

**THE CITY OF EDINBURGH COUNCIL TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997 THE CITY OF EDINBURGH TREE PRESERVATION
ORDER NO.205 (Brunstane, Edinburgh)**

Notice is hereby given that the City of Edinburgh Council (referred to below as the "Council") as planning authority in exercise of their powers conferred upon them by Section 160 of the above Act have made the City of Edinburgh Tree Preservation Order No.205 (Brunstane, Edinburgh) (referred to below as the "Order") in respect of a collection of trees at Brunstane, Edinburgh. The Order takes effect on 1 June 2023. The Order has been made for the reason that the trees contribute to the attractiveness and character of the locality. The Order has been made for the reason that the trees and woodlands contribute to the attractiveness and character of the locality. The Order will allow the Council to prevent tree removal where it would harm amenity and to place appropriate conditions on any consent for tree work.

The Order can be viewed on the Council's website (search for 'new tree preservation orders'). A certified copy of the Order will be deposited at Portobello Library, 14 Rosefield Ave, Portobello, Edinburgh EH15 1AU for inspection by any person without payment on 10am to 8pm Monday to Wednesday and 10am to 5pm Thursday to Saturday. An electronic copy of the Order can be provided by email free of charge by sending a request to planningtrees@edinburgh.gov.uk

Objections and representations in respect of the Order may be made to the planning authority in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. Any objection or representation must be in writing and shall be duly made if it states its grounds, specifies the particular trees in respect of which it is made and is received by the planning authority no later than 1 July 2023.

Objections and representations should be sent to the Chief Planning Officer, Level G3, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG or by email to planningtrees@edinburgh.gov.uk

Dated:- 1 June 2023


Morven Kirsty Coulter

Proper Officer

The City of Edinburgh Council

1.9 Waverley Court

4 East Market Street

Edinburgh EH8 8BG

The Town and Country Planning (Scotland) Act 1997
Tree Preservation Order No.205 (Brunstane, Edinburgh)

The City of Edinburgh Council make the following Tree Preservation Order in exercise of the powers conferred by section 160 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Tree Preservation Order No.205 and takes effect on 1 June 2023.

(2) In this Order—

“the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(1);

“the Act” means the Town and Country Planning (Scotland) Act 1997;

“protected tree” has the meaning given in article 2.

Protected Trees

2.—(1) A protected tree is a tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland specified in that Schedule.

(2) The position of such trees, groups of trees or woodlands is identified in the manner indicated in Schedule 1 and on the maps annexed to this Order.

(3) Where any ambiguity as to the identification of a protected tree arises between the maps and the specification in Schedule 1 to this Order, the maps is to prevail.

Prohibited acts

3. Subject to the provisions of the Act and the exemptions specified in article 5, no person is except with, and in accordance with, the consent of the planning authority—

(a) to cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) to cause or permit the cutting down, topping, lopping, uprooting, or wilful damage or wilful destruction of,

a protected tree.

Application for consent

4.—(1) An application for consent to the carrying out of any act prohibited by a tree preservation order must be made to the planning authority and must—

(a) specify the operation for which consent is sought;

(b) give reasons for carrying out such operations; and

(c) identify the protected tree or trees which would be affected by such operations.

(2) The protected tree or trees must be identified by means of a maps or plan of a size and scale sufficient for the purpose.

Exemptions

5.— Nothing in article 3 is to prevent—

- (a) the cutting down of a tree in accordance with a felling permission granted by Scottish Forestry under the Forestry and Land Management (Scotland) Act 2018
- (b) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land⁽¹⁾ of the statutory undertaker and the work is necessary—
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development for which planning permission is granted by the 1992 Order, provided that notice in writing of the proposed operations is given to the planning authority as soon as practicable after the operations become necessary
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is immediately required to enable a person to carry out works to implement a planning permission (other than an outline planning permission or planning permission in principle) granted on an application under Part 3 or section 242A of the Act ⁽²⁾; or
- (e) the cutting down, topping, lopping or uprooting of a tree by, or at the request of, SEPA to enable SEPA to carry out development for which planning permission is granted by the 1992 Order.

Directions as to replanting

6.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the planning authority may give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which the owner must replant trees on that land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land must replant trees on the land in accordance with the direction.

(3) Any direction given under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the erection and maintenance of fencing necessary for the protection of the replanting;
- (d) the preparations of ground, draining, removal of brushwood, lop and top; and

(1) See sections 214 and 215 of the Act respectively for the meaning of statutory undertaker and operational land.

(2) Section 242A was inserted by section 92(1) of the Planning and Compulsory Purchase Act 2004 (c.5) and amended by section 54(13) of the Planning etc. (Scotland) Act 2006 (asp 17).

- (e) protective measures against fire.

Adaption and Modification of the Act

7.—(1) The provisions of the Town and Country Planning (Scotland) Act 1997 mentioned in column 1 of Part 1 of Schedule 2 to this Order are to have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications specified in column 2 of Part 1 of that Schedule.

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part 2 of Schedule 2 to this Order.

Compensation

8.—(1) Subject to paragraphs (2) to (5), any person who has suffered loss or damage caused or incurred in consequence of—

- (a) any refusal of consent required under this Order; or
- (b) any grant of any such consent subject to conditions,

is entitled to recover from the planning authority compensation in respect of such loss or damage.

(2) A claim for compensation under this Order shall be made by serving on the planning authority a notice in writing stating the grounds of the claim and the amount claimed.

(3) The time within which any such notice shall be given is a period of six months —

- (a) from the date of the decision of the planning authority; or
- (b) where an appeal has been made to Scottish Ministers against the decision of the planning authority, from the date of the decision of Scottish Ministers on the appeal.

(4) No claim may be made under this article if the amount in respect of which the claim would otherwise have been made is less than £1,000.

(5) No compensation shall be payable to a person—

(a) for loss of development value or other diminution in the value of the land;

(b) for loss or damage which was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or

(d) for costs incurred in appealing to the Scottish Ministers against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

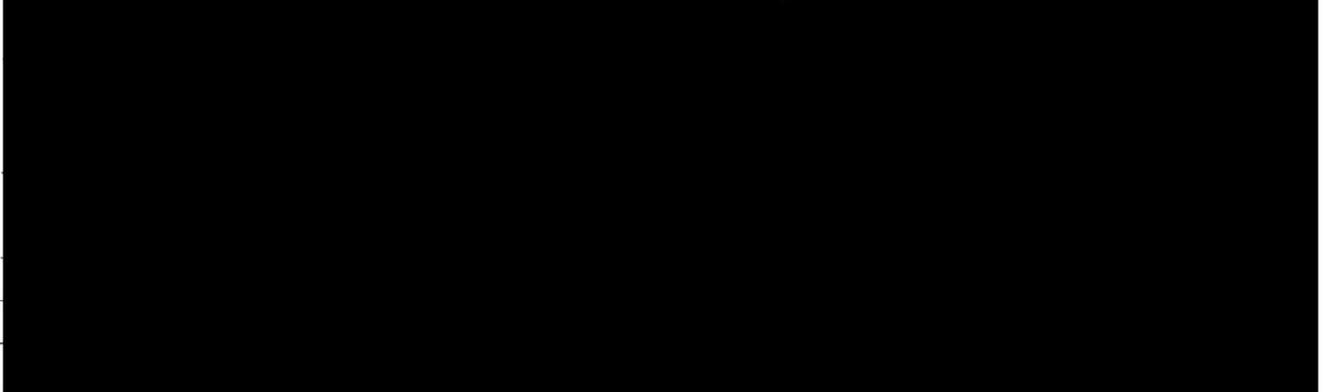
(6) In this article—

“development value” means an increase in value attributable to the prospect of development;

and, in relation to any land, the development of it shall include the clearing of it.

IN WITNESS WHEREOF these presents consisting of this and the preceding 3 pages together with the Schedule of 2 parts and Plans are subscribed as follows:

For City of Edinburgh Council



SCHEDULE 1

Trees Specified Individually (marked in green on the maps)		
No. on Map	Description	Situation
	None	
Trees Specified by Reference to an Area (within a solid black line on the maps)		
No. on Map	Description	Situation
	None	
Groups of Trees (within a broken black line on the maps)		
No. on Map	Description	Situation
G1	A closely grown group of trees consisting mainly of cherry and hawthorn.	On the land at BRUNSTANE BURN, BRUNSTANE, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID95174.
Woodlands (Within a red line on the maps)		
No. on Map	Description	Situation
W1	Comprising trees of mixed species	On the land at BRUNSTANE BURN, BRUNSTANE, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID95174.
W2	Comprising trees of mixed species	
W3	Comprising trees of mixed species	

W4	Comprising trees of mixed species	
W5	Comprising trees of mixed species	
W6	Comprising trees of mixed species	



SCHEDULE 2

PART I PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning (Scotland) Act 1997	Adaptation or Modification
Section 36 (Registers of applications etc.)	<p>For subsections (1) to (3) substitute—</p> <p>“(1) The planning authority shall in relation to this Order keep a register of all applications for consent under this Order, containing—</p> <ul style="list-style-type: none"> (a) information as to the nature of such applications, the decisions of the planning authority thereon, (b) information as to any appeal to Scottish Ministers and the decisions of Scottish Ministers thereon, any compensation awarded in consequence of the decisions of the planning authority or Scottish Ministers; and (c) any directions as to the replanting of woodlands.”
Section 37 (determination of applications: general considerations)	<ul style="list-style-type: none"> (a) In subsection (1)— <ul style="list-style-type: none"> (d) for “planning permission” where those words first appear;” substitute “consent under a tree preservation order”; (e) for “sections 27B(2) and 59(1)(b) substitute “subsections (1A) and (1B)”; (f) for “planning permission” in both of the other places where those words appear substitute “consent under the order”; (g) after “think fit”, insert, “(including conditions limiting the duration of the consent or requiring the replacement of trees)”; (b) After subsection (1) insert— <p>“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p>

