

Date: 8 January 2019
Our Ref: HL.CLWS.CCPU_
Your Ref: C18/TPO256-2018
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Legal Services
Governance
Aberdeen City Council
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Dear Sirs,

CC & Pumps (BVI) Ltd
Town & Country Planning (Scotland) Act 1997
City of Aberdeen Tree Preservation Order No 256-2018
Land at Malcolm Road, Peterculter, Aberdeen

We have been instructed by CC & Pumps (BVI) Ltd in relation to TPO 256-2018 which was served at their Registered Office on 11 December 2018.

As you are aware, our clients, CC & Pumps (BVI) Ltd, are title holders of the land registered under Title Number ABN69460 being land referred to within TPO 256-2018.

On behalf of our said clients, we write to make formal representations against the confirming of TPO 256-2018 and that in respect of the whole area of land registered under ABN69460 which is referred to within the said TPO.

Firstly, we would question the legal validity of TPO 256-2018 and that on the following basis: -

1. The Statement of Reasons annexed to TPO 256-2018 gives no detail regarding inspection of the TPO by the public.
2. The Statement of Reasons annexed to the said TPO gives no detail concerning the lodging of observations and representations in response to the TPO.

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3. There is no statement of effect of direction contained within the Statement of Reasons attached to the said TPO.
4. There is no plan attached to the TPO.

In light of the above numbered points, we would state that, in our view, TPO 256-2018 is not legally enforceable upon our said clients.

We would however also wish to highlight the following points: -

- A. In relation to the criteria for serving a TPO, it is noted from the Regulations that a TPO may be served if the trees are of cultural and/or historical significance. We would highlight that whilst there are a number of mature Scots Pine trees fronting Malcolm Road, the site registered under Title Number ABN69460 was predominately covered with poor quality scrub and self-seeded birch which were of no cultural and/or historical significance.
- B. Reference is made to the site being included within the Ancient Woodland Inventory and that on the basis that it is "Long Established of Origin – known to have been wooded since the 1870's". We would respectfully point out that, with the exception of the mature Scots Pine trees fronting Malcolm Road, the site was clear felled of mature Scots Pine trees in 1992/1993. Since that time, the site regenerated with predominately poor quality scrub and self-seeded birch in a totally unmanaged fashion. The self-seeded birch and scrub on site was less than 20 years old.
- C. In light of the continuous anti-social behaviour taking place on the site registered under Title Number ABN69460 with parties venturing onto the site, starting camp-fires and leaving behind evidence of alcohol consumption and the taking of illicit substances, recent woodland management has taken place on site with a number of young self-seeded birch and scrub having been felled. The confirming of TPO 256-2018 would result in the felled timber being unable to be removed from the site and thereby leaving the site in an incredibly dangerous state with serious risk to the public.
- D. We note that an area of ground to the south-west of ABN69460 which is bounded by mature Scots Pine and over which a neighbouring proprietor has continuously carried out the felling of trees over a number of years has not been included within TPO 256-2018. It would appear somewhat peculiar for a TPO to be issued over the mature Scots Pine fronting Malcolm Road which is included within ABN69460 and not over what could be said as being significantly at risk mature Scots Pine situated to the south-west of the site. The position of the Local Authority in not issuing a TPO over the neighbouring site, particularly having regard to the terms of TPO 256-2018, would appear totally inconsistent.

We trust that/-

We trust that these formal representations on behalf of our clients, CC & Pumps (BVI) Ltd will be fully explored and we look forward to hearing from you in response to these representations as soon as possible.

Yours faithfully,