Scottish Wildlife Trust

Local Government and Regeneration Committee

Call for Evidence - High Hedges Bill

The Scottish Wildlife Trust welcomes the opportunity to submit evidence to the Local Government and Regeneration Committee regarding the High Hedges Bill.

The Scottish Wildlife Trust's central aim is to advance the conservation of Scotland's biodiversity for the benefit of present and future generations. With over 32,000 members, several hundred of whom are actively involved in conservation activities locally, we are proud to say we are now the largest voluntary body working for all the wildlife of Scotland. The Trust owns or manages over 120 wildlife reserves across Scotland and campaigns at local and national levels to ensure wildlife is protected and enhanced for future generations to enjoy.

We have concentrated our evidence on the two questions which could impact on wildlife. In addition, we have provided evidence of our experience of tree/woodland management in urban areas.

1. Do you agree with the definition of a high hedge as set out in the Bill? If not, please provide details:

The definition in the Bill, of what constitutes a high hedge is: *one formed wholly or mainly by a row of two or more evergreen or semi-evergreen trees or shrubs, exceeding two metres in height and forming a barrier to light.*

The Scottish Wildlife Trust recognise that this definition is primarily aimed to capture fast growing non-native conifers such as Leyland cypress (x *Cupressocyparis leylandii*) and Western red cedar (*Thuja plicata*), but the Committee should also bear in mind that the definition 'evergreen' also captures native species such as juniper (*Juniperus communis*), holly (*Ilex aquifolium)* and yew (*Taxus baccata*). Not only do these native trees have great cultural significance (possibly the oldest tree in Europe is the 'Fortingall Yew') but they are also a haven for wildlife which has evolved with, adapted to and exploited these trees since they colonized after the last glaciations.

For instance regarding holly, birds such as song thrush, blackbirds, fieldfares and redwings eat the red berries in the winter of the female trees, butterflies and bumblebees feed on the nectar and pollen produced in the spring/summer and small mammals, hedgehogs and amphibians such as toads hibernate in the winter in the thick leaf litter. Holly's dense leaves and prickly foliage also provide a good nesting site for native birds.

Although non-native evergreens are not so attractive to Scotland's wildlife they do provide nest sites for breeding birds, because of the protection afforded by the dense foliage. Therefore, any removal/reduction of such hedges to accord with the Bill must be conducted outwith the bird breeding season to comply with the Wildlife and Countryside Act 1981 (W&CA) and the subsequent amendments found in the Nature Conservation (Scotland) Act 2004. Section 1 of the W &CA states:
Protection of wild birds, their nests and eggs.
(1)Subject to the provisions of this Part, if any person intentionally or recklessly—
(a) kills, injures or takes any wild bird;
(b) takes, damages, destroys or otherwise interferes with] the nest of any wild bird while that nest is in use or being built; or
(ba) at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;

(bb) obstructs or prevents any wild bird from using its nest;
(c) takes or destroys an egg of any wild bird,
he shall be guilty of an offence.

It should also be noted by the Committee that some urban hedges may have been planted by gardeners to encourage wildlife and may be composed of a mixture of native broadleaved trees/shrubs and native conifers. Conservation organisations such as ourselves, RSPB Scotland, Buglife and Bumblebee Conservation advocate increasing the biodiversity value of urban gardens by planting hedges with native species. Such species-rich hedges contain a variety of native trees/shrubs such as hawthorn, blackthorn, hazel, wych elm holly, wild privet (*Ligustrum vulgare*) and have high biodiversity value because of the variety of niches provided for wildlife, the invertebrate life associated with such them and the complexity of food chains that evolve.

Therefore we are pleased that the Bill's proposed definition includes the words *wholly or mainly by a row of two or more evergreen or semi-evergreen trees or shrubs*, otherwise such hedges as described above, which would be mainly composed of deciduous trees, affording light in the winter, could be cut down/removed because they contain a limited proportion of evergreen (e.g. holly) or semi-evergreen (wild privet) species. In addition, inclusion of such species- rich hedges in the Bill could be contrary to Section 1 of the Nature Conservation (Scotland) Act 2004 which states:
It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

To conclude, we recognise that the Bill wants to capture in the definition of high hedges that such hedges are composed of fast growing non- native conifers but using the term evergreen and indeed semi-evergreen also includes some native tree species which are valuable to wildlife. Our only alternative would be to specifically refer to non- native fast growing conifers in the definition rather than the term 'evergreen.'

