



# Tree Legislation in Scotland

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# Overview

- **Tree Preservation Orders & Trees in Conservation Areas**
- **Dutch Elm Disease**
- **Dangerous Trees**
- **High Hedges**
- **Roadside Trees**

# TPOs & Trees in Conservation Areas

- **Town & Country Planning (Scotland) Act 1997**
  - **Planning etc. (Scotland) Act 2006**
- **The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010**
- **Planning Circular 1 2011: Tree Preservation Orders**

# TPOs & Trees in Conservation Areas

## Exemptions for uprooting, felling or lopping of trees

...nothing in such an order shall prohibit the uprooting, felling or lopping of trees if—

‘...it is urgently necessary in the interests of safety’

# Tree Preservation Orders

- it is expedient in the interests of amenity to make that provision
- the trees, groups of trees or woodlands are of cultural or historical significance
- To give effect to planning conditions

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# Tree Preservation Orders

- **Duty on planning authorities to from time to time to review any order made in exercise of their powers under that section and to consider whether it is requisite to vary or revoke the order in question**
  - **No time period specified**
  - **No streamlining of process for varying or revoking**

# Tree Preservation Orders

- **No restrictions on use of Area Orders**
- **No Provisional Orders**
- **No requirement to use a model TPO schedule**
- **Offences reported to Crown – LAs do not prosecute**



# Scottish Forestry

- **New government department**
- **Replaces Forest Authority and Forest Enterprise**
- **New system of felling consents**
- **Where trees/woodland is TPO the application can be dealt with by planning authority under the TPO**

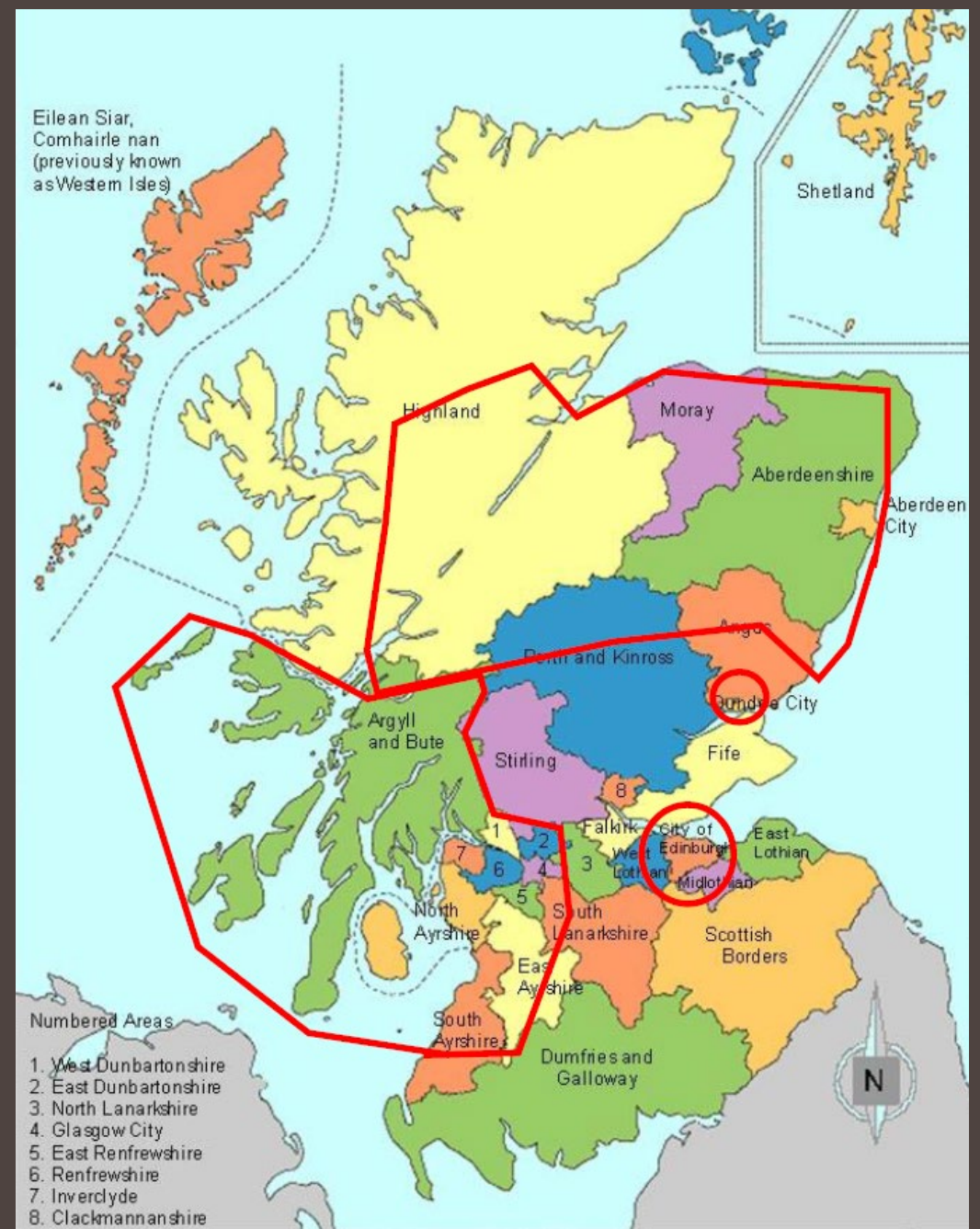
# Dangerous Trees

- No equivalent of the Local Government (Miscellaneous Provisions) act 1976 to deal with dangerous trees
- Only power is through the power of the Roads (Highways) Authority and the Roads (Scotland) Act 1974
- Civil action used by occupant to obtain court order

# Dutch Elm Disease

- **The Dutch Elm Disease (Restriction on Movement of Elms) (Amendment) Order 1988**

# Areas affected by Dutch Elm Disease Control Orders



# High Hedges (Scotland) Act 2013

- **Applies to any hedge which -**
  - Is formed wholly or mainly by a row of 2 or more trees or shrubs
  - rises to a height of more than 2 metres above ground level
  - forms a barrier to light

# High Hedges (Scotland) Act 2013

- Act applies to evergreen and deciduous hedges
- The inclusion of 'deciduous' has taken focus away from fast growing conifer hedges and increased the scope for the inclusion of wider tree groups
- No offence for non-compliance with a High Hedge Notice

# Hedgerows

- **No legislation protecting hedgerows**
- **Nothing to prevent the use of TPOs**



**Thank you**

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