

Item 9 - Question Time

To the Chair of the Environment, Development & Infrastructure Committee

“Across the Highlands there are many pavements and roads which have a very undulating and dangerous surface due to tree roots. Can you tell me what the minimum distance is that a tree must be planted from a pavement if it is part of a planning application?”

Response to Mr G Cruickshank

Roads (Scotland) Act 1984 s92

92 Restriction on planting of trees etc. near carriageway.

(1)No tree or shrub planted in accordance with section 51 of this Act shall be planted within 5 metres of the edge of a made-up carriageway without the roads authority's consent which shall not be unreasonably withheld.

(2)If a tree or shrub is planted in contravention of this section, the roads authority may, by notice served either on the owner or on the occupier of the land in which the tree or shrub is planted, require him to remove it within 28 days from the date of the service of the notice.

(3)A person who fails to comply with a notice given under subsection (2) above commits an offence.

(4)In this section, “made-up carriageway” means a carriageway, or part thereof, which has been metalled or in any way provided with a surface suitable for the passage of vehicles.