2. Do you consider that other forms of vegetation should be covered by the provisions of the Bill? If so, please specify why?

General points

The Scottish Wildlife Trust does not want to see the scope of the Bill broadened to include single trees or groups of trees. Scotland has over 20 species of native trees/shrubs which are attractive to wildlife. Broadening the scope of the Bill to include groups of trees could pose a threat to urban woodlands which are promoted through the Scottish Government's Woodlands In and Around Towns (WIAT) initiative. Since the launch of WIAT in 2006, Forestry Commission Scotland has made a major investment of over £50 million in this programme.[1]

Furthermore, native trees such as ash and oak are already under threat from novel pathogens (ash dieback and oak decline respectively) which have gained a foothold in the UK because of global trade, climate change and lack of strict biosecurity measures. Inclusion of single trees/groups of trees in the Bill could give the green light to the destruction of more trees and be contrary to The Scottish Forestry Strategy.[2]

In urban settings, native broadleaved trees - including single trees in gardens, increase the diversity of habitats for urban wildlife and can provide important nest sites for breeding birds such as tawny owl and song thrush and maternity roosts for bat species such as common pipistrelle which is an Annex 1 species in the EU Habitats Directive. Native broadleaved trees are attractive to insects[3]: oak (*Quercus* spp.) has been found to have 284 insects associated[4]; birch (*Betula* spp.) 229; hawthorn 149. Non- native species usually have less associated insects: sycamore 15; horse chestnut 4.

[1] See: http://www.forestry.gov.uk/pdf/WIAT-Policy.pdf/$FILE/WIAT-Policy.pdf
[2] See: http://www.forestry.gov.uk/pdf/SFS2006fcfc101.pdf/$FILE/SFS2006fcfc101.pdf
[3] See: Kennedy, C.E.J. and Southwood, T.R.E. (1984) The number of species of insects associated with British trees: a re-analysis. J. Animal Ecology 53: 455 -478
and, Alexander, A., Butler, J. and Green, T. (2006) British Wildlife 18(1): 18 - 28.
[4] Data collected from trees in woodlands- urban trees are likely to have less insects associated, but this does give an indication of the biodiversity value

In addition, urban trees provide ecosystem services such as carbon sequestration, air pollution reduction, aesthetic appeal, noise attenuation and reduction in flood risk through slowing of water movement after a rainfall event.[5] It has been estimated that the local trees in a small town provided ecosystem services worth over £1 million per annum (air pollution removal) and £172,000 per annum of carbon storage. [6]

The Scottish Wildlife Trust owns or manages over 120 reserves in Scotland; over 40 of which are woodland sites and at least 20 sites contain trees that are adjacent to urban development and infrastructure. The Trust has nearly 50 years of expertise in tree management and I have summarised the comments made by our Reserves Mangers regarding woodland reserves adjacent to property/infrastructure and what the implications would be of broadening the scope of the Bill.

Cumbernauld greenspace – c. 300 ha of woodland
The Trust had requests from property owners adjacent to the Cumbernauld Glen reserve in Cumbernauld who were concerned that a stand of larch was close to their property. The Trust's Greenspace Manager met with the neighbours, listened to their safety concerns and agreed to fell the larch (which is a non- native conifer) and plant with shrubs. The Trust obtained a WIAT grant to restock with more appropriate and native trees away from the houses. As a conservation organisation, we would have been more concerned if the trees had been native and had a high biodiversity value - luckily this was not the case and it gave us the opportunity to add value to Cumbernauld's urban wildlife by planting native trees/shrubs.

The Committee should be aware that the problem with the larch arose because of a combination of factors: at the time of the housing development being planned, it was decided to plant larch close to the houses to provide a screen to a nearby road. There was no consideration given to what the future implications would be of planting a stand of relatively fast growing non-native conifers immediately adjacent to housing. (At the time, the Trust did not have ownership of the wood). Conflict would have been minimised if the layout of the woodland/housing development had created a suitable buffer zone between the adjacent housing development and the trees. In addition, more thought should have been given to the species of tree planted. It is a question of the right tree in the right place.

