

ABERDEEN CITY COUNCIL

---

|               |   |
|---------------|---|
| COMMITTEE     | Planning and Development Management Committee                                 |
| DATE          | 2 <sup>nd</sup> November 2017   |
| REPORT TITLE  | Confirmation of Tree Preservation Order number 244 (2017) Woodend Peterculter |
| REPORT NUMBER | CHI/17/255  |
| DIRECTOR      | Bernadette Marjoram   |
| REPORT AUTHOR | Kevin Wright  |

---

## **1 PURPOSE OF REPORT**

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 244 (2017) Woodend Peterculter 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 244 (2017) Woodend Peterculter 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 proposed works.

- 3.4 Tree Preservation Order number 244 (2017) Woodend Peterculter was served as a provisional order on 12<sup>th</sup> June 2017. The reasons for serving the order are noted in section 3.5 below.
- 3.5 This tree preservation order is being made in the interests of amenity to make provision for the preservation of trees and woodlands. The planning authority considers that it is expedient in the interest of amenity to serve a tree preservation order due to the significant contribution the trees within Woodland 1 and Woodland 2 make to the local character of the area and due to the potential risk to these trees and the future loss of amenity due to future development and woodland management. The tree preservation order will ensure that amenity is preserved for the benefit of existing and future residents of the area.
- 3.6 The land to the south of Woodland 1 is included in the Local Development Plan as site OP109 Woodend, Peterculter. It has been identified that the retention of the surrounding woodlands will play a significant role in mitigating the impact of the development and allow the development to be contained within the landscape. Woodland 1 is listed in the ancient woodland inventory as ancient woodland of long established plantation origin
- 3.7 The land to the south of Woodland 2 has an approval for change of use from agricultural land to recreation. The intention is to form a cricket pitch and associated facilities. It is considered that the long-term retention of woodland cover in this area will be desirable in order to maintain the wooded character of the area and provide amenity for future residents and users of the proposed cricket ground and facilities. The proposed tree preservation order will complement the existing tree preservation order (TPO 210) which is located immediately south of OP109 Woodend.
- 3.8 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.
- 3.9 The trees included in this order are all those trees, including both deciduous and coniferous trees included within the continuous red line noted as Woodland 1 (W1) and Woodland 2 (W2) on the plan titled 244 (2017) Woodend Peterculter, copy attached.

#### **4 REPRESENTATIONS**

- 4.1 No representations in relation to the serving of the provisional order have been received.

#### **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 244 (2017) Woodend Peterculter.

- 7.4 There is no Financial, Employee, Customer and Technology risk.

## **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.

## **9 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

## **10 APPENDICES**

Appendix 1; Plan - 244 (2017) Woodend Peterculter

## **11 REPORT AUTHOR DETAILS**

Kevin Wright  
Environmental Planner  
[kewright@aberdeencity.gov.uk](mailto:kewright@aberdeencity.gov.uk)  
(01224) 522440

### **HEAD OF SERVICE DETAILS**

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