	<p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)."</p> <p>(c) Omit subsections (2) and (3); and</p> <p>(d) In subsection (4) for paragraphs (a) to (c) substitute—</p> <p>“(a) consent under a tree preservation order; or</p> <p>(b) any consent, agreement or approval required by a condition imposed on the grant of such consent,”</p>
<p>Section 44 (effect of planning permission)</p>	<p>(c) references to ‘planning permission’ are to be treated as references to ‘consent required by a tree preservation order’;</p> <p>(d) for ‘the permission’ substitute ‘the consent’;</p> <p>(e) for ‘to develop land’ substitute ‘to carry out works’; and</p> <p>(f) after ‘land’ insert ‘on which the tree or trees to which the consent relates are situated’.</p> <p>(g) Omit subsections (2) and (3).</p>
<p>Section 47 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) For subsection (1) substitute—</p> <p>“(1) Where a planning authority—</p> <p>(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;</p> <p>(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order;</p> <p>(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 2 months beginning with the date on which the application was received by the authority,</p> <p>the applicant may by notice appeal to the Scottish Ministers against the decision”.</p> <p>(b) Omit subsections (1A), (2) and (4).</p>

	<p>(c) For subsection (3) substitute—</p> <p>“(3) Any appeal under this section shall be made in writing, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <ul style="list-style-type: none"> (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Scottish Ministers may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”. <p>(d) For subsection (5) substitute—</p> <p>“(5) For the purposes of the application of section 48(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
<p>Section 48 (determination of appeals)</p>	<p>(a) In subsection (5)(a)—</p> <ul style="list-style-type: none"> (i) for “sections 33, 37(1) to (3), 38(1) to (3), 41(1) and (2) and 42 and Part I of Schedule 3” “section 37(1), (1A) and (1B)”; and (ii) for “planning permission” substitute “consent under a tree preservation order”. <p>(b) Omit subsections (5)(b) and (6) to (8).</p>

PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997,
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning (Scotland) Act 1997, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 36

36.—(1) The planning authority shall in relation to this Order keep a register of all applications for consent under this Order, containing—

(a) information as to the nature of such applications, the decisions of the planning authority thereon,

(b) information as to any appeal to Scottish Ministers and the decisions of Scottish Ministers thereon, any compensation awarded in consequence of the decisions of the planning authority or Scottish Ministers; and

any directions as to the replanting of woodlands.”

(4) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 37

37.—(1) Where an application is made to a planning authority for consent under a tree preservation order—

(a) subject to subsections (1A) and (1B) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

(4) The date of the grant or refusal of—

(a) consent under a tree preservation order; or

(b) any consent, agreement or approval required by a condition imposed on the grant of such consent,

shall be the date on which the notice of the planning authority's decision bears to have been signed on behalf of the authority.

Section 44(1)

44.—(1) Without prejudice to the provision of this Part as to the duration, revocation or modification of consent required by a tree preservation order], any grant of consent required by a tree preservation order shall (except in so far as the consent otherwise provides) endure for the benefit of the land on which the tree or trees to which the consent relates are situated and all persons for the time being interested in it.

Section 47

47.—(1) Where a planning authority—

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 2 months beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Scottish Ministers against the decision”.

(3) Any appeal under this section shall be made in writing, specifying the grounds on which the appeal is made; and such notice shall be served—

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Scottish Ministers may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(5) For the purposes of the application of section 48(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 47A

47A.—(1) In an appeal under section 47(1), a party to the proceedings is not to raise any matter which was not before the planning authority at the time the decision appealed against was made unless that party can demonstrate-

- (a) that the matter could not have been raised before that time, or
- (b) that its not being raised before that time was a consequence of exceptional circumstances.

(2) Nothing in subsection (1) affects any requirement or entitlement to have regard to-

- (a) the provisions of the development plan, or
- (b) any other material consideration.

Section 48

48.—(1) On an appeal under section 47 the Scottish Ministers may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

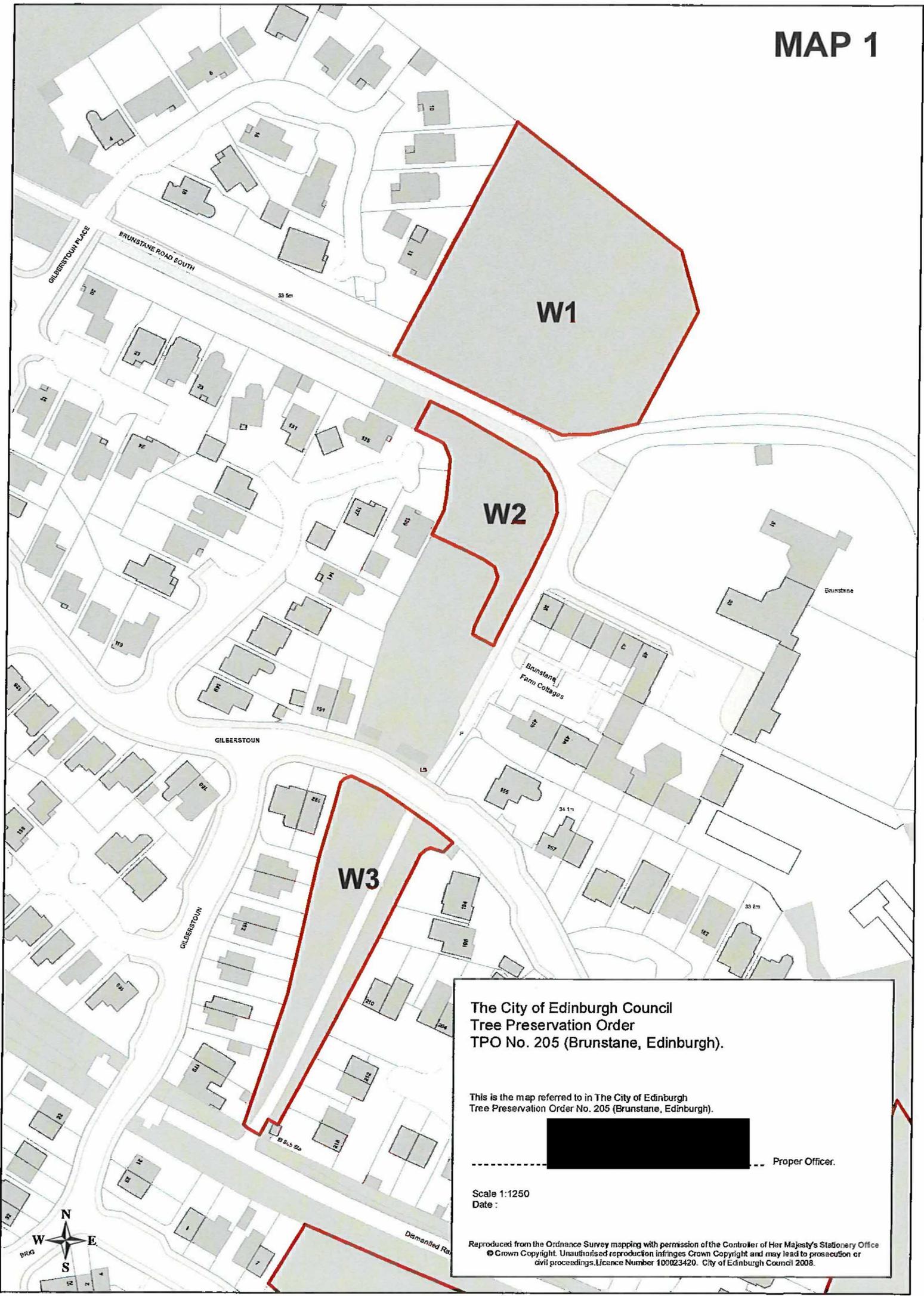
and may deal with the application as if it had been made to them in the first instance.

(3) If the Scottish Ministers propose to reverse or vary any part of the decision of the planning authority to which the appeal does not relate, they shall give notice of their intention to the planning authority and to the appellant and shall give each of them an opportunity of making representations about their proposal.

(5) In relation to an appeal to the Scottish Ministers under section 47—

- (a) sections 37(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Scottish Ministers under section 47 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(9) Schedule 4 applies to appeals under section 47, including appeals under that section as applied by or under any other provision of this Act.



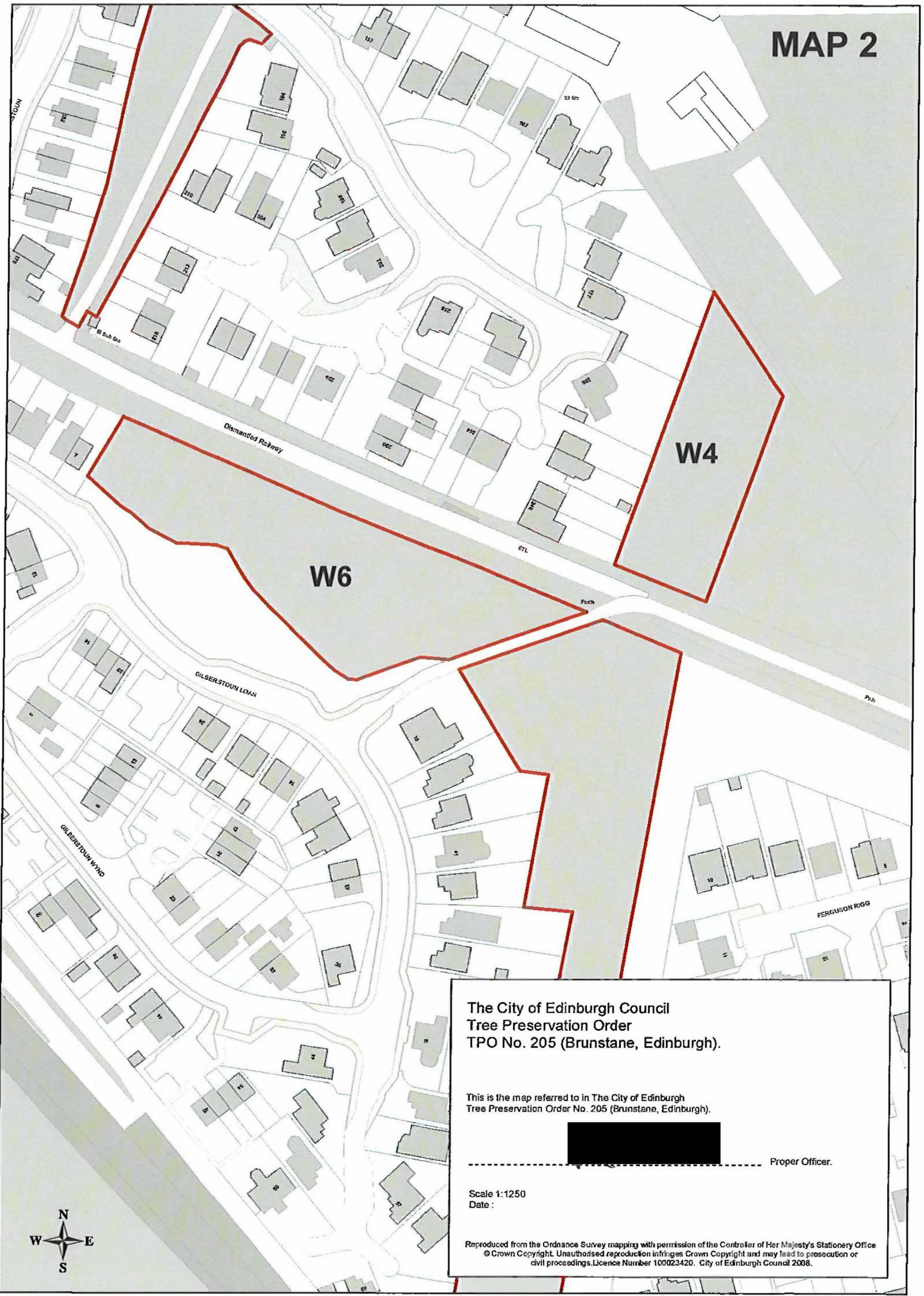
The City of Edinburgh Council
Tree Preservation Order
TPO No. 205 (Brunstane, Edinburgh).