We also have experience at our Northside Wood Reserve of a developer, building houses immediately adjacent to our woodland reserve. Householders have contacted our Greenspace Manager requesting trees/limbs should be removed where they are perceived to encroach on their property; removal obviously creates a cost to the Trust. On the other hand, other neighbours in this area like the proximity of the trees. Potential conflicts could have been avoided if the houses were built at an appropriate distance from the already established woodland reserve.

We do believe that where houses are being developed close to urban woodlands, developers should have guidance over what is a suitable/safe distance to build houses. We also believe to avoid future conflict, the Government/local authorities should provide guidance on what are 'suitable trees' for gardens, street trees or groups of trees that are being designed into development. The onus should be on developers to consider the implications of future growth of trees in their housing design layout. Local authorities should insist on adequate buffers between woodlands and new build and not give planning permission to developments that immediately back onto established woodlands. In addition, long-term forest plans, in an urban setting, should account for future urban development and infrastructure expansion when deciding to expand woodland networks.

Listed below are other examples of where there have been 'disputes' regarding trees on our reserves.

Montrose Basin is an enclosed estuary of the river South Esk covering 750 hectares, home to over 50,000 migratory birds.

The Trust's Reserves Manager has had residents from a new housing development raising concerns about the height of neighbouring trees – the problem would not have arisen if the planning authority had insisted on a larger buffer between the development and the Trust's reserve.

[5] See: UK National Ecosystem Assessment (2011). The UK National Ecosystem Assessment Technical Report (UKNEATR). UNEP-WCMC Cambridge.
[6] See: http://www.torbay.gov.uk/index/yourbay/parks/arboriculture/itree.htm

Shewalton Wood covers over 100 hectares and is made up of a mixture of woodland, grassland and wetland, with a network of water-filled channels and two large ponds. Native woodland regeneration is replacing former conifer shelter-belts.

A property borders the reserve boundary, trees crowd light to a degree but this is not a problem with current owners, however it might be if the house changes hands.

Southwick Coast is a fascinating stretch of coastline with wooded cliffs (over 40 m high) and extensive saltmarsh.

A neighbour of the reserve is complaining that his view of the Solway is starting to get blocked by trees from the reserve. The Trust's Reserve Manager has agreed to remove the high "hedge like" aspen tree nursery but will not take the down native oak trees which are key component of the site.

Fountainbleau Ladypark contains low-lying wet birchwood on the site of the old Black Loch. Good bird population including woodpeckers, willow tits and willow warblers.

A new development on the outskirts of Dumfries is being built very close to the reserve. The Committee should be aware that the Reserves Manger worked closely with planners, developers and neighbours to inform the original masterplan which identified potential buffer zones and potential linkages to similar habitats outwith the reserve. Unfortunately the actual development has not lived up to expectations and in fact there has been a breach in that the main woodland corridor which has become more fragmented. The Reserves Manager anticipates a lot of potential conflict in the future from home owners. A bigger buffer around the reserve would have helped resolve this.

The Miley is part of the disused Newtyle to Dundee railway, within easy walking distance of the city centre. It was originally an impassable, mile-long rubbish tip, but now supports grassland, tall herb communities, scrub and trees - habitats that birds, mammals and insects thrive in.

Development surrounds the reserve on all sides, some of which predates the reserve and some of which is new. There are frequent issues with landowners requesting trees be cut down.

Conclusion

To conclude, the Scottish Wildlife Trust does not want to see the scope of the Bill broadened to include single trees or rows of trees. We believe this would be detrimental to urban wildlife, have an economic cost - in terms of removing ecosystem services provided by urban trees, conflict with the Scottish Government's WIAT and Forest strategy and increase the amount of trees lost from urban wildlife reserves that are adjacent to housing. We also believe that by including 'stand of trees' this would have the unintended consequence of giving the green light to some developers of 'squeezing in' more houses close to mature woodlands - in the knowledge that it will be the responsibility of the landowner of the woodland to remove trees if homeowners complain.

The way forward is for guidance to be provided regarding 'the right tree in the right place;' for property developers to work with adjacent woodland landowners to design masterplans that anticipate and avoid future tree conflicts and for long term urban forest plans to account for future urban housing and infrastructure expansion.

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