

**REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON 20 FEBRUARY 2008**

**SUBJECT: TREE PRESERVATION ORDERS, KINLOSS**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 This report asks the Committee to agree to serve two Tree Preservation Orders (TPO) on two sites at Kinloss, identified for TPO investigation in the Finalised Local Plan: Woodland, West of Seapark House (R1) and Damhead (R4).
- 1.2 This report is submitted to Committee in terms of Section D(1) of the Council's Administrative Scheme relating to the statutory functions of the Council as a Planning Authority.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee agree to serve Tree Preservation Orders on 'Woodland, West of the Seapark House' (R1, Kinloss); and 'Damhead' (R4, Kinloss).**

**3. BACKGROUND**

- 3.1 A number of sites within settlements were identified, through the Local Plan Review process, as having potential for residential (R) designation on the basis that tree cover could be retained/safeguarded as part of any development. These sites have therefore been highlighted in the Finalised Local Plan as requiring investigation for consideration of Tree Preservation Order (TPO) status, as this is the best way of securing the protection of the amenity/biodiversity value of the trees on the sites.
- 3.2 This report deals with two sites at Kinloss, for which investigations have now been undertaken by a tree expert:
- o Woodland, West of the Seapark House (R1), which is a 1.6 ha site and is accorded a capacity for up to six houses; and
  - o Damhead (R4), which is a 4.59 ha site and is accorded a capacity for up to 25 houses.
- 3.3 Areas of trees with good amenity and habitat/biodiversity value within the sites were broadly mapped as a core part of the investigations. This mapping and the accompanying reports will be a valuable resource to assist in any future assessment of development proposals for the sites.

- 3.4 At the R1 site (See map in Appendix 2) the trees around the perimeter of the site were identified as woodland of mainly plantation origin, dominated by sycamore, poplar, silver birch and goat willow. Other species including oak, hazel, beech, maple and chestnut were also identified within the woodland mix. These broadleaf species are considered to be worthy of protection due to their biodiversity value (particularly in relation to their maturity). They are also considered to provide amenity value, shelter and screening.
- 3.5 At the R4 site (See map in Appendix 1), areas of mixed woodland with Scots Pine and other broadleaf species (e.g. rowan and birch) including an area of coppiced hardwoods (e.g. oak, cherry) have been identified as worthy of protection for their amenity and/or habitat value.
- 3.6 The investigations described above have confirmed the justification for TPOs to be served on both sites in view of amenity and biodiversity values. The serving of TPOs will ensure that future housing development is integrated sensitively into these sites and that individual, mature trees and areas of trees of high amenity and/or biodiversity value are safeguarded. The TPOs will not prevent works taking place on the trees, they will simply require that the Council's consent is obtained for any works to the trees.

#### **4. SUMMARY OF IMPLICATIONS**

- (a) **Corporate Development Plan/Community Plan/Service Improvement Plan**  
Serving of a TPO supports the third aim of the Corporate Plan by maintaining a pleasant and sustainable environment.
- (b) **Policy and Legal**  
Serving of a TPO offers protection to trees that are considered to be of important amenity and/or biodiversity value. The Order prohibits the cutting down, topping, lopping or uprooting of the trees without the Council's consent.
- (c) **Resources (Financial, Risks, Staffing and Property)**  
Preparation of the TPO requires staff time from Legal Services and the Planning and Development section. There are no cost implications other than staff time and the commissioning of the survey. The trees remain the responsibility of the owner.
- (d) **Consultations**  
The Principal Solicitor, Legal Services has been consulted about the content of this report and the implications on resources.

#### **5. CONCLUSION**

- 5.1 **Two sites at Kinloss were identified for Tree Preservation Order (TPO) investigation in the Finalised Local Plan: Woodland, West of Seapark House (R1) and Damhead (R4). Tree surveys have been undertaken on**

**both sites and have identified that areas of the R1 and R4 sites have sufficient amenity and biodiversity (habitat) value to be worthy of protection by TPO. It is therefore recommended that TPOs are served on both sites in order to safeguard those trees of amenity/biodiversity when the site is developed.**

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Background Papers:

Ref: