

ABERDEEN CITY COUNCIL

| | |
|---------------------|--|
| COMMITTEE | Planning and Development Management Committee |
| DATE | 15 th June 2017 |
| REPORT TITLE | Confirmation of Tree Preservation Order 242 (2017) Ground at Rubislaw Den Gardens |
| REPORT NUMBER | CHI/17/073 |
| DIRECTOR | Bernadette Marjoram |
| REPORT AUTHOR | Kevin Wright |
| CHECKLIST COMPLETED | Yes |

1 PURPOSE OF REPORT

1.1 To request the confirmation of provisional Tree Preservation Order entitled 242 (2017) Ground at Rubislaw Den Gardens 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 242 (2017) Ground at Rubislaw Den Gardens without modifications 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.

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 242 (2017) Ground at Rubislaw Den Gardens was served as a provisional order on 16th January 2017. The reasons for serving the order were recorded as;

3.5 The trees in question form the central section of a belt of trees through the rear gardens of the properties at Rubislaw Den Gardens. These trees form a backdrop to the younger trees planted on the verge of Anderson Drive and contribute significantly to the treed character of the Conservation Area. 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.

3.6 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 TPO242 (2017) Ground at Rubislaw Den Gardens, copy attached.

4 REPRESENTATIONS

4.1 No representations were received during the 28 day consultation period.

5 FINANCIAL IMPLICATIONS

5.1 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.

6 LEGAL IMPLICATIONS

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

7 MANAGEMENT OF RISK

7.1 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.

7.2 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.

7.3 The above risk can be mitigated by giving due consideration to the appropriateness of confirming TPO 242 (2017)

8 IMPACT SECTION

8.1 Economy

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

8.2 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.

8.3 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.

8.4 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
- Scottish Governments Policy on Control of Woodland Removal

11. APPENDICES

Appendix 1; Plan - TPO242 (2017) Ground at Rubislaw Den Gardens

12. REPORT AUTHOR DETAILS

Kevin Wright
Environmental Planner
kewright@aberdeencity.gov.uk
(01224) 522440

HEAD OF SERVICE DETAILS

Eric Owens
Head of Planning and Sustainable Development (Interim)
eowens@aberdeencity.gov.uk
01224 523133