

SPSO decision report

Case: 201204170, The City of Edinburgh Council
Sector: local government
Subject: conservation areas, listed buildings, tree preservation orders
Outcome: not upheld, no recommendations

Summary

Mr C complained about the way the council had responded to his representations to have tall trees on council land neighbouring his property trimmed. He was concerned that the trees could be dangerous in high winds, and that they blocked daylight into his property. The council had at one point told him that they would trim or remove trees that were not the subject of a tree preservation order (TPO). When, however, he complained that this had not happened, the council told him that all the trees in the area were in fact the subject of the TPO, and could not be touched. Mr C pursued his complaint, as he believed that the council could trim the trees for maintenance purposes, and was dissatisfied when the council maintained their position and would not trim the trees.

Our investigation found that the council had properly explained to Mr C that they could not trim the trees as it would be an offence to reduce the height of or remove branches from healthy mature trees that were subject to a TPO. The council acknowledged that Mr C had safety concerns about the trees, but said they had been inspected and there was no evidence of disease that might mean they posed a danger. We did not uphold the complaint, as we found no fault in the council's handling of the matter, although we did think that they could have told Mr C earlier that the TPO applied to the whole area, rather than to individual trees. However, we decided that there were no grounds to pursue the matter further, noting that the council have arranged for their forestry manager to inspect the trees each year, and that they will take immediate action if any tree or branch shows evidence of disease.