-based approach and will advise private owners of what action needs to be taken by them.

Ash dieback is a serious tree disease epidemic caused by a fungal pathogen that will kill around 80% of ash trees across the United Kingdom (UK), change the British landscape forever and threaten many species that rely on ash trees for their existence.

The European (or Common) ash tree, *Fraxinus excelsior*, is a native deciduous tree found abundant throughout Edinburgh, Scotland and the wider UK. It is a very prolific species and tends to self-seed widely. Ash is therefore present on every type of site managed by the Council, including parks, cemeteries, woodlands, schools, care facilities, civic building and depot grounds, Council housing gardens, active travel routes, walkways and roadside verges.

Ash dieback is a serious tree disease epidemic caused by a fungal pathogen, *Hymenoscyphus fraxineus*, also known as *Chalara fraxinea* or *Hymenoscyphus pseudoalbidus,* which causes dieback and death of ash trees. Symptoms include dieback of shoots and branches, and withered, browned leaves that fall early. The dieback progresses through the crown and can kill a mature tree in two years. The wood of affected trees often become brittle and may drop branches or fall over, which increases the risk of injury, property damage, road traffic accidents and, potentially, fatality, and makes tree removal more difficult and dangerous than usual.

The fungus overwinters in leaf litter on the ground, particularly on ash leaf stalks. It produces small white fruiting bodies between July and October that 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 come under extreme physiological stress and ultimately die. The tree can fight back, but year-on-year infections will probably eventually kill it.

The fungus originated in Asia, where it is a fairly harmless component of indigenous woodland ecology, causing only minor damage to its host, *Fraxinus*

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44 https://democracy.edinburgh.gov.uk/Data/Executive/20051108/Agenda/dutch_elm_disease_-_legislative_review.pdf

mandschurica. It was transported to Poland in the mid-1990s, where it gained proximity to *Fraxinus excelsior* and became extremely destructive. It spread rapidly throughout Europe, was confirmed in England in 2012, and first recorded in Edinburgh in 2015. Over the next five to 10 years, 95 - 98% of British ash trees are expected to become infected with ash dieback. Although a small proportion have some natural resistance to the disease, 75 - 90% of these are expected to die.

It is estimated that almost 44,000 ash trees exist within Edinburgh and, of these, some 11,000 are owned and managed by the Council. In addition, there are many more unrecorded trees in the wider local authority area, and therefore an even larger number of ash trees across Edinburgh. The majority of these trees will need to be felled in the next five to 10 years, having a direct impact on local wildlife and the city's ambition to become a Million Tree City, and at significant additional resource cost to the Council.

An Ash Dieback Action Plan[45] has been drafted to manage this process in a coordinated and programmed manner to ensure the safe removal and disposal of infected trees. Significant resources will be expended in managing Ash Dieback in the city over the next few years.

10.4 Biosecurity risks

POLICY 53

The Council will procure trees from reputable growers and suppliers who maintain the highest standards of plant health.

There are increased biosecurity risks associated with trade in plant materials and climate change is altering the geographical range of tree pests and diseases. Protecting our city's trees from biosecurity risks is necessary to ensure our trees and woodlands remain healthy. It is therefore imperative that trees are obtained from reputable growers and suppliers who maintain the highest standards of plant health and achieve appropriate accreditations and certifications.

45 https://democracy.edinburgh.gov.uk/documents/s41986/9.1%20-%20Ash%20Dieback%20Action%20Plan%20FINAL.pdf

11 Heritage and Veteran Tree Policies

11.1 Heritage and Veteran trees in the city

POLICY 54

The Council will manage veteran trees sympathetically according to good arboricultural practice, striking a balance between public safety and biodiversity.

Heritage (or veteran) trees are important for both their historic and cultural value at the local level and conservation value in the creation of habitats for fungi and insects. Many trees have important cultural or historical significance, whereas others have been the source of traditions or folk tales.

The Council has compiled a list of heritage trees in Edinburgh. This involved a lengthy process of background research and public consultation, which provided a list of nearly 100 potential candidates.

From this original list an inventory of 52 trees were identified as notable and exceptional due to great age, size, or historical and cultural significance. An information leaflet has been published identifying their value and location. In general, they are located in designed landscapes, former estates and parkland.

Trees can be made safe by pruning or felling. Typically, the Council will employ the most cost-effective approach but, for certain high value trees will consider other options to reduce risk to an acceptable level, including those that reduce the likelihood of the tree failing or the likelihood of people being close to the tree if it did fail.

