

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	29 October 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Confirmation of Tree Preservation Orders
REPORT NUMBER:	EPI/13/213

1. PURPOSE OF REPORT

To have confirmed four (temporary) Tree Preservation Orders made by the Head of Planning and Sustainable Development under delegated powers. The Orders currently provide temporary protection for the trees, but are required to be confirmed by the Planning Development Management Committee to provide long term protection.

2. RECOMMENDATION(S)

It is recommended Members confirm the making of Tree Preservation Orders 210, 215, 216 and 217 without modifications, and that the City Solicitors carries out the requisite procedures.

3. FINANCIAL IMPLICATIONS

The cost of confirming the orders will be met through existing budgets.

4. OTHER IMPLICATIONS

A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality. Planning and Sustainable Development will take the necessary steps to ensure that the trees are protected in the longer term.

The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.

The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

The process of applying for work to protected trees allows for elected members, Community Councils and members of the public to have an opportunity to comment on work to protected trees.

Promoting the improvement and maintenance of environmental quality and townscapes supports investment and economic competitiveness.

5. BACKGROUND/MAIN ISSUES

Tree Preservation Orders 215 and 216 were previously confirmed by this committee on 14 June 2012. However, following a letter of objection to another Tree Preservation Order it came to light that these Orders had been in made reference to out of date Regulations and were consequently invalid. These Orders, along with two others have now been made using the new Regulations and are now being presented for confirmation.

- **Tree Preservation Order 210, Woodland at Tillyoch and Woodend Farms, Peterculter**

The reason for making a Tree Preservation Order on this site is as a result of representations made to the Council by local residents, the owner of part of the woodland and by the local Community Council. A large proportion of the woodland to be given TPO status is part of a designated Local Nature Conservation Site and is not currently protected through legislation.

Distinct woodland blocks that are on either side of Culter House Road form the Order. The woodland is clearly used for recreation and the well-trodden paths that run through the woodland are evidence of this. The woodland is a haven for a variety of wildlife and red squirrels have been recorded in the area. There are clear cultural and natural heritage reasons for the trees to be protected.

Commercial business premises have been constructed in the fields adjacent to the woodland and there is concern that trees within the woodland will be removed to allow for the expansion of the business in future years. Without the making of a Tree Preservation Order there is concern that the trees will be removed without due regard for the woodland setting of the locality.

Making of a Tree Preservation Order here would ensure that the trees could not be removed or worked on without the express permission of the Council.

- **Tree Preservation Order 215, Cottage Cars, Land at Howe Moss Drive, Dyce, Aberdeen**

The need to promote a Tree Preservation Order is a result of a development proposal for the site that could entail the loss of the trees.

The making of the Order comes after concerns have been raised by a Development Management case officer following pre application discussions with the owner.

A TPO is proposed in order to protect the amenity of this part of Aberdeen and to ensure the continued treed aspect to this particular site. The trees in this part of the City make an invaluable contribution to the attractiveness, character and amenity of this particular locality.

The loss of trees would be detrimental to the amenity and attractiveness provided to the site and the locality. The trees form an important softening to the otherwise harsh landscapes features associated with the industrial estate. A Tree Preservation Order would prevent their removal prior to the submission of a planning application.

- **Tree Preservation Order 216, 37 Deevie Road South, Cults**

The need for a Tree Preservation Order has arisen from concern expressed by the owners of the trees about the potential negative impact of the granting of planning permission within the neighbouring property on their trees. The trees provide a valuable screen between the properties and are clearly visible from the public road and nearby Deeside line.

A TPO would protect the amenity of this part of Aberdeen and ensure no works can be carried out to the trees without the prior consent of the Planning Authority. The trees in this part of the City make an invaluable contribution to the attractiveness, character and amenity of this particular locality.

A large number of the trees on the neighbouring site have recently been removed and planning permission granted for a new house. The owners of the trees are concerned that the construction of this house will require inappropriate works to their trees, and have requested the trees are protected. A TPO will mean that the trees can not be worked on without the express permission of the planning authority and any works that are given consent are carried out in line with sound arboricultural practice.

A petition has been received containing one hundred and twelve names in support of the making of the Order. The majority of signatures are from people who live in the local area to the trees that are being protected. This petition was received after the expiry of the date for representations to the Order.

- **Tree Preservation Order 217, Former Victoria Road School, Torry.**

The Tree Preservation Order is being promoted in order to protect the amenity of this part of Aberdeen. The Council has been approached by the Local Community Council and Heritage Society expressing their desire to have these trees formally protected. The previous ward Councillor also asked that the trees be protected.

The preparation of a recent planning statement for the site has increased the likelihood of a threat to the trees as the site is likely to be sold to enable redevelopment. Although the site is currently owned by the Council, once it is sold the Council would not retain control over the trees without the making of an Order.

There are not many mature trees in this part of the city and the few that there are should be protected for future generations. The making of a Tree Preservation Order would ensure the long term retention of the trees. The Council would then have the opportunity to have regard for the environmental implications of any proposed future development.

Making of a Tree Preservation Order here would ensure that the trees could not be removed or worked on without the express permission of the Council.

6. IMPACT

The confirmation of the Orders will ensure the long term protection of the trees on each of the sites. It would ensure the trees could not be removed or worked on without the express permission of the Council.

7. BACKGROUND PAPERS

Tree Preservation Orders 210, 215, 216 and 217

8. REPORT AUTHOR DETAILS

Duncan McGregor
Acting Senior Arboricultural Planner
dmcgregor@aberdeencity.gov.uk / (01224) 522440