

# Permanent protection is approved for trees on housing site

Edinburgh councillors have narrowly voted in favour of permanently protecting trees on a site earmarked for housing – despite fears the move could lead to the council being sued by landowners.

Campaigners fighting to save self-formed woodland and ponds at Leith's Western Harbour said they were "delighted".

But the decision has been criticised for potentially making it more difficult for homes to be built in the area in the middle of a housing crisis.

Council tree officers issued Preservation Orders for trees on the seven acre site earlier this year, saying they contributed to the "attractiveness and character of the locality".

They are at odds with planning officials however, who urged councillors to rip up the tree preservation orders (TPOs) as the space was considered "of strategic importance" to meet the city's housing needs. Meanwhile council bosses fear a "significant risk" of landowners seeking compensation for "loss of housing land value".

Despite these concerns, the planning sub-committee voted 5-4

to make the TPOs permanent. Whilst not in itself preventing future development of the site, the TPO will make felling trees more difficult as any proposal which involved removing any would have to be carefully considered by the council.

A campaign was launched by local residents after the four waterfront plots went up for sale last year – 15 years after being abandoned by developers in the wake of the financial crash. Woodland and wetlands formed in the intervening period have created a wildlife “haven” for over 40 species of birds including swans and kingfishers as well as frogs, dragonflies and “more than a dozen species of butterfly,” according to recent surveys.

<https://twitter.com/SaveWHPonds/status/1732485430182904136>

Save Western Harbour Ponds member Gareth Overton said: “All of this has arrived just by letting nature get on with it.

“It’s a very important asset to Edinburgh, and it would be almost impossible to recreate it artificially elsewhere if it was destroyed for building on.”

Planning officer Elaine Campbell told councillors: “In the years that the land has become unmanaged it has grown into a young woodland with areas of wetland and a range of birds including some rare species have been spotted on the site.

Ms Campbell pointed out the site had been identified for housing as a “strategic area for urban development”.

She added: “The trees are young, they don’t have individual merit but as a collective they do have high landscape importance.

“There is no designation available which can directly protect the ponds or the wildlife and a TPO would protect the trees only – we can’t protect the ponds as part of a tree protection order.”

In October early plans were submitted for a 'residential development' on one of the plots covered by woodland and initial consultations have been held with some members of the community.

However the council noted in City Plan 2030, its planning blueprint for the capital over the next decade, that "further assessment of these ponds is required given the nature of the ponds has progressed over time".

Scottish Government officials currently reviewing the development plan are considering whether the site should be officially designated as greenspace.

Cllr Hal Osler, Lib Dem planning-sub-committee convener, said she supported making the TPO permanent as there "hasn't been a huge amount of work to actually develop this area".

Cllr Chas Booth, Greens, said as developers had failed to renew previously-granted planning consent he failed to see strong grounds for compensation.

"I don't think that's a strong enough reason to refuse the TPO," he said. The Leith ward councillor added that the trees make a "significant contribution to the pleasantness of the place".

Cllr Neil Gardiner urged the committee to follow officers' recommendation not to confirm the TPO. He said: "We are in the middle of a housing crisis, we have a plan-led planning system here in Edinburgh and have done a lot of good work to uphold that.

"And I don't think given the perilous state of finances we can expose the city to potential compensation.

"The site has been allocated for housing, there's greenspace next to it which could be developed. There's also a new park in the middle of the reclaimed area of Westen Harbour."

Cllr Tim Jones said: "Very crudely put it seems like trees versus houses – and we are in a housing crisis. This land has been designated for housing purposes."

He added it appeared the original decision to issue a temporary TPO "really shouldn't have taken place".

Reacting to the decision afterwards, Mr Overton said: "This is great news. Local people love these woods and ponds, which are a very special place, so we're delighted the council has recognised the importance and value of the trees and decided to protect them.

"I've lived near here for 20 years and watched nature create this beautiful haven from scratch and it must be in contention for the best example of nature restoration in Edinburgh."

He added: "We know there's a pressing need for housing and we are not nimbys. We can point to large areas of land very nearby where housing could be built where it would not involve the destruction of a beautiful ecosystem, which is a very important asset for people, our city and the planet."

by Donald Turvill Local Democracy Reporter

