

ABERDEEN CITY COUNCIL

COMMITTEE	Planning and Development Management Committee
DATE	15 th June 2017
REPORT TITLE	Confirmation of Tree Preservation Order number 237 (2016) Land at Pitfodels
REPORT NUMBER	CHI/17/068
DIRECTOR	Eric Owens
REPORT AUTHOR	Kevin Wright
CHECKLIST COMPLETED	Yes

1 PURPOSE OF REPORT

1.1 To request the confirmation of provisional Tree Preservation Order entitled 237 (2016) Land at Pitfodels made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees, but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

2 RECOMMENDATION

2.1 It is recommended that Members confirm the making of Tree Preservation Order 237 (2016) Land at Pitfodels subject to a modification to the boundary and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

2.2 The provisional TPO 237 overlapped two existing TPO's (8 & 21). To avoid the need to vary TPO 8 and 21 the boundary of the provisional TPO has been modified to exclude these areas.

2.3 Two plans are attached. The original plan served with the provisional order details the extent of the provisional order. A further plan is included detailing the modified boundary. The modifications are located on the northern edge of the TPO adjacent to the North Deeside Road.

3 BACKGROUND

3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where

the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).

- 3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.
- 3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on work to protected trees.
- 3.4 Tree Preservation Order number 237 (2016) Land at Pitfodels was served as a provisional order on 16th December 2016. The reasons for serving the order were recorded as;
- 3.5 The trees in question are located within the Pitfodels Conservation Area. Prior notification (161599) was issued to the Council outlining tree removal works which would significantly impact on the contribution these trees make to the local character of the area and on the amenity value of the Deeside Line. The prior notification has also outlined future tree work proposals that will have a further impact on the character and amenity value of the area.
- 3.6 In order to prevent the extent of works proposed we were required to serve a provisional tree preservation order. The confirmation of this order will allow Aberdeen City Council to consider all future tree work proposals and prevent works which are considered to be unsympathetic.
- 3.7 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous black line noted as Area 1 and Area 2 on the plan titled TPO237 (2016) Land at Pitfodels, copy attached.

4 REPRESENTATIONS

- 4.1 A single representation was received, copy attached. The representation highlighted that the works which have been proposed were to ensure appropriate management of trees. The representation noted that no justification or assessment had been given on how we arrived at the assertion that the proposed works would result in an impact on the amenity of the Deeside Way. It was further noted that they do not accept that the works will significantly impact on the amenity value of the Deeside Way or the character of the area. It was further claimed that the proposed works are required for the proper maintenance of the trees and are consistent with the aims of the conservation area.
- 4.2 A further point relating to how TPO237 will interact with the existing TPO 8 and 21 was raised. TPO 8 and 21 currently overlap small areas of land also included in TPO237.

4.3 The representation concluded by suggesting that the proposed works did not merit the making of a TPO and that the introduction of a TPO adds unnecessary complexity to effective land management.

5 RESPONSE TO REPRESENTATIONS

5.1 The Tree Assessment Report, copy attached, submitted to support the prior notification outlined a number of proposed tree work actions. Whilst some of the works were considered appropriate some aspects of the works were not considered as acceptable. Elements of the work which were not considered acceptable included the removal of natural regeneration woodland to the west of Field 2, see plan attached to the Tree Assessment Report, the reduction of woodland to the south of the Deeside way and the proposed future works relating to the reduction in height of a row of beech trees, formed from a redundant beech hedge, to the immediate north of the Deeside Way.

5.2 The provisional TPO included a set of reasons for serving the order and provides the justification for doing so. An assessment of the proposed works and their impact was undertaken during our site visit. These findings were presented to the Head of Planning and Sustainable Development; who is required to agree to the serving of a provisional TPO before an officer can instruct the making of an order.

5.3 Much of the works proposed are considered to be unnecessary at this time considering the current land use. The removal of existing woodland and future reduction in height of trees adjacent to the Deeside way is not currently considered to be appropriate or proper management of this woodland resource. The proposed works will result in a loss of amenity and an impact on the character of the area. Currently users of this section of the Deeside Way benefit from the wooded and rural character of the area. It is acknowledged that the land use to the North and South of the Deeside Way may change over time; the retention of the current woodland and trees will act as a buffer to any future impact on user's amenity.

5.4 In relation to the point raised in Section 4.2 please refer to Section 2 above. In order to resolve the interaction between TPO 237 and TPO 8 & 21 the boundary of TPO 237 has been modified to exclude those areas already contained within TPO 8 & 21.

5.5 It is considered that the proposed works did merit the making of a Tree Preservation Order in order to safeguard the amenity of the Deeside Way and surrounding area and to avoid the unnecessary removal of woodland. The TPO will not prevent good quality and necessary land management actions taking place. It will however require the landowner to seek approval of proposed works prior to undertaking these works.

6 FINANCIAL IMPLICATIONS

6.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

7 LEGAL IMPLICATIONS

There are no direct legal implications arising from the recommendations of this report.

8 MANAGEMENT OF RISK

8.1 Environmental/Legal/Reputational Risk

The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide.

8.2 The use of a Tree Preservation Order to aid the retention and appropriate management of trees and woodlands allows the council to undertake the above duties. There is a low to medium risk of environmental, legal and reputational harm if we do not undertake our duties as expected.

8.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 237 (2016)

9 IMPACT SECTION

9.1 Economy

The proposal is unlikely to significantly contribute or result in a negative impact on the economy of Aberdeen.

9.2 People

The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Councils Equality outcomes.

9.3 Place

The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order.

Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.

9.4 Technology

The proposal will not advance technology for the improvement of public services.

10. BACKGROUND PAPERS

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- The Scottish Governments Policy on Control of Woodland Removal

11. APPENDICES

Appendix 1; Plan - TPO237 (2016) Land at Pitfodels
Appendix 2; Letter of Representation
Appendix 3: Tree Assessment Report

12. REPORT AUTHOR DETAILS

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