This policy extends to where there are suitable opportunities to enhance ancient woodland.

12 Summary of Policies

POLICY 1
Trees in Council ownership will be inspected for safety on a cycle between one and five years according to size, targets, condition, and survey recommendations for each tree. This information will be recorded on the Council's tree asset database.

POLICY 2
Tree inspections and arboricultural work will only be undertaken by qualified, experienced, and competent people.

POLICY 3
The Council will take steps to bring all its trees under active, appropriate and informed management.

POLICY 4
The Council prioritises tree work according to the individual tree's health and safety risk and considering current available resources. Tree works will normally be completed in safety priority order.

POLICY 5
The Council accepts the right of householders to remove overhanging branches, (subject to compliance with Tree Preservation Orders and/or Conservation Area status) and where required will assist householders to identify a suitable arboricultural contractor who can carry out works to the appropriate standard.

POLICY 6
The Council will consider applications from private owners to alleviate amenity reduction or nuisance problems on the basis that they will fund the works, that the works will be agreed with the Council beforehand, that a suitable arboricultural contractor is appointed, and that each case will be considered on its individual merits.

POLICY 7
The Forestry Service will develop appropriate services standards and performance measures to manage trees for other Council service areas and establish the desired resource levels required to meet their needs.

POLICY 8
For non-emergency tree-related safety issues a Trees & Woodlands Officer will aim to acknowledge receipt of an enquiry within 5 days, carry out a tree inspection within 20 working days following receipt of the enquiry, and notify the customer thereafter of what action the Council intends to take.

POLICY 9
Claims made in writing to the Council in relation to alleged damage caused by a Council owned tree will be acknowledged within 10 working days of receipt.

POLICY 10
The Council will not carry out works to trees, or fell them, unless it is necessary to do so. When works are carried out, the reasons for the work will be documented and recorded.

POLICY 11
Management of ivy and trees. The Council will control ivy on trees where it is having a significantly negative effect.

POLICY 12
Where practicable, all arisings (logs, branches etc.) from tree works in high amenity areas will be removed and used in an environmentally sustainable

manner. In woodland situations, however, standing dead wood, logs and chippings may often be left on site, where this can be done safely, to enhance biodiversity and increase wildlife habitats.

POLICY 13
The Council will not remove tree stumps except where there are compelling reasons to do so, and then only if it is practicable and appropriate. In woodland locations, stumps will generally be left to decay in-situ.

POLICY 14
The Council will prosecute any unauthorised person found to be damaging or pruning its trees or allows another person to carry out works on their behalf without our permission, or disposes of tree waste illegally, and where appropriate apply the maximum penalty.

POLICY 15
The Council will develop a specific policy relating to the management of roadside trees.

POLICY 16
The Council will undertake work to a tree in its ownership to maintain clear sight lines (where reasonably feasible) at junctions and access points (associated with a street, footway, or road).

POLICY 17
The Council will undertake measures to make safe an unacceptable trip hazard in streets, footways, roads caused by the growth of a Council owned tree.

POLICY 18
The Council will undertake measures to make safe any unacceptable carriageway obstruction due to trees in streets, affecting roads caused by the growth of a Council owned tree.

POLICY 19
The Council will undertake work to a tree in Council ownership to maintain a minimum 5.5 metre height clearance over the carriageway - where reasonably feasible.

POLICY 20
The Council will undertake measures to make safe any unacceptable carriageway risk due to private trees in a dangerous condition, within falling distance of the public road.

POLICY 21
The Council will undertake work to a Council owned tree to maintain a minimum (where reasonably feasible) 2.5 metre height clearance over an adopted footpath associated with a street, designated cycleway, or road.

POLICY 22
The Council will undertake work to a tree in its ownership to ensure that it does not unduly obstruct the streetlight zone of illumination.

POLICY 23
The Council will ensure that all construction and development, including temporary installations and placement of movable equipment, near to trees follows BS:5837 (2012) “Trees in relation to design, demolition and construction - Recommendations” and that the most recent National Joint Utilities Group “Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees” are followed where carrying out works in root protection areas cannot be avoided.

POLICY 24
The Council will ensure that trees are protected as part of events and activities, including mitigation and enforcement to protect tree root zone and tree canopies from damage.

POLICY 25
The Council will seek restitution for damage to trees caused by excavations or other works associated with the installation, maintenance, or removal of public utilities.

POLICY 26
The Council will undertake work to a tree in its ownership to ensure that not unduly obstruct traffic signals or street signs.