This is the map referred to in The City of Edinburgh
Tree Preservation Order No. 205 (Brunstane, Edinburgh).

Proper Officer.

Scale 1:1250
Date :

Reproduced from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or
civil proceedings. Licence Number 100023420. City of Edinburgh Council 2008.



The City of Edinburgh Council
 Tree Preservation Order
 TPO No. 205 (Brunstane, Edinburgh).

This is the map referred to in The City of Edinburgh
 Tree Preservation Order No. 205 (Brunstane, Edinburgh).

_____ Proper Officer.

Scale 1:1250
 Date :

Reproduced from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationary Office
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or
 civil proceedings. Licence Number 100023420. City of Edinburgh Council 2008.



MAP 3

G1

W5

NEWCRAIGHALL

The City of Edinburgh Council
Tree Preservation Order
TPO No. 205 (Brunstane, Edinburgh).

This is the map referred to in The City of Edinburgh
Tree Preservation Order No. 205 (Brunstane, Edinburgh).

----- Proper Officer.

Scale 1:1250
Date :

Reproduced from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or
civil proceedings. Licence Number 100023420. City of Edinburgh Council 2008.





AVArboriculture

Arboricultural Survey To British Standard 5837 (2012)

Client: Prisco Faiella
Location: Adjacent to Brunstane Road South
Edinburgh EH15 2RA

Date of Survey: 13th June 2017

Survey Location:

Adjacent to
Brunstane Road South
Edinburgh
EH15 2RA

Survey commissioned by:

Philip Hepburn
12A Magdalene Avenue
Edinburgh
EH15 3BH

Planning Reference:

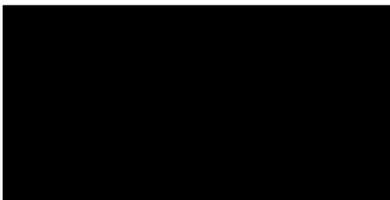
16/05449/PPP

Prepared by:

Mike Charkow MA, TechCertArborA, PTI
Arbor Vitae Arboriculture Ltd
16 Westhall Gardens
Edinburgh
EH10 4JQ

Mobile: 07917335066
Web: www.avtree.co.uk

Signed



Michael J Charkow

Date: 14th June 2017

This report has been prepared exclusively for the use of Philip Hepburn and their agents, on the basis of information supplied, and no responsibility can be accepted for any actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report, and if he does, then he relies upon it at his own risk.

Contents

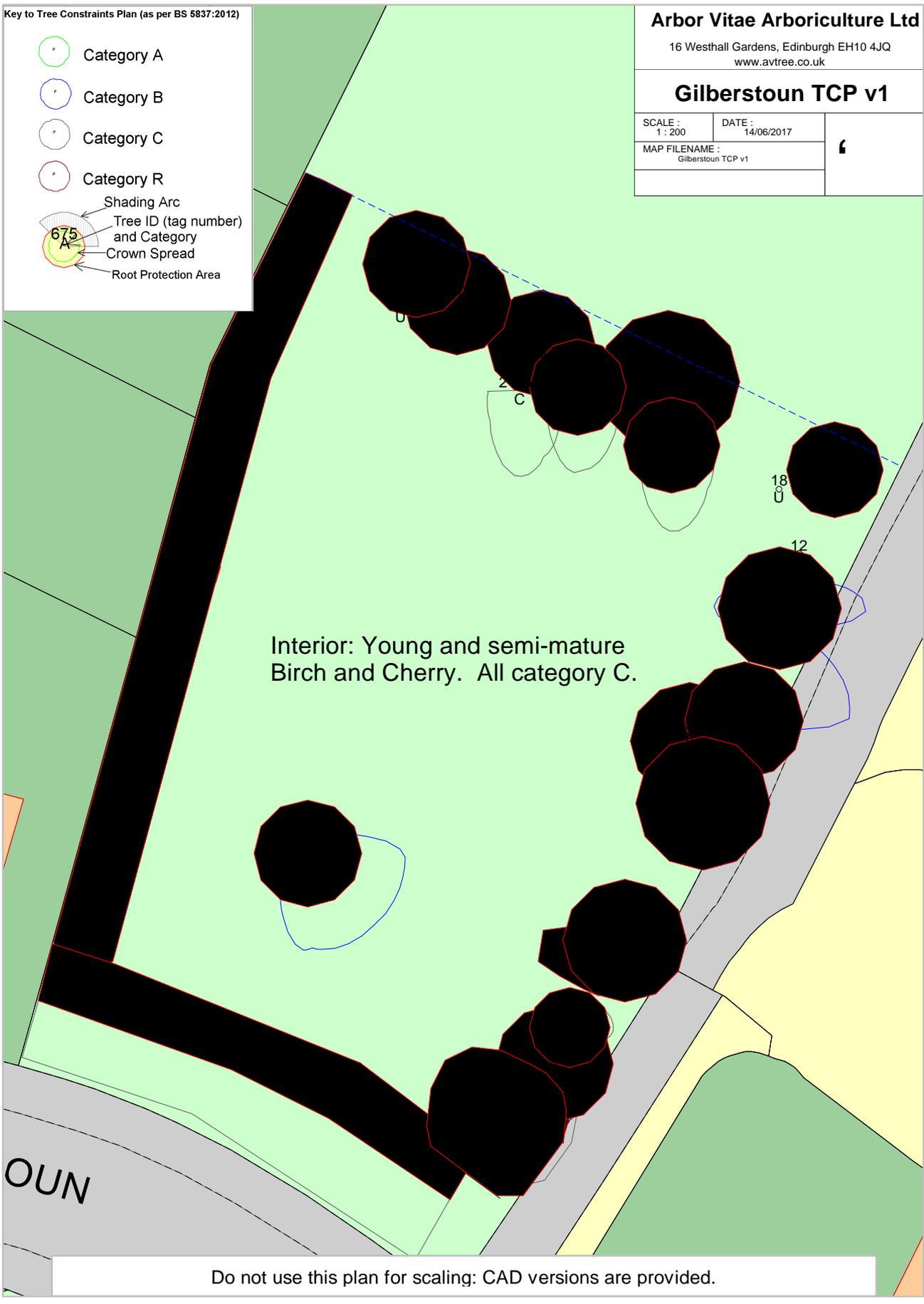
Page	Section	Section Title
4	1	Client Brief and Overview
5	2	Tree Constraints Plan
6	3	Survey Findings
7	4	Photographs

Page	Appendix	Appendix Title
8	1	Bibliography
9	2	The Author's Qualifications and Experience
10	3	BS5837 Figure 1: Trees in the Planning Process
11	4	Tree Survey Methodology
13	5	Caveats and Limitations
14	6	Tree Management Proposal
15	7	Generic Arboricultural Method Statement
16	8	BS5837 (2012) Table 1
17	9	Glossary of Arboricultural Terms
20	10	Key to the Tree Schedule
21	11	Tree Schedule
23	12	Root Protection Areas for Retained Trees
24	13	Prioritised Work Schedule

1 Client Brief and Overview

- 1.1 Mike Charkow of Arbor Vitae Arboriculture Ltd was instructed by Philip Hepburn, owner of a compartment of woodland between 153 and 194 Gilberstoun, on Brunstane Road South, to undertake a pre-planning arboricultural survey.
- 1.2 The site is not within a Conservation Area, nor is it covered by a Tree Preservation Order.
- 1.3 25 individual trees were surveyed in accordance with British Standard 5837 (BSI 2012).
- 1.4 The survey was carried out on the 13th of June 2017. Conditions were dry, bright and breezy.
- 1.5 The trees have not been accurately located. A combination of GPS, on-site features and measurements were used.
- 1.6 The tree survey is a tree management and building design tool which aims to survey the trees in their current context. The aims of the tree survey are:
 - to categorise the trees as to their suitability for retention in terms of their quality and value. Quality is based on the tree's condition, and importance in terms of cultural, species, aesthetic or ecological significance.
 - to minimise unnecessary impact to the retained tree population and demonstrate the constraints and opportunities available in the positioning of building and other work activity.

