

Culture and Communities Committee

10.00am, Thursday, 11 May 2023

Response to Motion by Councillor Osler – Tree Protection Measures East and West Princes Street Gardens

Executive/routine Wards Council Commitments	Routine All
---	----------------

1. Recommendations

- 1.1 It is recommended that Committee notes:
- 1.1.1 This update on the arrangements which were in place for Edinburgh's Christmas 2022 and the challenges faced;
 - 1.1.2 The update provided on refreshing the Trees in the City Action Plan and Tree Protection Plan for East Princes Street Gardens and some of the considerations which are being progressed as part of this work; and
 - 1.1.3 That the refreshed Trees in the City Action Plan will be presented to Committee following public consultation in October 2023.

Paul Lawrence

Executive Director of Place

Contact: Steven Cuthill, Parks, Openspace Development and Visitor Services Manager

E-mail: steven.cuthill@edinburgh.gov.uk | Tel: 0131 529 5043

Report

Response to Motion by Councillor Osler – Tree Protection Measures East and West Princes Street Gardens

2. Executive Summary

- 2.1 This report responds to a motion by Councillor Osler, which was approved by the Council on 9 February 2023 in respect of Tree Protection Measures in East and West Princes Street Gardens. The focus of the report is primarily on the tree protection arrangements in place for Edinburgh's Christmas in 2022.
- 2.2 A further report on tree protection measures for future events will be presented to Committee in October 2023.

3. Background

- 3.1 Trees are an integral part of what makes parks and open spaces important havens for people and wildlife in the city. Many trees in spaces, such as Princes Street Gardens, have historical and cultural significance as they are often planted to commemorate events, state visits, and other important occasions.
- 3.2 Parks and open spaces also allow people to gather for events, which provide social and cultural benefits to participants.
- 3.3 Events in parks and open spaces, especially those that involve the installation of structures and access and egress for large vehicles, have the potential to present problems for the health of trees if not managed appropriately.
- 3.4 The Council's revised Trees in the City strategy and action plan will build in consideration to enhancing tree protection in parks and open spaces.
- 3.5 Following a motion by Councillor Osler on [9 February 2023](#), the Council requested a report to the Culture and Communities Committee setting out: for events covered by the applications for the temporary change of use and siting of performance units, catering units and other associated moveable structures for Edinburgh's Christmas Festival located in West Princes Street Gardens and for temporary use for a big wheel, associated rides/attractions, food, craft-concession stalls, public toilets, waste facilities, entrance features, boundary treatment, ancillary offices, stores, and information signs in East Princes Street Gardens:

- 3.5.1 What measures were put in place to ensure tree protection and recovery during and post the event; and
- 3.5.2 How compliance with such measures was monitored and enforced, including details of any non-compliance which was brought to the attention of the Council, and a timeline of this; and
- 3.6 For future events in West Princes Street Gardens and in East Princes Street Gardens:
 - 3.6.1 What contractual and any other protections may be put in place to ensure those events comply with the applicable Tree Protection Plan and with the Tree in City Action Plan; and
 - 3.6.2 Processes by which compliance with the applicable Tree Protection Plan and the Tree in City Action Plan, effectively may be monitored and enforced, including consideration of how this might happen through the Council's auditing processes.
- 3.7 This report focuses on the actions set out in paragraph 3.4.

4. Main report

- 4.1 As Committee are aware, the planning for and delivery of Edinburgh's Christmas in 2022 was significantly impacted due to the time constraints arising from the change of contract holder at very short notice.
- 4.2 This meant that the contractor had limited time to make adequate arrangements to adhere to all of the measures (including tree protection measures) expected.
- 4.3 In preparation for the event, the requirements for tree protection within East and West Princes Street Gardens were shared with the event organiser when the contract was awarded in October 2022.
- 4.4 Developing the working plan for the protection of trees were developed within the principles of the Trees in the City Action Plan and the installation and construction requirements of BS5837 (2012).
- 4.5 The measures put in place to adhere to the tree protection arrangements in Princes Street Gardens included:
 - 4.5.1 Agreeing working principles and suitable operational methods upfront with Council officers;
 - 4.5.2 Daily meetings during the build and 'strike' periods and twice weekly during operations. Regular checks during the operations and improvements made, where possible. Where not possible, to be followed up post-event for future planning;
 - 4.5.3 Engaging an external arborist to support that the installation, operation and removal of activities by raising awareness of tree protection requirements, including as part of induction;