POLICY 27
Where a Council owned tree or woodland is associated with criminal activity and/or anti-social behaviour, measures to alleviate the problem will be implemented on a site-by-site basis in consultation with the Police and local communities.

POLICY 28
The Council will investigate reports of vandalism to a Council owned tree or woodland and try to correct any damage where appropriate and within available resources.

POLICY 29
The Council will not prune or fell a Council-owned tree simply because it is considered to be 'too big' or 'too tall'.

POLICY 30
The Council, as a last resort, will investigate complaints associated with High Hedges once a resident has exhausted all other avenues, has applied for a High Hedge Notice and paid the appropriate fee. The Council will serve notice on the hedge owner if appropriate. Failure to comply with a notice will result in the Council undertaking the work and recovering costs from the hedge owner.

POLICY 31
The Council will not prune or fell a Council-owned tree to remove or reduce leaf fall or remove fallen leaves deposited upon private property.

POLICY 32
The Council will generally not prune or remove trees in cases where they cause a reduced amount of light to fall on a property, other than in exceptional circumstances.

POLICY 33
The Council will not prune or fell a Council tree to remove or reduce bird droppings caused by roosting birds in trees or remove bird droppings from private land.

POLICY 34
The Council will not prune or fell a Council-owned tree to remove or reduce the nuisance of fruit, berries, or nuts or remove such fallen fruit from private land. However, where fallen fruit is leading to significant anti-social behaviour issues the Council will consider measures to reduce the problem, including whether a phased removal and replacement with alternative species is reasonable.

POLICY 35
The Council will not prune or fell a Council owned tree to remove or reduce honeydew or other sticky residue from trees.

POLICY 36
The Council will not prune or fell a Council owned tree to remove or reduce the release of pollen.

POLICY 37
The Council will generally not prune or fell a Council owned tree to remove or reduce interference with telephone wires.

POLICY 38
The Council will generally not prune or fell a Council owned tree to prevent

perceived interference with television or satellite installation or reception.

POLICY 39
The Council will not prune or fell a Council owned tree to remove or reduce incidence of perceived pests such as bees, wasps, or wild animals.

POLICY 40
The Council will not prune, fell or cut the roots of a Council owned tree to prevent roots entering a drain that is already broken or damaged.

POLICY 41
In the event that a Council tree is causing damage to property, a Trees & Woodlands Officer will aim to respond within 10 working days and, if appropriate, remedial works will be undertaken.

POLICY 42
The Council will generally not prune or fell a tree in Council ownership to alleviate the nuisance of overhanging branches.

POLICY 43
The Council will not prune or fell a Council owned tree to improve the view from a private property.

POLICY 44
The Forestry Service will aim to attend emergency tree incidents within 1 hour of its report to assess the situation and start the process of making the site safe.

POLICY 45
Tree works will be limited and proportionate to the extent of risk posed by a tree that is dangerous or level of risk found at the time of inspection by a Trees & Woodlands Officer.

POLICY 46
The Council will endeavour to maintain its tree stock and increase current tree numbers through additional and replacement tree planting. The Council will seek to diversity its tree planting across a wider range of native and where appropriate non-native species. The Council will look to increase and improve its tree cover within available resources as part of its annual tree planting programme, paying particular attention to historic street tree and parks and green space planting.

POLICY 47
The Council will support tree planting initiatives and projects to maximise available funding and resource opportunities to increase the numbers of trees and areas of woodlands in the city.

POLICY 48
The Council will provide support where resources allow to support community groups, resident's associations, friends of parks groups, etc., and other volunteers with tree planting projects and involve the community in planting initiatives.

POLICY 49
The Council will endeavour to maintain newly planted trees appropriately to ensure they have the best chance of establishing.

POLICY 50
The Council will remain vigilant to the spread of tree diseases and pathogens and their potential impact on the city's trees. The Council will take appropriate action to mitigate an outbreak or damage caused to trees and seek to obtain the necessary resources to achieve any actions.

POLICY 51
The Council will monitor the continued spread of Dutch elm disease by undertaking an annual survey of the city's elm trees, starting each June. The Council will carry out a sanitation felling programme designed to reduce the spread of the disease and will advise private owners of what action needs to be taken by them.

POLICY 52
The Council will monitor the continued spread and impact of Ash Dieback by undertaking an annual survey of the city's ash trees. The Council will carry out a programme designed to remove diseased trees taking a risk-based approach and will advise private owners of what action needs to be taken by them.