2 Tree Constraints Plan

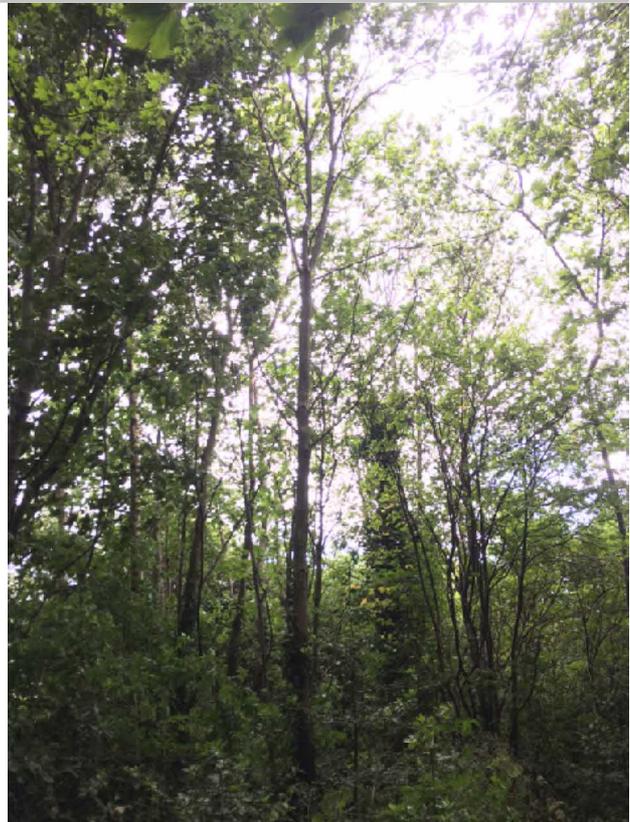


3 Survey Findings

- 3.1 The site is a narrow strip of woodland of around 1110 square metres. It is part of a near-continuous woodland that runs throughout the locality. The woodland is interrupted in several places by roads.
- 3.2 24 individual trees were surveyed. These were mostly semi-mature Alder, Sycamore, Wild Cherry, Silver Birch and Portuguese Laurel.
- 3.3 Several trees were part of a group. The three groups of Portuguese Laurel (G1, G5 & G6) surround most of three sides of the site, forming a dense hedge. Groups 2, 3 and 4 are individually plotted trees with similar characteristics.
- 3.4 No trees were categorised as A (the highest category; see appendix 8). This is mainly due to the age and size of the trees. Also, because the trees are part of a dense woodland, they mostly have relatively high crown beginnings, meaning that they would have a higher risk of damage from high winds if they were open-grown trees (or if the surrounding trees were removed).
- 3.5 12 of the trees were category B, 8 were category C and 4 were category U.
- 3.6 The interior of the woodland consists mainly of young and semi-mature Birch and Wild Cherry (photos 1 & 2). Many of the trees have ivy growing high on their stems. Several of the Cherries also have included bark unions. Ivy can swamp the crown of a tree, blocking the tree's foliage access to sunlight. Included bark unions are weak and tend to break. These trees are mainly category C with some category B.
- 3.7 Should any trees be retained, then these should be groups of trees with collective crowns, and those that are sheltering others with high crown beginnings. It would be preferable to retain the edge trees than trees to the interior of the site as they are more wind-firm and also provide screening. The eastern edge of woodland could be retained in part or whole; this would retain some of the linkage between the woodland compartments in the locality, providing a natural corridor for wildlife.
- 3.8 Most of the trees to the interior of the site are not feasible to retain as individuals, as they mostly have co-dependent crowns, high crown beginnings and lack the necessary stem taper to cope with strong winds.
- 3.9 There is a small gap in tree cover between this site and the area of woodland to the north. The trees immediately to the north of the site are mostly young, and so are still small and compact with fairly low crown beginnings (photos 3 & 4). Should the trees to the south be removed, these young trees would provide protection for the more mature trees to the north of them.

4 Photographs

Photos 1 & 2: Semi-mature Wild Cherry. Many have high crown beginnings and several have ivy on their stems and/or included bark unions.



Photos 3 & 4: Younger trees to the north of the potential development site provide shelter to the more mature trees behind them.

Appendix 1: **Bibliography**

British Standards Institute (2010), *BS 3998 'Recommendations for Tree Work'*, BSI, London.

British Standards Institute (2012), *BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations'*, BSI, London.

Forbes-Laird, J. (2006), *THREATS: Tree Hazard Rating, Evaluation System*, Julian Forbes-Laird, Bedford.

H.M. Government (2000), *Countryside Rights of Way Act*.

H.M. Government (2004), *Nature Conservation (Scotland) Act*.

Johnson, O. & More, D. (2004), *Tree Guide*, Collins, London.

Lonsdale, D. (1999), *Principles of Tree Hazard Assessment and Management*, TSO, London, UK.

Mattheck, C. & Breloer, H. (1994), *The Body Language of Trees*, TSO, London, UK.

Mitchell, A (1974), *A Field Guide to Trees of Britain and Northern Europe*, William Collins Sons & Co, Glasgow.

National House Building Council, *Building Near Trees*, NHBC Standards, September 1999, chapter 4.2.

National Joint Utilities Group, *NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees*, Volume 4, Issue 2, November 2007.

The National Tree Safety Group (NTSG), *Common sense risk management of trees*, Forestry Commission (December 2011).

Roberts, J., Jackson, N. & Smith, M. (2006), *Tree Roots in the Built Environment*, TSO, London.

Slater, D. *The structure and risk of junctions in trees*, at The Arboricultural Associations' 46th Annual Amenity Arboriculture Conference, (4th September 2012), Reading.

Strouts, R.G. & Winter, T.G. (1994), *Diagnosis of Ill-Health in Trees*, TSO, London, UK.

Town and Country Planning Act (Scotland) (1997).

Appendix 2: **The Author's Qualifications and Experience**

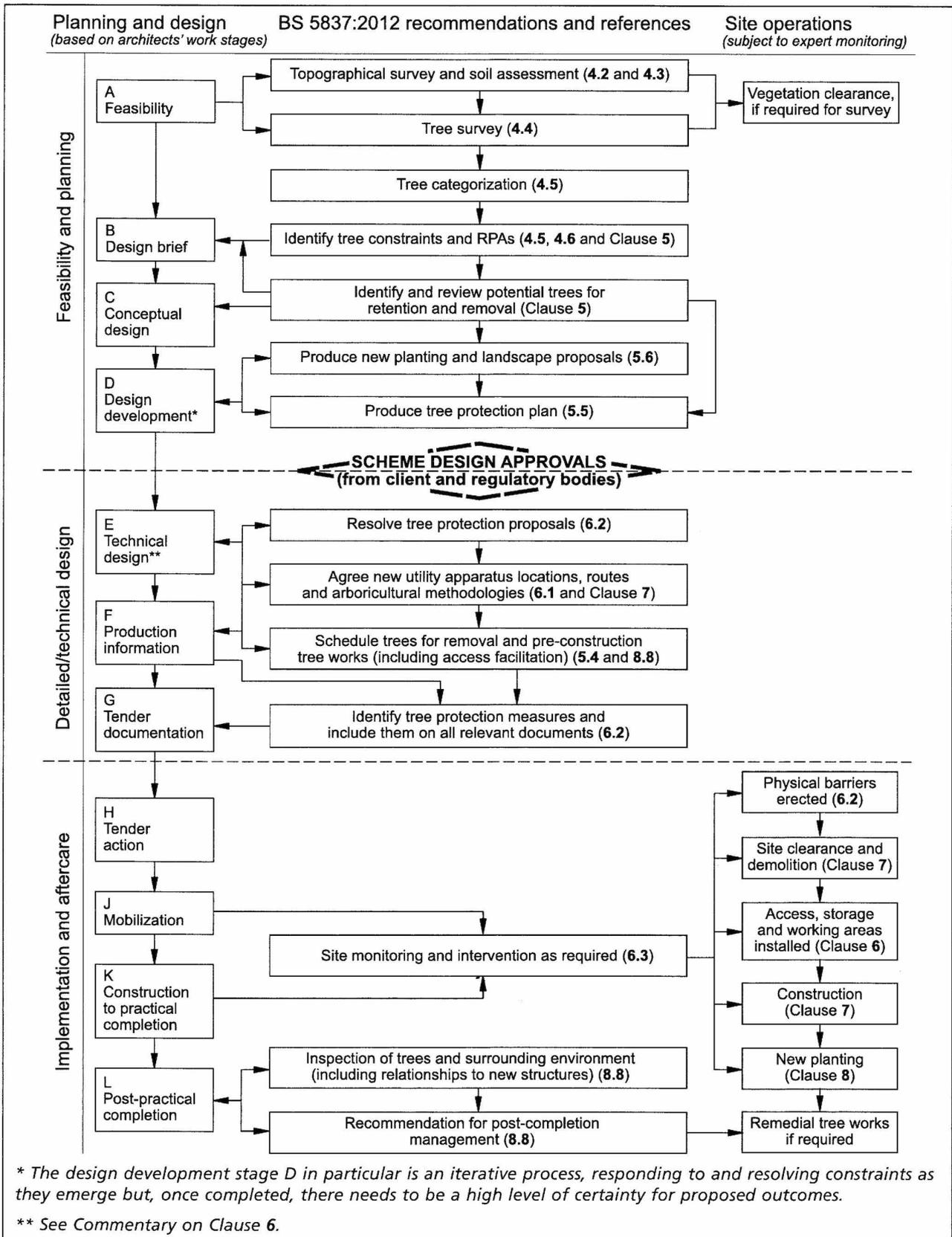
Mike Charkow holds the Arboricultural Association Technicians Award, and also the LANTRA Professional Tree Inspection Certificate. He has been working in the industry since 2004 as both a contracting and consulting arborist.

As part of a continual professional development program, Mike regularly attends professional seminars, conferences, training days and meetings.

He has been accredited by 'Echoes Ecology Ltd' as a competent person to inspect trees for bats and their roosts.

He is a committee member of the Arboricultural Association Scottish Branch.

Appendix 3: **BS5837 Figure 1: Trees in the Planning Process**



Appendix 4: Tree Survey Methodology

A4.1 The criteria for selecting trees for surveying are specified in BS5837 (2012), i.e. they: have a minimum diameter of 75mm at 1.5m above ground level; have part of their crown extending into the site; or their root protection area extends into the site.

