

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Planning Development Management Committee
<b>DATE</b>	1 November 2018
<b>REPORT TITLE</b>	Confirmation of Tree Preservation Order Number 255/2018 Malcolm Road
<b>REPORT NUMBER</b>	PLA/18/177
<b>CHIEF OFFICER</b>	Gale Beattie
<b>REPORT AUTHOR</b>	Kevin Wright
<b>TERMS OF REFERENCE</b>	15

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### **1 PURPOSE OF REPORT**

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 255/2018 Malcolm Road made by the Chief Officer Strategic Place Planning 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 Committee confirms the making of Tree Preservation Order 255/2018 Malcolm Road and instructs the Chief Officer - Governance 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 255/2018 Malcolm Road was served as a provisional order on 3<sup>rd</sup> July 2018. 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 land on the northeast side of Malcolm Road contains trees which are considered to make significant contributions to the amenity and landscape of the area. They present important landscape features which have positive impacts in providing landscaped backdrops and context to the area, including proposed developments bounding the site.
- 3.6 In addition, the site is included in the Scottish Ancient Woodland Inventory (AWi), prepared by Scottish Natural Heritage. This site was designated as such on the basis that it is 'Long Established of Plantation Origin - known to have been wooded since the 1870s.
- 3.7 Scottish Planning Policy identifies Ancient Woodland as an important and irreplaceable national resource that should be protected and enhanced. The Scottish Government's policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or Plantations on ancient woodland sites.
- 3.8 The group of trees to the southwest on the opposite side of Malcolm Road are considered to complement the larger woodland to the northeast and are considered to contribute to the overall amenity and landscape of the local area.
- 3.9 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. In addition the order will ensure future tree cover in this area of Aberdeen.
- 3.10 No representations have been received in conjunction with the serving of the order.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 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.

#### **5 LEGAL IMPLICATIONS**

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

## 6 MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	n/a		
<b>Legal</b>	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. The risk is associated with not undertaking our duties as required/expected.	Low	The risk can be mitigated by giving due consideration to the appropriateness of confirming the Tree Preservation order.
<b>Employee</b>	n/a		
<b>Customer</b>	n/a		
<b>Environment</b>	See comments under legal risk.	Low	The risk can be mitigated by giving due consideration to the appropriateness of confirming the Tree Preservation order.
<b>Technology</b>	n/a		
<b>Reputational</b>	See comments under legal risk.	Low	The risk can be mitigated by giving due consideration to the appropriateness of confirming the Tree Preservation order.

## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	The proposal is unlikely to significantly contribute or result in a negative impact on the economy of

	Aberdeen.
<b>Prosperous People</b>	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.
<b>Prosperous Place</b>	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.
<b>Enabling Technology</b>	The proposal will not advance technology for the improvement of public services.

## 8 IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Full EHRIA not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable.

## 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

TPO255/2018 Site Plan

## 11 REPORT AUTHOR CONTACT DETAILS

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