POLICY 53
The Council will procure trees from reputable growers and suppliers who maintain the highest standards of plant health.

POLICY 54
The Council will manage veteran trees sympathetically according to good arboricultural practice, striking a balance between public safety and biodiversity.

13 Contact Information

13.1 Trees on Council land

For enquiries regarding trees in parks, streets, public gardens; openspaces, woodlands, cemeteries, and walkways or cycleways, you should contact the Forestry Service.

13.2 Forestry Service

The Forestry Service forms part of a collection of neighbourhood environmental services within Operational Services in Place Directorate:

Neighbourhood Environmental Services – Forestry Service
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.
Telephone: 0131 311 7074
Email: forestry.service@edinburgh.gov.uk

13.3 Housing

If you are a Council tenant or have enquiries regarding trees in Council house gardens, you should contact your Housing Officer. If you do not know which local office you should contact, please see: https://www.edinburgh.gov.uk/homepage/10344/our-main-locality-offices.

13.4 Schools and Health and Social Care

For enquiries regarding trees in schools, Children & Families centres, or Health & Social Care properties, you should contact the Corporate Property Helpdesk.
Telephone: 0131 529 7878.

13.5 Trees on Private land

If you have an enquiry relating to trees and woodlands on private land, then you should contact the Arboricultural Officers in Sustainable Development, Place, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.
Telephone: 0131 529 3919/3531
E-mail: planningtrees@edinburgh.gov.uk

13.6 General information

Information on the Council's management of trees and woodlands can be found on the Council's website: https://www.edinburgh.gov.uk/parks-greenspaces/trees-woodlands

Clarification of why a tree is to be or was pruned or felled can be obtained by contacting the Forestry Service.

13.7 Out of Hours emergencies

For **out-of-hours emergencies** please contact 0131 200 2000.

14 Appendix

14.1 Summary of current planning policy framework relating to trees and woodlands

This appendix provides a summary of current planning policy framework relating to trees and woodlands in the city.

14.2 City Plan 2030

As proposed within the **City Plan 2030**, trees and woodland make an important contribution to the character and quality of the urban area and countryside providing biodiversity, landscape, water attenuation and cultural benefits including mental health benefits. Specific legislation protects trees in conservation areas and those covered by a Tree Preservation Order.

The Edinburgh and Lothians Forestry and Woodland Strategy provides a long-term vision for woodland creation and management to increase woodland cover and create better links.

Opportunities will be taken to deliver the Strategy through greenspace proposals and management of the woodland resource throughout the city.

The City Plan 2030 will play an important role in achieving Edinburgh's target to become a 'Million Tree City' by 2030 by encouraging new tree planting as well as protecting existing trees.

14.2 Environment and Design Policies

Environment and Design policies form part of the City Plan 2030.

Policy **Env 20 – Protection of Trees and Woodlands** provides information on the protection of trees and woodlands.

There is a presumption against development that risks having a damaging impact on any tree, groups of trees or woodland unless the Council accepts this is necessary for good arboricultural reasons and also accounting for the value of the tree(s) in terms of amenity, health benefits, biodiversity, townscape and landscape character, local amenity or climate change adaptation and mitigation. Any proposal which may adversely affect tree(s)will require a tree survey that is accepted as competent by the Council. If the Council considers there may be adverse impacts on trees of value then the proposal must be supported by a competent Tree Protection and Mitigation Plan (including tree survey). Where permission is granted and there would be loss of trees, replacement planting of appropriate species and numbers will be required to offset the loss.

A Tree Protection and Management Plan required under this policy should demonstrate how it has informed the proposal itself so that both permanent buildings and services as well as temporary construction structures are sited so as to minimise adverse impacts on existing and future trees. The Protection and Mitigation Plan should include temporary earth works and any site preparation as well as full details of compensatory planting proportionate to the value of trees lost in each of the above respects. Where applicable, root protection areas, canopy extents should be established. Details should be submitted of protective barriers to be erected prior to any work commencing.

This policy applies to all trees, including those outwith a tree protection order or conservation area. This policy recognises the important contribution made by trees to character, biodiversity, amenity and green/blue networks. In assessing proposals affecting trees, the Council will consider their value, taking into consideration their status, such as Tree Preservation Order, heritage tree, Ancient Woodland, or Millennium Woodland. This will be considered alongside information from tree surveys, current Scottish Government guidance (presently contained in its Policy on Control of Woodland Removal) and the UK Forest Standard. Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Existing trees retained as part of proposals will contribute towards the minimum level of tree planting required under policy Env 27. Edinburgh Design Guidance and associated appendices and appropriate British Standards are also applicable, as the Forest and Woodland Strategy is adopted during the lifetime of this Plan.