A4.2 Only information relevant to the development plans have been recorded, i.e.:

- Trees within the area marked for a tree survey (i.e. the proposed extent of development) have been located and the following details recorded: species, height, diameter, condition, observations, bat habitat potential, retention category, work recommendations, crown spreads.
- Trees deemed suitable for retention have also had crown dimensions recorded (i.e. crown spreads, crown clearance) for the relevant cardinal points.
- Trees out-with the tree survey area but with root protection areas or crown spreads falling within the area have been located and tagged if possible. The same details have been recorded, with the addition of relevant crown dimensions.

A4.3A topographical drawing was supplied. Trees not plotted on the drawing were located using an Android tablet with GPS capabilities, on-site features, and on-site measurements.

A4.4 Trees not already marked were tagged with a plastic tree tag bearing a unique number.

A4.5A 'Haglof' electronic clinometer was used for measuring tree heights to within 0.5 metres. A diameter tape was used to measure tree diameters to within 10 millimetres.

A4.6 The tree genus and species have been recorded using their common English name and botanical name.

A4.7 Recommendations for management of the trees refer mainly to follow-up inspections and tree surgery for remedial work, or for the removal of hazardous trees. These works are recommended where there is a perceived hazard to people or property in the tree's predicted context of a proposed development (see BS5837:2012, clause 4.4.2.1). Any works will require a detailed work specification: this is out-with the scope of this report.

A4.8 Some retained trees may require facilitative pruning of branches prior to development work. This pruning work protects trees from possible damage caused by contact with machinery during construction. This work can only be specified once the development has been approved and final plans drafted. A suitably qualified arboriculturist should be approached for recommendations for facilitative pruning before the development site is worked on.

A4.9 Trees were inspected - where possible - using the Visual Tree Assessment method (VTA) as developed by Claus Mattheck and Helge Breloer (1994). This is a

widely accepted methodology that takes into account structural and physiological symptoms from which judgements can be made regarding the risk from the tree.

A4.10 The root protection area (RPA) was calculated in accordance with BS5837 (2012). RPAs and root protection radii (RPR) for retained trees are listed in appendix 12.

A4.11 **Tree condition criteria** are based approximately on the following requirements:

Good = Full healthy canopy. Free from major cavities, wounds, pests or diseases.

Moderate = Slightly reduced leaf cover, minor deadwood or isolated major deadwood. Early stages of decay/disease. Structural faults.

Poor = Overall sparse leafing or extensive deadwood. Well established decay organisms. Structurally unsound cavities and or large wounds. Structural features prone to failure.

Very Poor = Large areas of dead crown. Advanced decay. Structurally unsound.

A4.12 Tree categorisation is based on the trees in their proposed context.

Appendix 5: **Caveats and Limitations**

- A5.1 This survey was conducted according to the VTA type 1 method (Mattheck & Breloer, 1994; Mattheck 2007) meaning survey work was carried out from ground level only.
- A5.2 No soil, foliage, wood, fungus or root samples were taken for analysis. Should any further investigation be required, this will be highlighted in the report.
- A5.3 No internal decay measurements were taken. Should any further investigation be required, this will be highlighted in the report.
- A5.4 Even apparently healthy, structurally sound trees can be adversely affected by extreme climatic conditions. Trees should be reinspected after such events.
- A5.5 Trees are living organisms and can decline in health rapidly due to biotic and abiotic influences. Therefore, due to the unpredictability of nature, the unforeseen failure of intact trees can never be ruled out. The findings of this report are based on observations made at one visit, and best judgement has been made to ensure that any remedial work has been recommended; however no guarantee can be given as to the safety of any individual tree. For this reason, findings and recommendations in this report are valid only for a period of 12 months from the survey date, or until any extreme weather event, whichever is soonest.
- A5.6 Only visible pathogens were recorded at the time of the survey. This does not confirm the absence of other pathogens but merely states that no annual fruiting bodies or other indications were observed at the time of the survey.
- A5.7 A Type 1 VTA cannot eliminate the possibility that any of the trees are used as a habitat for protected flora and fauna (e.g. bat roost). Reference to the legal documents 'Countryside Rights of Way Act' (2000) and 'Nature Conservation Act' (2004) (Scotland) is advised. The trees have been assessed for potential bat habitat, as well as bird nesting. Due to the difficulty of assessing the upper stems and crowns of larger trees from the ground (especially evergreen trees), some habitat features may not have been observed.
- A5.8 Due to physical constraints inherent on the site, some measurements have been estimated.

Appendix 6: **Tree Management Proposal**

- A6.1 The tree management proposals within this document should be carried out and the timescales for prioritised works respected.
- A6.2 All recommended arboricultural remedial work should be completed to the standards defined in BS3998 (2010) 'Recommendations for Tree Work', and be carried out by professional arborists with the relevant qualifications and insurance.
- A6.3 Standing deadwood is often created or maintained due to its habitat value. However, the deteriorating structural condition of dead trees is often impractical to monitor. Consequently, standing deadwood should not be retained if it is within falling distance of significant targets.
- A6.4 A qualified ecological worker should be consulted prior to any tree work in order to advise on the likely impact of tree work on any protected flora and fauna.
- A6.5 Trees that are potential bat habitats must be inspected by a suitably qualified person no more than 24 hours prior to tree surgery (April-September) or 48 hours (October -March).
- A6.6 Any proposed disturbance to trees containing bird nests should be carried out with mitigation, and only between October and February.
- A6.7 During periods of extreme weather, especially high wind or gusts (i.e. Beaufort Scale 7, above 30 miles per hour), it is advisable to warn residents, visitors and other site users of the potential risks, given the failure rate of trees under such conditions.

Appendix 7: **Generic Arboricultural Method Statement**

A7.1 This is a non-specific arboricultural method statement only.

A7.2 Trees are at risk of harm on any development site, and measures must be taken to protect trees from such harm.

A7.3 The root protection area (RPA) is intended to protect the roots of retained trees from harm as a result of soil-compaction, changes of soil level, trenching, loss of gaseous exchange, chemical damage and fire. The root protection area should be enclosed using a scaffold framework fixed with vertical tubes at 3 metre intervals, and weld-mesh panels (e.g. 'Heras' fencing) secured with wire or scaffold clamps (see BS5837:2012 Figures 2 and 3). The root protection area is designed to exclude people, machinery, materials and equipment, and must not be entered or altered without first consulting an arboriculturist. Root protection areas for retained trees have been listed in appendix 12, and are shown on the tree constraints plan.

A7.4 Trees are easily damaged by fire. No fire should be allowed where it might damage any part of a tree.

A7.5 Tree roots are easily damaged by chemicals. No harmful materials (including cement) should be stored, mixed or dumped anywhere on a level above any root protection area, as spillages and run-off may be absorbed by tree roots.

A7.6 Any new service-runs within the root protection areas should be excavated using compressed air and an air-lance or, as per National Joint Utilities Group guidelines (NJUG vol. 4 (2), 2007) so as to avoid damage to tree roots.

A7.7 A properly accredited ecologist should be consulted before any tree operations are carried out, in order to assess the trees for protected species. It is a criminal offence to disturb any protected species.

A7.8 Aerial parts of a tree can be damaged by construction vehicles or cranes. This damage can be avoided by facilitative pruning: branches that are expected to come into contact with machinery or vehicles can be correctly pruned by a tree surgeon before any damage is caused. An arboriculturist should be consulted prior to work starting on site.

A7.9 All tree surgery operations are governed by the British Standard 3998, 2010: "Recommendations for Tree Works". Any contractor employed must comply with this standard to ensure the pruning work is as damage-limiting as possible.

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>			Trees identified by tree number and coloured circle referring to retention category.
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation	
Trees to be considered for retention				
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	Colour Dark Red RGB Code 127-000-000
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value	Colour Light Green RGB Code 000-255-000
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	Colour Mid Blue RGB Code 000-000-255

Appendix 9: Glossary of Arboricultural Terms

Adaptive growth. In tree biomechanics, the process whereby the rate of wood formation in the cambial zone, as well as wood quality, responds to gravity and other forces acting on the cambium. This helps to maintain a uniform distribution of mechanical stress.

Adaptive roots. The adaptive growth of existing roots; or the production of new roots in response to damage, decay or altered mechanical loading.

Adventitious shoots. Shoots that develop other than from apical, axillary or dormant buds; see also 'epicormic'.

Anchorage. The system whereby a tree is fixed within the soil, involving cohesion between roots and soil and the development of a branched system of roots which withstands wind and gravitational forces transmitted from the aerial parts of the tree.

Architecture. In a tree, a term describing the pattern of branching of the crown or root system.

Bacteria. Microscopic single-celled organisms, many species of which break down dead organic matter, and some of which cause diseases in other organisms.

Bark. A term usually applied to all the tissues of a woody plant lying outside the vascular cambium, thus including the phloem, cortex and periderm; occasionally applied only to the periderm or the phellem.

Bottle-butt. A broadening of the stem base and buttresses of a tree, in excess of normal and sometimes denoting a growth response to weakening in that region, especially due to decay by selective de-lignification.

Branch:

- **Primary.** A first order branch arising from a stem
- **Lateral.** A second order branch, subordinate to a primary branch or stem and bearing sub-lateral branches.
- **Sub-lateral.** A third order branch, subordinate to a lateral or primary branch, or stem and usually bearing only twigs.

Branch bark ridge. The raised arc of bark tissues that forms within the acute angle between a branch and its parent stem.

Branch collar. A visible swelling formed at the base of a branch whose diameter growth has been disproportionately slow compared to that of the parent stem; a term sometimes applied also to the pattern of growth of the cells of the parent stem around the branch base.

Brown-rot. A type of wood decay in which cellulose is degraded, while lignin is only modified.

Buckling. An irreversible deformation of a structure subjected to a bending load.

Buttress zone. The region at the base of a tree where the major lateral roots join the stem, with buttress-like formations on the upper side of the junctions.

Cambium. Layer of dividing cells producing xylem (woody) tissue internally and phloem (bark) tissue externally.

Canker. A persistent lesion formed by the death of bark and cambium due to colonisation by fungi or bacteria.

Crown clean. The removal of dead, crossing, weak, and damaged branches, where this will not damage or spoil the overall stability or appearance of the tree.

Compartmentalisation. The confinement of disease, decay or other disfunction within an anatomically discrete region of plant tissue, due to passive and/or active defences operating at the boundaries of the affected region.

