

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise Planning and Infrastructure
DATE	19 March 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Motion by Councillor Thomson: Consultations over applications to remove protected trees.
REPORT NUMBER:	EPI/13/059

1. **PURPOSE OF REPORT**
To provide the Committee with background information on the current consultation procedures and the implications of the changes proposed.
2. **FINANCIAL IMPLICATIONS**
There would be financial implications in extending current levels of consultation.
3. **OTHER IMPLICATIONS**
Further work would be needed on the details of how any such extended scheme of consultation would operate.
4. **BACKGROUND/MAIN ISSUES**
 - 4.1 At its meeting on the 6th March 2013 the Council referred the following Motion by Councillor Thomson to this Committee for consideration:

“Where trees fall into either TPO or Conservation area category and an application for removal has been submitted by private individuals, enhanced neighbour notification and consultation should be put in place. Before any work is carried out neighbours should be notified either in person or in writing, local public notices should be displayed and ward councillors should be given advance notice.”
 - 4.2 The Planning Authority is required to keep a register of applications for works to protected trees and to make this available for public inspection. This applies to trees in conservation areas and to trees that are subject to Tree Preservation Orders. There is no statutory duty to carry out public consultation on such applications. It is, however, the practice of the City Council to include tree work applications in the weekly list of new planning applications that is published on the Council’s website. Thus, this information is available to Councillors, Community Councils and members of the public.

- 4.3 There is a statutory duty to serve notice of planning applications on the owners of neighbouring land. This is defined as land within 20 metres of the site boundary. There is no statutory duty to carry out this neighbour notification in the case of works to protected trees.
- 4.4 It would be possible to adapt the system currently used to identify and serve notice on neighbours so that it could be used with applications to remove privately owned protected trees. There are, however, a number of issues related to such a proposal which would need to be carefully considered.

There would need to be a clear rationale and justification for introducing neighbour notification for tree works. For planning applications the legislative requirement stems from the potential direct adverse impact on near neighbours from a proposed development: for example loss of sunlight, increased noise, overlooking etc. These are all factors that may only affect a neighbouring property detrimentally. For tree works there are a different range of considerations, less related to the impact on immediate neighbours and more about the contribution of a protected tree to its setting, a major factor assessed in relation to any application for to remove it.

There would obviously be a cost associated with neighbour notification, which could be significant; there can be dozens of individual neighbour notifications generated by a single planning application. As well as the cost of printing and postage there will be an impact on the resources required to consider responses, many of which, given the often emotive nature of such issues, may not be material considerations.

- 4.5 There is also the issue of ensuring that all applications for tree works by both individuals and the Council are dealt with consistently. If an individual is notified over the potential loss of a tree in the neighbouring garden there may be an expectation that they are also personally notified of the Council's intention to remove a street tree in front of their house, a practice not currently employed by the Council.

5. BACKGROUND PAPERS
None

6. REPORT AUTHOR DETAILS

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