Policy **Env 27 - Public Realm, New Planting and Landscape Design** sets out that Planning permission will be supported by this policy where all external spaces and features have had their design and position considered as a fundamental part of the scheme as a whole, and it has been demonstrated that among other in relation to trees that a tree canopy coverage of appropriate species shall be achieved in line with Council guidance, as well as hedge, shrub and wildflower planting to provide a setting for buildings, boundaries and roadsides and create a robust landscape structure.

This policy applies to all development with new public and semi-private external space. High-quality, well-designed public spaces are crucial elements of the urban environment and in making successful places. The Council encourages the preparation of public realm strategies to coordinate design and provide information on future maintenance in other major development schemes.

In terms of landscaping and maintenance arrangements, details of these should be submitted at the application stage so they can be considered as a central part of the proposal alongside the built form and overall layout. These schemes shall cover landscape, including both existing and new tree planting both during and after construction. It is expected that, if acceptable, compliance with these landscape plans and maintenance arrangements shall be secured by condition.

The retention and planting of trees as well as other planting has many benefits, including to sequester carbon as well as assisting with climate change adaptation through urban heat regulation and reducing surface water run-off from sites.

Consideration should be given to positioning of planting and buildings as well as the species used so as to avoid detrimental effects of overshadowing.

Designs should follow the principles in the Edinburgh Design Guidance and associated appendices (including in respect of the Green and Blue Network) and guidance from Edinburgh Biodiversity Action Plan, Forest and Woodland Strategy, NatureScot, SEPA, Construction Industry Research and Information Association guidance and guidance from other appropriate agencies.

14.3 Edinburgh Design Guidance

The Edinburgh Design Guidance explains how to comply with local plan policies on urban design. The document is available on the Council's website at: https://www.edinburgh.gov.uk/downloads/file/27602/edinburgh-design-guidance-january-2020.

The requirements for trees and woodlands in relation to development remain broadly the same:

- Compliance with the approach and principles in the British Standard (BS 5837:2012).
- Assessment of the existing trees and woodlands and their retention in the final layout where appropriate.
- Contributions to an improved habitat network through woodland creation and tree planting.

A summary of the process is included in the document and sets out:

1. Carry out a tree survey and categorisation to identify trees worthy of retention.
2. Prepare a Tree Constraints Plan showing physical and spatial requirements for retaining those trees. This includes a Root Protection Area for each tree and an indication of the ultimate spread of canopy. Include any proposed tree work to retained trees (e.g., crown reduction, pruning etc.).
3. Use Tree Constraints Plan to design an initial site layout and identify areas for new planting.
4. Achieve finalised site layout.
5. Prepare a Tree Protection Plan, plot the Root Protection Area of retained trees, including the location of protective barrier fencing with specification, ground protection and provision of onsite supervision, showing the Construction Exclusion Zone.
6. Submit with Planning Application.
7. Planning approval with tree protection conditions relating to the approved Tree Protection Plan.
8. Prior to start of construction, erect tree protection fencing and other identified measures to form a Construction Exclusion Zone.
9. Ensure site supervision to maintain tree protection fencing and measures until removal agreed.

14.4 Trees and development

The Scottish Planning Policy outlines the protection which should be given by Planning Authorities to trees and woodlands in relation to development. Paragraphs 216-218 cover woodlands[46].

- Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders[47] can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

[46] https://www.gov.scot/publications/scottish-planning-policy/pages/7/

[47] http://www.scotland.gov.uk/Publications/2011/01/28152314/0

- Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

- The Scottish Government's Control of Woodland Removal Policy[48] includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

The Scottish Forestry Advice Note 'The right tree in the right place'[49] also forms part of the national policy framework for local authorities.
Where trees are affected by development, the Council promotes the protection of existing trees and requires the planting of new trees as appropriate.

Through planning policies, the Council aims to:

- Retain trees of landscape, biodiversity, or amenity significance;
- Encourage new tree planting wherever appropriate within new development to strengthen woodland habitat networks;
- Promote a substantial renewal of the city's woodland resource; and
- Effectively manage existing trees and woodlands.

14.5 Tree Preservation Orders and Conservation Areas

The Council is committed to the protection of trees and woodland within the City of Edinburgh. This is achieved by the making of Tree Preservation Orders (TPO) and by the protection of trees within Conservation Areas.

