

# TREES AND THE LAW

Trees and woodlands are an important part of East Lothian's towns and countryside and legislation exists to protect them.

This leaflet provides guidance about this protection.



**East Lothian**  
Council

Please note it is an offence to fell, lop, top or carry out any work on protected trees without permission. If convicted, a fine of up to £20,000 may be imposed.

Landowners are responsible for the care, maintenance and safety of all trees on their land.

### Tree Preservation Orders

A Tree Preservation Order (TPO) is a legal procedure used by East Lothian Council to protect individual trees, groups of trees or woodlands that make a significant contribution to the visual amenity of an area or are of cultural or historical importance. Before any work can be carried out on a tree protected by a TPO, landowners must get written permission from the Council. In general, trees that are felled will have to be replaced with new ones. Our Policy and Projects team can advise if it is protected by a TPO within a property.

### Conservation Areas

Trees within Conservation Areas are also protected by legislation and the Council must be notified in writing six weeks in advance of any planned work on, or proposed felling of, such trees. To check if a tree is in a conservation area, please refer to the maps of East Lothian's Conservation Areas on the Council's website, or contact our Policy and Projects team.

## Planning Permission

If the Council permits the development of a particular site, any trees within it may be protected by a condition of the planning consent. The Council must approve any work on such trees in advance. It is best to check with our Policy and Projects team whether any planning conditions protect trees within a property.

## Planning Application Submissions

When submitting a planning application the location and canopy spread of any trees, hedges and groups of shrubs within the site and the location and canopy spread of any trees adjacent to the site should be indicated. Those to be retained and those proposed for removal should be clearly marked. It is Council policy that all development should comply with the guidance provided in the British Standard 5837 - Trees in Relation to Construction. For further information contact our Policy and Projects team.

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It should be noted that trees can be easily damaged and we advise that no fixings or structures such as tree houses be attached to them, or any groundworks or erection of structures be carried out within the crown spread of trees, as this could impair a tree's health and make it unsafe. We recommend that you take advice from an expert before considering such actions. To discuss further contact our Policy and Projects team.

# THE LAW

All tree work should be carried out in accordance with British Standard 3998 "Recommendations for Tree Work". Your arborist should have knowledge of this.

### Carrying Out Tree Work

A tree is a living organism and maintenance operations such as the removal of dead, dying, diseased or damaged branches are required from time to time to maintain its health and appearance. It is likely therefore that applications to carry out maintenance on protected trees will not only be granted but also encouraged.

It is advisable to employ a qualified person to both assess and undertake any maintenance work. The leaflet "Choosing Your Arborist" is available from The Arboricultural Association ([www.trees.org.uk](http://www.trees.org.uk)) or from our Policy and Projects team.

Before undertaking any tree work we advise you to write or email Policy and Projects to find out whether a tree is protected and permission for work is required. Please refer to contact details on the back of this leaflet.

An application or notification for tree work should be submitted to the Council in writing or by email detailing the tree(s) and their location (a plan is helpful), a description of the work and reasons for the work and any replanting proposals for trees to be felled. If replanting is not proposed you should explain why.

Enquiries, applications and notifications relating to any of the above should be directed to East Lothian Council's Policy & Projects team. Full contact details at the back of this leaflet.

## Forestry Commission

Tree felling outwith garden ground may require a licence from the Forestry Commission who also provide information on grants.

Contact: The Central Scotland Conservancy  
Bothwell House, Hamilton Business Park  
Caird Park, Hamilton, ML3 0QA  
T: 01698 368530

## Scottish Natural Heritage (SNH)

Legislation controls activities that could disturb nesting birds, bats and their roosts and other protected species. No one should fell, cut, or lop trees, bushes, or hedges if this work could harm birds, particularly during the nesting season (late February to mid-July). It is also a legal requirement to consult Scottish Natural Heritage (SNH) before any tree work is considered that might affect bats or their roosts.

Sites of Special Scientific Interest (SSSI) are important areas designated by SNH. Specific operations within these sites require the consent of SNH and for most SSSIs within East Lothian this includes changes in tree and woodland management.

Contact: Scottish Natural Heritage  
Laundry House, Dalkeith Country Park  
Dalkeith, Midlothian, EH22 2NA  
T: 0131 654 2466  
E: [enquiries@snh.gov.uk](mailto:enquiries@snh.gov.uk)

## Council Owned Trees

Trees located within East Lothian Council property are managed by:  
Landscape and Countryside Division  
East Lothian Council, Block C, Brewery Park  
Haddington, EH41 3HA  
T: 01875 824305  
E: [landscapeandcountryside@eastlothian.gov.uk](mailto:landscapeandcountryside@eastlothian.gov.uk)

Versions of this leaflet are available on request on audiotape, in Braille, large print or your own language.

 Phone 01620 827199

## Policy and Projects Environment

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John Muir House  
Haddington  
East Lothian  
EH41 3HA

T: 01620 827216

E: [policy&projects@eastlothian.gov.uk](mailto:policy&projects@eastlothian.gov.uk)

W: [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



**Mixed Sources**

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