

ABERDEEN CITY COUNCIL

COMMITTEE	Planning and Development Management Committee
DATE	15 th February 2017
REPORT TITLE	Confirmation of Tree Preservation Order number 250/2017 Contlaw Road, Milltimber
REPORT NUMBER	CHI/18/004
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Kevin Wright

1 PURPOSE OF REPORT

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 250/2017 Contlaw Road made by the Head of Planning and Sustainable Development under delegated powers. The provisional order currently provides temporary protection for the trees identified within the order, 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 250/2017 Contlaw Road subject to modification 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 Section 4.4 details the extent of the proposed modification.

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 250/2017 Contlaw Road was served as a provisional order on 25th September 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 make to the local character of the area and the potential risk to these trees due to future development. The tree preservation order will ensure that existing and future amenity is preserved for the benefit of existing and future residents of the area.
- 3.6 Woodland 1 (W1) is included in the Aberdeen City Local Development Plan as part of site OP112 West of Contlaw Road; a proposed residential site for ten houses. The site was not originally allocated by the planning authority but was recommended for inclusion at the examination stage.
- 3.7 There are concerns that future development may have a negative impact on the woodland and the significant contribution it makes to local amenity; the woodland is a dominant landscape feature in the local area.
- 3.8 The serving of a Tree Preservation Order will allow Aberdeen City Council to consider all future tree work proposals and prevent works that are considered to be unsympathetic. This will assist to ensure that future development has a minimal impact on the woodland and that future woodland management is sympathetic to the potential change in land use.

4 REPRESENTATIONS

- 4.1 A single representation was received in conjunction with the serving of TPO250/2017.
- 4.2 The Ledingham Chalmers LLP representation considers that the inclusion of their clients property is an overzealous use of TPO powers, that the imposition of the TPO is unduly restrictive on their clients right to enjoy their property and that whilst they recognise that their client could apply for consent to undertake works to trees they consider this is burdensome in relation to the non-wooded (garden) area of their property.
- 4.3 In relation to these concerns a request has been made to consider three options proposed within the representation.

- 4.4 In considering the options proposed we agree that the imposition of the TPO on the garden ground of 47 Contlaw Road is not necessary in order to safeguard the woodland. As such we consider option 'c', as outlined in the representation, to be acceptable. Should the committee approve the confirmation of the TPO the order will be confirmed subject to modification and the area of garden ground surrounding 47 Contlaw Road will be removed from the order. See revised plan in Appendix 1.

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 250/2017 Contlaw Road

- 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

- TPO250/2017 Revised Plan
- Representation

11 REPORT AUTHOR DETAILS

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