

## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning Development Management Committee
DATE	16 July 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Confirmation with modification of Tree Preservation Order number 195
REPORT NUMBER:	CHI/15/215
CHECKLIST RECEIVED	Yes

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### 1. PURPOSE OF REPORT

To confirm, with modification, one provisional Tree Preservation Order (TPO) made by the Head of Planning and Sustainable Development under delegated powers. The Order currently provides temporary protection for the trees, but is required to be confirmed by the Planning Development Management Committee to provide long term protection.

In response to serving the provisional Tree Preservation Order two representations were received, copies are attached to this report. Both representations highlighted procedural issues with the serving of the orders. Legal advice has been sought in relation to these issues and, where appropriate, action taken. This has resulted in the order being renamed. The representations also offered opinion on the merits of the order. These points were considered and resulted in the removal of Area 2 and the amendment of the original statement of reasons.

### 2. RECOMMENDATION(S)

It is recommended that Members:

- 1) confirm the making of Tree Preservation Order 195 with the following modifications:
  - a) removal of the area annotated as A2; see attached plan. An outstanding planning consent will result in the removal of this group of trees to facilitate development.
  - b) to amend the Statement of Reasons to read:

A (i) The trees add to the character and amenity value of the area and a Tree Preservation Order will allow the Council to input into the future management of these trees to ensure long-term retention of tree cover.

- c) to amend the title to Tree Preservation Order 195 Kingswells House 2015 to make it legally distinct

and;

- 2) instruct the Head of Legal and Democratic Services to attend the requisite procedures.

### 3. FINANCIAL IMPLICATIONS

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

### 4. OTHER IMPLICATIONS

The making of a Tree Preservation Order generally results 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 undertaken within existing staffing resources.

### 5. BACKGROUND/MAIN ISSUES

A TPO gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality. As outlined in the Local Development Plan Policy NE5: Trees and Woodland, the Council will take the necessary steps to ensure that trees are protected in the longer term. Protecting trees has the further benefit of contributing to the Council's policies on improving air quality and helping combat climate change. Promoting the improvement and maintenance of environmental quality and townscapes in turn supports investment and economic competitiveness.

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.

The trees in the following Tree Preservation Orders contribute to the local character of the area. The loss of these trees would have an adverse effect on this character. A Tree Preservation Order would ensure that trees could not be removed without the consent of the Council who would have an opportunity to have regard to the environmental implications of any proposals.

- **Tree Preservation Order Number 195, Kingswells House**

## 6. IMPACT

There are no anticipated impacts on equalities with this proposal hence an Equalities and Human Right Impact Assessment is not required. As outlined in Policy NE5: Trees and Woodland, the Council will take the necessary steps to ensure that trees are protected in the longer term thus the need to confirm the aforementioned Tree Preservation Orders.

## 7. MANAGEMENT OF RISK

There is a risk of loss of the trees if the recommendations are not accepted which would impact on people and the environment. If recommendations are accepted the Orders will ensure the long term protection of the trees on each of the sites by ensuring the trees could not be cut down or otherwise damaged without the express permission of the Council, hence securing the public amenity and environmental value of each site.

## 8. BACKGROUND PAPERS

Provisional order is available to view on request; the unmodified boundary map for TPO 195 is attached.

## 9. REPORT AUTHOR DETAILS

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This is the map referred to in the City of  
 Aberdeen Tree Preservation Order No. 195,  
 Kingswells House, Skene Road,  
 Aberdeen

Signature \_\_\_\_\_  
 Scale approx 1:2500