- 4.5.4 Defining areas to ensure that no accidental damage could occur; and
- 4.5.5 Putting in place additional measures to minimise the risk of accidental tree damage and to protect the root structure of trees.
- 4.6 The event organiser acknowledged that the plan was based on the arrangements put in place by the previous contract holder due to the time constraints associated with organising the event and the need to protect existing stallholders and providers from losing trade.
- 4.7 In order to monitor compliance with these measures:
 - 4.7.1 There was regular engagement between the Council and the event organiser throughout October and November 2022, with site meetings held on 24 October, 3 November and 21 November;
 - 4.7.2 Site inspections also took place on 2 December and 9 December with Council officers; and
 - 4.7.3 Event Planning Operations Groups (EPOGs) took place on 27 October and 11 November. In addition, EPOG meetings for Hogmanay took place on 15 December and 23 December.
- 4.8 During the course of the discussions with the event organisers, and with particular reference to the meeting on 21 November, the following areas of non-compliance were discussed:
 - 4.8.1 The installation of lighting poles and picket fencing;
 - 4.8.2 Point loading on grass areas within root protection zones (where large structures were to be located) with the adequacy of ground protection beneath structures (e.g. pieces of plywood or concrete slabs); and
 - 4.8.3 The location of attractions and activities within tree protection areas, the action taken to make space for these to be installed and the failure to act when issues were identified.
- 4.9 In order to discharge the planning permissions granted for East and West Princes Street Gardens, the Council wrote to the event organiser on 6 December 2022 highlighting these concerns and requested information to be provided within five days in order that the conditions could be discharged. This was followed up on 12 December with images from the visit which took place on 9 December.
- 4.10 The event producer took action to address some of the issues immediately, and for others sought clarity and/or support. However, there were some instances where it was not possible to address the concerns raised (e.g. where stalls or attractions were already in situ).
- 4.11 Examples of the action taken included: tree protection zones being improved and increased where possible, items which did not require to be on-site were removed, and following up on issues (such as point loading) with contractors.

- 4.12 A report of handling was [published](#) by the Planning Service which highlighted the tree protection issues (alongside a small number of other concerns which had been raised).

Contractual and other protections for future events

- 4.13 The Council's Trees in the City Action Plan and the Tree Protection Plan for East Princes Street Gardens are currently being refreshed and will be reported to Committee in October 2023.
- 4.14 As part of this refresh, officers are considering the following processes by which compliance with the appropriate plan can be effectively monitored and enforced:
- 4.14.1 As is currently the case, certain activities that have a long duration (over 28 days) require planning permission. In determining any application, the Planning Authority must be satisfied that the arrangements for the activity are in line with Planning legislative requirements and guidance. Failure to comply with any conditions set will be enforced by the Planning Authority, supported by parks colleagues (where necessary);
- 4.14.2 Updating the contractual terms and conditions for the use of parks for events and filming, as part of the development of the Use of Public Spaces for Events and Filming Policy implementation plan;
- 4.14.3 Developing clear Key Performance Indicators (KPIs) for events which take place in parks, relating to tree protection and sustainability;
- 4.14.4 Proposal to include an audit of the Council's processes for monitoring and enforcing tree protection issues in 2025/26 (following one full year of implementation of the new plan arrangements). This is to be discussed with Internal Audit colleagues in advance of the audit plan for 2025/26 being finalised.
- 4.15 In addition to the above, officers are also considering whether it may be appropriate to create formal event infrastructure in Princes Street Gardens (which would designate specific areas for activities and events) to minimise the risk of the tree protection plans not being adhered to, and to consider upgrading the power supply within the gardens to minimise the use of generators in the future.
- 4.16 Officers will also consider if any further measures and/or conditions can be introduced to minimise further the environmental impacts of events in parks.
- 4.17 In order to ensure that adequate tree protection measures are in place, the Council will work with event organisers to develop plans for each event. The Council will prepare information and guidance on the tree-related constraints within the area which the event is planned and would then expect the event organiser to demonstrate how they will adhere to these arrangements. For larger events, event organisers may be asked to submit their own tree protection plans and Council officers will provide guidance and support for this if required.
- 4.18 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.