Condition. An indication of the physiological vitality and/or structural stability of the tree.

Crown/Canopy. The main foliage bearing section of the tree.

Crown lifting. The removal of limbs and small branches to a specified height above ground level.

Crown thinning. The removal of a proportion of secondary branch growth throughout the crown to produce an even density of foliage around a well-balanced branch structure.

Crown reduction/shaping. A specified reduction in crown size whilst preserving, as far as possible, the optimal tree shape.

Deadwood. Branch or stem wood bearing no live tissues. Retention of deadwood provides valuable habitat for a wide range of species and seldom represents a threat to the health of the tree. Removal of deadwood can result in the ingress of decay to otherwise sound tissues and climbing operations to access deadwood can cause significant damage to a tree. Removal of deadwood is generally recommended only where it represents an unacceptable level of hazard. Deadwood sizes: small (<25mm), moderate (<50mm), major (>50mm); the deadwood may be up- or down-rated depending on its overall volume.

Defect. In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment.

Dieback. The death of parts of a woody plant, starting at shoot-tips or root-tips.

Disease. A malfunction in or destruction of tissues within a living organism, usually excluding mechanical damage; in trees, usually caused by pathogenic micro-organisms.

Disfunction. In woody tissues, the loss of physiological function, especially water conduction, in sapwood.

Epicormic shoot. A shoot having developed from a dormant or adventitious bud and not having developed from a first year shoot.

Girdling root. A root that circles and constricts the stem or roots possibly causing death of phloem and/or cambial tissue.

Hazard beam. An upwardly curved part of a tree in which strong internal stresses may occur without being reduced by adaptive growth; prone to longitudinal splitting.

Heartwood/false-heartwood/ripewood. Sapwood that has become disfunctional as part of the natural ageing processes

Incipient failure. In woody tissues, a mechanical failure which results only in deformation or cracking, and not in the fall or detachment of the affected part.

Included bark. Bark of adjacent parts of a tree (usually forks, acutely joined branches or basal flutes) which is in face-to-face contact.

Internode. The part of a stem between two nodes; not to be confused with a length of stem which bear nodes but no branches.

Lever arm. A mechanical term denoting the length of the lever represented by a structure that is free to move at one end, such as a tree or an individual branch.

Lignin. The hard, cement-like constituent of wood cells; deposition of lignin within the matrix of cellulose microfibrils in the cell wall is termed lignification.

Loading. A mechanical term describing the force acting on a structure from a particular source; e.g. the weight of the structure itself or wind pressure.

Longitudinal. Along the length (of a stem, root or branch).

Minor (small) deadwood. Deadwood of a diameter less than 25mm and or unlikely to cause significant harm or damage upon impact with a target beneath the tree.

Occluding tissues. A general term for the roll of wood, cambium and bark that forms around a wound on a woody plant (cf. woundwood)

Occlusion. The process whereby a wound is progressively closed by the formation of new wood and bark around it.

Pathogen. A microorganism which causes disease in another organism.

Photosynthesis. The process whereby plants use light energy to split hydrogen from water molecules, and combine it with carbon dioxide to form the molecular building blocks for synthesising carbohydrates and other biochemical products.

Phototropism: The growth of a tree or branch towards the light. Phototropic branches can become exposed and therefore prone to breakage.

Pollarding: A pruning system in which the upper branches of a young tree are removed, promoting a dense head of foliage and branches. Historically this was done to keep young shoots above grazing level; now used to keep trees at a manageable level. Not to be confused with topping.

Reactive Growth/Reaction Wood. Production of woody tissue in response to altered mechanical loading; often in response to internal defect or decay and associated strength loss (cf. adaptive growth).

Removal of dead wood. Unless otherwise specified, this refers to the removal of all accessible dead, dying and diseased branch-wood and broken snags.

Re-spacing. Selective removal of trees from a group or woodland to provide space and resources for the development of retained trees.

Residual wall. The wall of non-decayed wood remaining following decay of internal stem, branch or root tissues.

Sapwood. Living xylem tissues

Shedding. In woody plants, the normal abscission, rotting off or sloughing of leaves, floral parts, twigs, fine roots and bark scales.

Sprouts. Adventitious shoot growth erupting from beneath the bark

Stem/s. The main supporting structure/s, from ground level up to the first major division into branches. The stem (or stems if two or more co-dominant stems are present) may extend to the uppermost part of the tree.

Stress (plant physiology): A condition under which one or more physiological functions are not operating within their optimum range, for example due to lack of water, inadequate nutrition or extremes of temperature.

Stress (mechanics): The application of a force to an object.

Structural roots. Roots, generally having a diameter greater than ten millimetres, and contributing significantly to the structural support and stability of the tree; also containing water conducting vessels.

Taper. In stems and branches, the degree of change in girth along a given length.

Targets. In tree risk assessment (with slight misuse of normal meaning) persons or property or other things of value which might be harmed by mechanical failure of the tree or by objects falling from it

Topping. In arboriculture, the removal of the crown of an older tree, or of a major proportion of it. This is not generally advised as it can allow decay into the upper parts of the tree. Not to be confused with pollarding.

Torsional stress. Mechanical stress applied by a twisting force.

Understorey. A layer of vegetation beneath the main canopy of woodland or forest or plants forming this

Wind exposure. The degree to which a tree or other object is exposed to wind, both in terms of duration and velocity.

Wind-throw. The blowing over of a tree at its roots.

Woundwood. Wood with a typical anatomical features, formed in the vicinity of a wound.

Appendix 10: **Key to the Tree Schedule**

Abbreviation	Explanation
Tag	Tag number: refers to the number on the tag attached to the tree. 'NT' = 'no tag'.
Species	Tree species: Common English name (Botanical name)
H	Tree height: measured to nearest metre for trees over 10 m, or nearest 0.5 metres for trees up to 10 metres in height.
D	Stem diameter: measured at 1.5 metres above ground, to the nearest 10 millimetres. Trees with more than one stem are calculated as per BS5837(2012).
AC	<u>Age Class:</u> Young (up to the first 1/3rd of expected height), Semi-mature (1/3rd to 2/3rds of expected height), Mature (close to expected ultimate height with rapid girth expansion), Over-mature (a senescing tree), Veteran (a valued tree surviving beyond the typical age for the species), Dead.
V	<u>Vigour (physiological condition) of the tree:</u> N(ormal) F(air) P(oor) D(ead)
Condition	General observations, particularly of structural and/or physiological condition (e.g. the presence of decay and physical defect). Good = Full healthy canopy. Free from major cavities, wounds, pests or diseases. Moderate = Slightly reduced leaf cover, minor deadwood or isolated major deadwood. Early stages of decay/disease. Structural faults. Poor = Overall sparse leafing or extensive deadwood. Well established decay organisms. Structurally unsound cavities and or large wounds. Structural features prone to failure. Very Poor = Large areas of dead crown. Advanced decay. Structurally unsound.
Recommendations	Preliminary management recommendations for each tree. NWR = no work required.
U	Urgency of the recommended tree works (time from the survey in months).
ERC	Estimated remaining contribution of the tree (in years).
RC	Retention Category: as per BS5837 (2012). Please refer to BS5873 (2012) 'Table 1' in appendices for further explanation.
S (+N,E,S,W)	Crown spread: lateral distance from the tree centre to the canopy extent at the four cardinal points (north, east, west, south), or to a specific pertinent point; measured to the nearest half metre (or nearest metre if more than 10 metres).
C (+N,E,S,W)	Crown clearance: distance from ground to lowest part of the main crown, at the four cardinal points, measured to the nearest half metre (or metre if more than 10 metres).
Bat	The presence of possible bat roosts is indicated ('Yes' or 'No'). An assessment of identified trees must be undertaken by a qualified person prior to start of tree works.
RI	Reinspection frequency: recommended maximum length of time until the next tree inspection (in months).

Tag	Species	H	D	AC	V	Condition	Recommendations	U	ERC	RC	SN	SE	SS	SW	CN	CE	CS	CW	Bat	RI
1	Portugal laurel (Prunus lusitanica)	6	180	SM	N	GOOD			>40	C	0.5	2.5	0.5	0.5	4	1.5	2	4	L	60
2	Common Alder (Alnus glutinosa)	11.5	220	SM	N	GOOD			>40	B	1.5	1.5	1.5	1.5	5	2.5	4.5	4	L	60
3	Common Alder (Alnus glutinosa)	8	150	Y	N	GOOD			>40	C	1.5	2	1	1.5	2	2	4	4	L	60
4	Silver Birch (Betula pendula)	15	132	SM	N	GOOD			>40	B	1.5	2	1.5	0.5	8	6	6	9	L	60
5	Sycamore (Acer pseudoplatanus)	8	284	SM	N	POOR Included bark union from base.	FELL Remove to near ground level.	12	<10	U	-	-	-	-	-	-	-	-	L	-
6	Sycamore (Acer pseudoplatanus)	12	220	SM	N	MODERATE Several lower stem pruning wounds.			20-40	B	1	4.5	1	1	5	3	6	7	L	60
7	Sycamore (Acer pseudoplatanus)	12	220	SM	N	MODERATE Some occluding lower stem pruning wounds.			20-40	B	4.5	5	0.5	0	4	4	4	-	L	60
8	Sycamore (Acer pseudoplatanus)	13	250	SM	N	GOOD			>40	B	2	2	2	2	3	4	4	3	L	60
9	Silver Birch (Betula pendula)	16	230	SM	N	GOOD			>40	B	2	2	0.5	0	6	6	6	-	L	60
10	Broad-Leafed Lime (Tilia platyphyllos)	15	230	SM	N	GOOD			>40	B	1.5	4	1	3	1	1	1	1	L	60
11	Broad-Leafed Lime (Tilia platyphyllos)	14	180	SM	N	MODERATE Some lower stem wounds.			20-40	B	1.5	1.5	0	2	1	1	-	1	L	60
12	Sycamore (Acer pseudoplatanus)	17	360	SM	N	POOR Included bark unions from base.	FELL Remove to near ground level.	12	<10	U	-	-	-	-	-	-	-	-	L	-
13	Sycamore (Acer pseudoplatanus)	15	262	SM	N	POOR Included bark union from base.	FELL Remove to near ground level.	12	<10	U	-	-	-	-	-	-	-	-	L	-
14	Wild Cherry (Prunus avium)	16	266	SM	F	MODERATE Ivy on stem. High crown.	IVY Remove ivy from ground to 1.5m.	12	10-20	C	1.5	1.5	2	2	7	7	7	7	L	60
15	Wild Cherry (Prunus avium)	10.5	180	SM	N	MODERATE Slightly sparse crown. One sided crown. Ivy on stem.	IVY Remove ivy from ground to 1.5m.	12	20-40	C	0	2	4	1.5	-	6	5	6	L	60
16	Wild Cherry (Prunus avium)	10.5	180	SM	N	MODERATE Slightly sparse crown. One sided crown. Ivy on stem.	IVY Remove ivy from ground to 1.5m.	12	20-40	C	0	2	4	1.5	-	6	5	6	L	60