Where trees are affected by development, the Council promotes the protection of existing trees and requires the planting of new trees as appropriate.

TPOs are made by a Planning Authority under Section 160 of the Town and Country Planning (Scotland) Act 1997 (as amended) and within the procedures set out in the Town and Country Planning (TPO and Trees in Conservation Areas) (Scotland) Regulations 2011.

The process relating to TPOs is outlined below:

- Notice of a Tree Preservation Order is served on the owner and advertised by the Council's Planning

48 http://www.forestry.gov.uk/pdf/fcfc125.pdf/$FILE/fcfc125.pdf

49 https://forestry.gov.scot/publications/96-the-right-tree-in-the-right-place-planning-for-forestry-and-woodlands

service. Anyone may comment or object within 28 days. Acknowledgement and notification of decisions will be sent to all who submit comments. Anonymous comments will not be considered.

- Following the consultation period, and within six months, the Council Planning Committee will confirm, modify or not confirm a TPO, taking into account the comments received.

- If confirmed, the TPO is again served on the tree(s) owner(s). It is also recorded in the Register of Sasine and imposes a legal burden attached to the title of the land.

- Where a TPO is in place, prior consent in writing is required from the Council's Planning service to carry out any work on the trees. An owner wishing to carry out work must apply in writing. If consent is given the work must be carried out within two years.

- If the applicant objects to the decision or conditions imposed, an appeal can be made to Scottish Ministers within 28 days.

- Contravention of a TPO is an offence, liable to prosecution, subject to a fine of up to £20,000.

The process relating to Conservation Areas is:

- Before carrying out any tree work within a Conservation Area, the owner of the tree must give notice to the Council, detailing the work and identifying the trees. This is done online via the ePlanning Portal, which can be found at: https://www.eplanning.scot/ePlanningClient/. More information is available from the Applying for tree works guide, which is available from the Council's website: https://www.edinburgh.gov.uk/downloads/file/30424/applying-for-works-to-trees-quick-guide

- An officer will then carry out a site inspection to assess the impact of the proposals on the local amenity. Advice and recommendations will be offered.

- If the trees are deemed to be of significant public amenity value and are considered to be at risk, a TPO may be served to prevent adverse work being carried out. This is the only way the Planning Authority can protect the trees; it cannot otherwise refuse consent.

- If after 42 days, the Planning Authority has not responded, and if a TPO has not been served, the specified work may proceed. The work must be carried out within two years of the notification.

- If work takes place without notification, similar penalties apply as for TPOs.

- Unauthorised work on protected trees will be investigated as a matter of urgency.

A guidance note on protected trees in Edinburgh is available from the Council's website at: https://www.edinburgh.gov.uk/downloads/file/30063/protected-trees-in-edinburgh-a-guidance-note.

If a landowner plans to remove more than five cubic metres of timber in one calendar quarter, they may be required to obtain felling permission from Scottish Forestry (previously known as the Forestry Commission). This is

approximately equivalent to two mature trees. Felling permission is not required if the trees are in a domestic garden, a public open space, a churchyard, or an orchard.

Trees are important habitats and sources of food for all sorts of wildlife in the city, and some are afforded legal protection, for example, it is an offence to disturb nesting birds and roosting bats.

All bat species found in Scotland use trees as roosts[50]. Roost sites are usually difficult to see and may not be used throughout the year; therefore, the absence of bats near a tree does not necessarily mean that there is no roost present[51].

It is crucial to be sure that there are no bat roosts in a tree that is to be felled, cut or lopped as roosts are so important for bats that they are protected year-round, even when not in use[52].

It is recommended before considering or planning any tree work that you have a bat survey carried out and there is a chance that bats might use the tree.

Advice on these issues is available from NatureScot at:
https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/bats/bats-licences-tree-works or
Telephone: 01463 725 364
Email: licensing@nature.scot

14.6 Edinburgh Biodiversity Action Plan

Woodlands within the Edinburgh area represent a valuable resource for people and wildlife alike. Green Networks, part of the Edinburgh Biodiversity Action Plan (2019-2021)[53], details key objectives and actions to protect, enhance and expand woodlands in the city.

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50 https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/bats/bats-licences-tree-works

51 Ibid.

52 Ibid.

53 https://www.edinburgh.gov.uk/downloads/file/26216/edinburgh-biodiversity-action-plan-2019-2021

This second edition prepared and updated by:
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