- 4.19 Should any issues arise during the planning or operation of an event, any issues raised will also be shared within the relevant EPOG and any actions agreed will be recorded. This ensures that there is a written record of the issues and the actions to be taken. Monitoring of the actions agreed will form part of the on-going APOG process.
- 4.20 Officers will also investigate the mechanisms by which charges could be levied for the following activities:
- 4.20.1 To invest in planting new trees, whether that be through contractual community benefits or via an increased reinstatement bond. This would not be considered to condone damage to trees as a result of events in parks or greenspaces but could be used to contribute to the Council's Million Tree City objectives and to share the responsibility for future tree planting replacements should these be necessary; and
- 4.20.2 To provide on-site supervision of installation, operation and removal from site, particularly for larger scale events. This would enable the Council to ensure that tree protection measures are being adhered to and to deal with any issues as they arise. While it may not be necessary to have someone on-site at all times, ensuring that there is someone available to monitor the operational arrangements would minimise the likelihood of issues emerging during or after an event. This was in place for Christmas 2022/23 but, at the time of installation, it was not possible to have the dedicated Council officer on site.
- 4.21 An officer working group has been established to discuss the challenges and issues of organising events and activities in parks and greenspaces. As well as dealing with practical issues in event planning, this group will also raise awareness of the importance of tree protection (and other constraints) within the Council and with contractors and stakeholders.

5. Next Steps

- 5.1 Officers will continue to refresh the Trees in the City Action Plan and the Tree Protection Plan for East Princes Street Gardens (as set out in the main report), taking forward the actions outlined in advance of reporting back to Committee.
- 5.2 This includes developing detailed plans of both East and West Princes Street Gardens to ensure that there is a clear understanding of the tree locations, root protection areas and crown spread. This is likely to form the basis of the guidance which will be made available to event organisers.
- 5.3 Consultation on the Trees in the City Action Plan will also be progressed, with the outcome of public consultation being reported to Committee in October 2023.

Christmas 2023

- 5.4 In preparation for Christmas 2023, officers are working closely with Unique Assembly in planning for the upcoming year. Unique Assembly are also engaged as part of the work which Council officers are doing within the tree protection working group.
- 5.5 This will include ensuring that the tree constraints in East and West Princes Street Gardens are clearly identified and understood.
- 5.6 Detailed discussions will continue in respect of planning for Christmas 2023 and issues will be discussed between officers and the event organisers informally and through EPOG. A Tree Protection Management Plan will also be prepared by the event organiser, with input from external stakeholders to ensure best practice, for submission as part of their planning application.

6. Financial impact

- 6.1 There are financial impacts associated with implementing, monitoring, and supervising events and ensuring tree protection plans and measures are properly implemented.
- 6.2 As noted above, officers will investigate the potential for charges to be introduced to support effective planning and operation of events in parks and greenspaces.

7. Stakeholder/Community Impact

- 7.1 Tree protection arrangements are currently being revised in recognition that improvements are required.
- 7.2 Public consultation will be progressed on the Trees in the City Action Plan once refreshed, and the results of this will be reported to Committee.
- 7.3 As part of the development of the Use of Public Spaces for Events and Filming policy and guidelines, officers will ensure that appropriate stakeholder and community engagement is incorporated.
- 7.4 An integrated impact assessment and a strategic environmental assessment will be developed alongside the refresh of the Trees in the City Action Plan and the Tree Protection Plans for East and West Princes Street Gardens.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 None.