Tag	Species	H	D	AC	V	Condition	Recommendations	U	ERC	RC	SN	SE	SS	SW	CN	CE	CS	CW	Bat	RI
17	Wild Cherry (Prunus avium)	10.5	180	SM	N	MODERATE Slightly sparse crown. One sided crown. Ivy on stem.	IVY Remove ivy from ground to 1.5m.	12	20-40	C	0	2	4	1.5	-	6	5	6	L	60
18	Sycamore (Acer pseudoplatanus)	15	200	SM	N	GOOD			>40	B	2.5	1	1.5	1.5	5	5	5	5	L	60
19	Common Alder (Alnus glutinosa)	16	200	SM	N	GOOD			>40	B	2	1.5	2	1.5	8	7	6	7	L	60
20	Common Alder (Alnus glutinosa)	16	200	SM	N	GOOD			>40	B	2	1.5	2	1.5	8	7	6	7	L	60
21	Common Alder (Alnus glutinosa)	13	0	SM	N	POOR Included bark union at 1m.	FELL Remove to near ground level.	12	<10	U	-	-	-	-	-	-	-	-	L	-
23	Portugal laurel (Prunus lusitanica)	8	120	Y	N	GOOD			>40	C	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	L	60
24	Silver Birch (Betula pendula)	10	200	SM	N	GOOD			>40	B	1	4.5	4.5	1.5	5	5	5	5	L	60
25	Portugal laurel (Prunus lusitanica)	5	120	Y	N	GOOD			>40	C	0	0.5	4	0.5	-	1	0	1	L	60

Appendix 12: Root Protection Areas for Retained Trees

Tag Number	Species	Diameter	Root Protection Area (sq m)	Root Protection Radius (m)
1	Portugal laurel (<i>Prunus lusitanica</i>)	180	15	2.2
2	Common Alder (<i>Alnus glutinosa</i>)	220	22	2.6
3	Common Alder (<i>Alnus glutinosa</i>)	150	10	1.8
4	Silver Birch (<i>Betula pendula</i>)	132	8	1.6
6	Sycamore (<i>Acer pseudoplatanus</i>)	220	22	2.6
7	Sycamore (<i>Acer pseudoplatanus</i>)	220	22	2.6
8	Sycamore (<i>Acer pseudoplatanus</i>)	250	28	3.0
9	Silver Birch (<i>Betula pendula</i>)	230	24	2.8
10	Broad-Leafed Lime (<i>Tilia platyphyllos</i>)	230	24	2.8
11	Broad-Leafed Lime (<i>Tilia platyphyllos</i>)	180	15	2.2
14	Wild Cherry (<i>Prunus avium</i>)	266	32	3.2
15	Wild Cherry (<i>Prunus avium</i>)	180	15	2.2
16	Wild Cherry (<i>Prunus avium</i>)	180	15	2.2
17	Wild Cherry (<i>Prunus avium</i>)	180	15	2.2
18	Sycamore (<i>Acer pseudoplatanus</i>)	200	18	2.4
19	Common Alder (<i>Alnus glutinosa</i>)	200	18	2.4
20	Common Alder (<i>Alnus glutinosa</i>)	200	18	2.4
23	Portugal laurel (<i>Prunus lusitanica</i>)	120	7	1.4
24	Silver Birch (<i>Betula pendula</i>)	200	18	2.4
25	Portugal laurel (<i>Prunus lusitanica</i>)	120	7	1.4

Appendix 13: **Prioritised Work Schedule**

Tag	Species	Notes	Done?
June 2022			
1	Portugal laurel (<i>Prunus lusitanica</i>)		
2	Common Alder (<i>Alnus glutinosa</i>)		
3	Common Alder (<i>Alnus glutinosa</i>)		
4	Silver Birch (<i>Betula pendula</i>)		
6	Sycamore (<i>Acer pseudoplatanus</i>)		
7	Sycamore (<i>Acer pseudoplatanus</i>)		
8	Sycamore (<i>Acer pseudoplatanus</i>)		
9	Silver Birch (<i>Betula pendula</i>)		
10	Broad-Leafed Lime (<i>Tilia platyphyllos</i>)		
11	Broad-Leafed Lime (<i>Tilia platyphyllos</i>)		
14	Wild Cherry (<i>Prunus avium</i>)		
15	Wild Cherry (<i>Prunus avium</i>)		
16	Wild Cherry (<i>Prunus avium</i>)		
17	Wild Cherry (<i>Prunus avium</i>)		
18	Sycamore (<i>Acer pseudoplatanus</i>)		
19	Common Alder (<i>Alnus glutinosa</i>)		
20	Common Alder (<i>Alnus glutinosa</i>)		
23	Portugal laurel (<i>Prunus lusitanica</i>)		
24	Silver Birch (<i>Betula pendula</i>)		
25	Portugal laurel (<i>Prunus lusitanica</i>)		
5	Sycamore (<i>Acer pseudoplatanus</i>)		
12	Sycamore (<i>Acer pseudoplatanus</i>)		
13	Sycamore (<i>Acer pseudoplatanus</i>)		
21	Common Alder (<i>Alnus glutinosa</i>)		

Report of Handling

**Application for Planning Permission
49 Gilberstoun Loan, Edinburgh, EH15 2RQ**

Proposal: Erection of a detached prefabricated garage to the side of property. Minor alterations to side elevation of house.

**Item – Local Delegated Decision
Application Number – 21/02335/FUL
Ward – B17 - Portobello/Craigmillar**

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The application for development is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and policy Env 12 (Trees). It is compatible with the existing building and the character of the area and has no adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a two-storey detached dwellinghouse located on the east side of Gilberstoun Loan. The area is predominantly residential in character.

The proposal relates to an area of side garden that is a designated Local Nature Conservation Site in the LDP.

Description Of The Proposal

The proposal is for a pre-fabricated detached double garage to be erected within the property's garden area.

The garage will have a footprint of approximately 46 square metres and a maximum height of approximately 2.2 metres to the eaves and 3 metres to the roof ridge.

The proposed works include the installation of bi-folding doors and a small area of decking to the gable elevation of the house. These works constitute permitted development by virtue of Class 2B and Class 3D of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Relevant Site History

No relevant site history.

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 10 May 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposal is acceptable in principle;
- b) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- c) the proposal will cause an unreasonable loss to neighbouring amenity;
- d) any impacts on equalities or human rights are acceptable; and
- e) any comments raised have been addressed.

a) Principle

The side garden area of the house is designated as a Local Nature Conservation Site (LNCS) in the LDP. This designation broadly covers the tree belt that runs in a north-south direction to the east of this part of Gilberstoun Loan.

Policy Env 15 (Sites of Local Importance) states that development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Conservation Site will not be permitted unless it can be demonstrated that:

- a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site
- b) the adverse consequences of allowing the development for the value of the site have been minimised and mitigated in an acceptable manner.

While the site is located within the LNCS, it is in the private ownership of the applicant and has been physically severed from the remainder of the tree belt by a fence. Some of the garden area has already been cleared of trees and vegetation to create a usable amenity space for the property and similar clearance has taken place in a number of nearby properties. In its current state the site no longer serves its intended function in terms of its LNCS designation and Env 15 is not applicable in this context.

This point is emphasised by the Tree Protection Order (TPO) covering the tree belt that was introduced in June 2020. The map delineating the TPO specifically excludes the applicant's garden area and those of the nearby properties where tree and habitat removal has taken place.

The proposal will result in the loss of seven trees from the applicant's garden. These trees are not protected and the location of the proposal has been sited to minimise tree loss in compliance with policy Env 12 (Trees).

Overall, the proposal is acceptable in principle.

b) Scale, form, design and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and the surrounding area.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

d) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

e) Public comments

One comment has been received offering neutral comments on the proposal.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 29 April 2021

Drawing Numbers/Scheme

01, 02A-03A, 04-07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Alex Gudgeon, Planning Officer

E-mail:alexander.gudgeon@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Natural Environment

COMMENT: There will be sufficient trees retained within the garden and the existence of the boundary fence reduces the garden's biodiversity value for mammals.

Report of Handling

Application for Planning Permission in Principle 18/00812/PPP

At Land 17 Metres East Of 153, Gilberstoun, Edinburgh
Planning permission in principle to build one three bedroom detached villa with a driveway and landscaped garden.

Item	Local Delegated Decision
Application number	18/00812/PPP
Wards	B17 - Portobello/Craigmillar

Summary

The proposal is contrary to the Edinburgh Local Development Plan in that the proposal does not respect the quality and character of the immediate and wider area and does not respect the spatial pattern of the area. There are no material considerations on which to justify granting planning permission.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES03, LHOU01, LEN18, LEN18,
---	---

Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is a wooded area which is bounded to the north by an area of designated open space which continues south on the opposite side of the road. The surrounding area is predominantly residential.

2.2 Site History

23/12/2016 - An application for planning permission in principle was refused for the clearance of an area approximately 405 square metres of existing woodland and for the erection of a three bedroom house. (16/05499/PPP)

21/02/2017 - A review of the refusal of (16/05449/PPP) was upheld for the refusal for the clearance of an area approximately 405 square metres of existing woodland and for the erection of a three bedroom house. (17/00018/REVREF)

Main report

3.1 Description Of The Proposal

Planning Permission in Principle is sought for the erection of one, three bedroom detached villa with a driveway and landscaped garden.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) The proposal of housing is acceptable in principle on the site;
- b) Any comments have been addressed.

a) PRINCIPLE

The site is subject to a previous application of the same nature, although this application now has a change in circumstances. The site previously consisted of an area of trees which provided a woodland edge for the more mature trees. However the majority of the woodland edge has now been cleared, leaving a single row along the front of the pedestrian route through Gilberstoun.

