Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Scottish Tree Officers Group (STOG)

Questions 1 to 11.

No comments

Question 12.

The Bill does not refer to Part VII of the Town & Country Planning (Scotland) Act 1997 and in particular trees in conservation areas. While at least 2 reviews of Tree Preservation Orders have been undertaken in the last 15 or so years and changes to Tree Preservation Orders were introduced by the Planning Etc. Act 2006, Section 172 of the Town & Country Planning (Scotland) Act 1997 which provides protection for trees in conservation areas and produces a greater case load for planning authorities than Tree Preservation Order applications has not been subject to any review.

Section 172 requires that 6 weeks’ notice is given to a planning authority before work can be carried out on a tree in a conservation area. This period allows the planning authority to consider the effect and acceptability of the proposals prior to the work being carried out but the planning authority cannot refuse consent or grant it subject to conditions. If the planning authority wish to prevent the work from taking place or to attach conditions to make the work acceptable (such as requiring that the work accords with good practice or that there is replacement tree planting) then the planning authority has to make a tree preservation order.

Planning authorities receive more notifications regarding works to trees in conservation areas than TPO applications. Some planning authorities receive over 500 such notifications a year and only being able to use TPOs to prevent or make otherwise unacceptable damaging tree work results in significant staff, legal, ownership search and advertising costs.

STOG request that the Bill includes changes to the primary legislation which will safeguard amenity while creating a more efficient and effective way to deal with the high number of Section 172 notifications received by planning authorities by amending Section 172 of the Town & Country Planning (Scotland) Act 1997 to enable planning authorities to determine a notice of intent to carry out tree work in a conservation area within the 6-week period so, if an authority consider the proposals submitted in a notification likely to have an unacceptable impact on amenity or that they could be made acceptable by attaching conditions, it can refuse permission or
grant permission subject to conditions. This would remove the costly and time-consuming requirement of having to make TPOs to deal with tree work notifications. An appeal against decisions could be introduced as it exists for TPO applications. If the 6-week period expires without a decision being reached then, under existing provisions, the work could be carried out as proposed in the notification.

Such a change would allow planning authorities to properly consider and deal with the amenity implications and the high caseload of tree work in conservation areas without the burden on resources of having to make a considerable number of tree preservation orders.

Steve Milne
Chairperson
Scottish Tree Officers Group

STOG is a constituted association formed by officers from Scottish Local Authorities and National Park Authorities. Its aim is to enhance, support and promote the management and protection of trees and woodland and provide a Forum for the exchange of ideas and the enhancement of knowledge and procedures relating to tree and woodland management and protection in Scotland.

It has members from 33 of Scotland’s 34 Local Authorities and National Park Authorities.