Policy HOU01 states that priority will be given to the delivery of housing land supply and the relevant infrastructure as detailed in part 1, section 5 of the plan including on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The proposed site is not a suitable site within the urban area and is contrary to policy HOU01 as it is not compatible with the following policies within the plan:

The proposal is contrary to policy DES1 in that the proposal does not draw upon the positive characteristics of the area, with open space running through the estate and creating a clear division between the listed buildings and the newer properties of the 1990's. The proposal does not respect the quality and character of the immediate and wider environment and therefore will be damaging to the character and appearance of the surrounding area.

The proposal is also contrary to policy DES3 in respect of features worthy of retention. There has been no consideration given to the trees, the woodland, the landscape character or the biodiversity. The area of open space continues on either side of the road and creates a walking or cycling route through Gilberstoun to either Newcraighall or Brunstane. There has been no consideration given to providing a new habitat to further the conservation of biodiversity.

The proposal is also contrary to policy ENV12 in that the removal of the trees which formed part of a woodland edge has taken away the link between the two areas of open space namely Newcraighall and Brunstane. This also provides a separation between the 1990's houses to the East of the site with the listed buildings to the west of the site, notably Brunstane Farm House and Brunstane Farm Cottages. If this application were to be granted the proposal would put pressure on the more mature trees within the designated open space.

There can be no determination on whether the proposal would comply with policy ENV16 as no information has been provided as to the impact on species or any mitigating measures.

Policy ENV18 aims to protect all open space, both publicly and privately owned, that contribute to the amenity of the surrounding area that provide or are capable of

providing for the recreational needs of residents and visitors. The proposal is contrary to policy ENV18 for open space protection in that there will be no local benefit in allowing the development, it is not for a community purpose that would outweigh the loss of the open space, there is not an over provision of open space within this area and the loss of this open space would result in a detrimental impact on the character of the area.

The proposal is contrary to policies ENV10, ENV12 and ENV18 and is therefore not a suitable site within the urban area for housing development.

b) PUBLIC COMMENTS

Eight objections have been received, matters include:

Material representations:

- a) Loss of amenity in regards to noise in construction phase
- b) Loss of trees
- c) The design of the building is inappropriate
- d) Pedestrian safety
- e) Lack of green space for children
- f) Road safety issues

Non-material representations:

- a) Loss of view
- b) Set a precedent for more housing
- c) Applicant does not maintain land

All material representations have been addressed in the assessment, section 3.3(a)

CONCLUSION

The proposal is contrary to the Edinburgh Local Development Plan in that the proposal does not respect the quality and character of the immediate and wider area and does not respect the spatial pattern of the area. There are no material considerations on which to justify granting planning permission.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal does not draw upon the positive characteristics of the surrounding area.

2. The proposal is contrary to the Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as existing features worthy of retention have not been given careful consideration.

3. The proposal is contrary to the Local Development Plan Policy Env 18 in respect of Open Space Protection, as there will be no local benefit in allowing the development and there is a lack of open space within the area.

4. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal is not in line with other policies within the Local Development Plan.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

Eight objections have been received, matters include:

Material representations:

- a) Loss of amenity in regards to noise in construction phase
- b) Loss of trees
- c) The design of the building is inappropriate
- d) Pedestrian safety
- e) Lack of green space for children
- f) Road safety issues

Non-material representations:

- a) Loss of view
- b) Set a precedent for more housing
- c) Applicant does not maintain land

All material representations have been addressed in the assessment, section 3.3(a)

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

The application property is in the Urban Area designated in the Edinburgh Local Development Plan. There are no special designations on the site.

Date registered

22 February 2018

Drawing numbers/Scheme

01

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sheila Bernard, Planning Officer
E-mail:sheila.bernard@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

Appendix 1

Consultations

ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. No access motor vehicle access will be permitted to be taken from the adopted footpath on the east of the proposed development;
2. Parking provision will be required to comply with the Council's parking standards;
3. Any off-street parking space should comply with the Council's Guidance for Householders (see http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders) including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

END

Report of Handling

Application for Planning Permission in Principle 16/05449/PPP

**At Land 17 Metres East Of 153, Gilberstoun, Edinburgh
Clear an area of approximately 405 square metres of existing
woodland area and build a 3 bedroom detached house.**

Item	Delegated Decision
Application number	16/05449/PPP
Wards	A17 - Portobello/Craigmillar

Summary

The proposal does not comply with the local plan and non-statutory guidance and is not acceptable. There are no material considerations upon which to justify granting planning permission.

Links

<u>Policies and guidance for this application</u>	LEN12, LEN16, NSGD02,
---	-----------------------

Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is a wooded area which is bounded to the north by an area of designated Open Space which continues south on the other side of the road. The land is bounded to the east by an access road/path.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Planning permission in principle is sought for the erection of a single house on the site.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a. Housing is appropriate on the site.
- b. Matters raised in representation have been addressed.

- a. Edinburgh Local Development Plan (LDP) policy Hou1 states that "Priority will be given to the delivery of the housing land supply and the relevant infrastructure as detailed in Part 1 Section 5 of the Plan including:
- a) sites allocated in this plan through tables 3 and 4 and as shown on the proposals map
 - b) as part of business led mixed use proposal at Edinburgh Park/South Gyle
 - c) as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre)
 - d) on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The proposed site is not a suitable site in the urban area, for the reasons given below. Therefore, the proposal is contrary to LDP policy Hou1.

LDP policy Env12 states that "Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

Where

such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity".

There is a discrepancy between the size of the site as stated in the application form (325sq/m) and as stated in the accompanying statement (410sq/m). However, regardless of the actual size of the site, the proposal is to clear all trees and vegetation from the land. The exact number of trees to be removed is not specified or known, but the mature trees are worthy of retention as they link two areas of designated Open Space and which separate the 1990s housing in Gilberstoun from the older buildings to the east, notably Brunstane Farm Cottages and Brunstane House.

No good arboricultural reasons have been given for the proposed removal of the trees. The removal of these trees which form a woodland edge would have a particularly harmful impact on the remaining trees, as those exposed would be less able to act as a stable woodland boundary.

It is also noted that the intention is to cut back the tree canopy to the north of the site. Even if planning permission were granted, it would not extend to land outwith the application site boundary.

No replanting has been suggested to offset the loss to amenity arising from the removal of trees.

The proposal would be contrary to LDP policy Env12.

LDP policy Env16 states that "Planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless:

- a) there is an overriding public need for the development and it is demonstrated that there is no alternative
- b) a full survey has been carried out of the current status of the species and its use of the site

- c) there would be no detriment to the maintenance of the species at 'favourable conservation status**'
- d) suitable mitigation is proposed".

No information has been provided as to the impact on species within the site or any mitigation measures. The council cannot determine whether the proposal would comply with LDP policy Env16.

b. Six objections have been received.

Material representations in objection.

There is a discrepancy in the figures describing the site area. This is addressed in part 3.3a.

No parking is shown on the drawings. It is not necessary to show detail of this nature on an application for planning permission in principle.

The proposed style is inappropriate. No plan or elevation drawings have been submitted. It is not necessary to show detail of this nature on an application for planning permission in principle.

The loss of trees is not acceptable. This is addressed in part 3.3a.

Road safety. The council has no objection to the proposal on road safety grounds.

Non-material representations in objection.

The application will set an unacceptable precedent. There is no precedent in the planning system. Each application is assessed on its own merits in terms of the development plan and other material considerations.

Loss of view The planning system seeks to protect amenity, which is a wider consideration of the appeal of an area. It does not seek to protect private views.

The extension of the access road is not acceptable. The access road lies outwith the application site boundary.

The proposal does not comply with the local plan and non-statutory guidance and is not acceptable. There are no material considerations upon which to justify granting planning permission.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it would have a damaging impact on trees worthy of retention.

2. The proposal is contrary to the Local Development Plan Policy Env 16 in respect of Species Protection, as Insufficient information has been provided to allow assessment of the impact on species.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

Six objections have been received. The matters raised are addressed in part 3.3.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

The application property is in the Urban Area designated in the Edinburgh Local Development Plan. There are no special designations on the site.

Date registered

1 November 2016

Drawing numbers/Scheme

01, 02

Scheme 1

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Mark Dunlop, Planning officer
E-mail:mark.dunlop@edinburgh.gov.uk Tel:0131 469 3642

Links - Policies

Relevant Policies:

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Appendix 1

Consultations

Scottish Natural Heritage

No remit to comment on the application.

Roads Authority Issues

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *Any off-street parking space should comply with the Council's Guidance for Householders (see http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders) including:
 - a. *Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;*
 - b. *Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
 - c. *A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
 - d. *Any gate or doors must open inwards onto the property;*
 - e. *Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
 - f. *The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point**

Note:

- o The applicant should note that vehicular access will not be permitted to be taken from the adopted footpath on the east of the proposed development;*
- o Current Council parking standards require a minimum of 2 spaces for a 4 room house in this area (Zone 6).*

END

Open Space Audit 2016

Tony Moore

City of Edinburgh Council Mapping

Summary

The Open Space Audit (2016) updates the Council's first Open Space Audit, which was published in 2009.

[View Full Details](#)

[Download](#)

Details

 **Dataset**
Feature Layer

 **4 May 2022**
Info Updated

 **4 May 2022**
Data Updated

 **4 May 2022**
Published Date

 **Records: 1,394**
View data table

 **Public**
Anyone can see this content

 **Custom License**
View license details



Open Space Audit 2016

Tony Moore

City of Edinburgh Council Mapping

Summary

The Open Space Audit (2016) updates the Council's first Open Space Audit, which was published in 2009.

[View Full Details](#)

[Download](#)

Details



Dataset
Feature Layer



4 May 2022
Info Updated



4 May 2022
Data Updated



4 May 2022

I want to use this

