

CLACKMANNANSHIRE COUNCIL

Report to Clackmannanshire Council

Date: 15 December 2011

**Subject: Tree Preservation Orders - Alloa Park North and Hallpark
Sauchie**

Report by: Governance Manager

1.0 Purpose

- 1.1. This report seeks confirmation of the Clackmannanshire Council (Alloa Park North) Tree Preservation Order No. 26 2011 and the Clackmannanshire Council (Hallpark, Sauchie) Tree Preservation Order No.27 2011 following upon the decision of the Council on 05 November 2009 to make these Orders and to follow the statutory processes to bring them into effect.

2.0 Recommendation

- 2.1. The Council is requested to confirm the Clackmannanshire Council (Alloa Park North) Tree Preservation Order No. 26 2011 as originally published to preserve nine trees located to the north of Alloa Park Drive, Alloa as identified in the previous report to Council and shown on the plan attached as Appendix A to this report.
- 2.2. The Council is also requested to confirm the Clackmannanshire Council (Hallpark, Sauchie) Tree Preservation Order No.27 2011 in respect of Trees T1 to T5 and T7 to T9 as shown on the plan attached as Appendix B to this report and omitting Tree T6.

3.0 Considerations

- 3.1. The impetus for the Tree Preservation Orders was generated by two applications for planning permission for residential development, one by Allan Water Developments Ltd for 110 houses at Site 5, South East Alloa, and the other by Ochilview Housing Association for a development of 25 flats at Hallpark Annexe, Hallpark, Sauchie.
- 3.2. The approval of each application includes a planning condition requiring protective fencing around the retained trees for the duration of the construction works.

Scottish Government Planning Circular 4/1998 Annex A paragraph 77 referring to sections 159 and 160 of the Town and country Planning (Scotland)

Act 1997 advises that the permanent retention of trees should be secured not by planning condition but by means of a Tree Preservation Order.

- 3.3. Subsequent to the Council decision on 05 November 2009 Tree Preservation Orders were prepared and executed. Notices of the making of the Orders were duly served on the landowners and other relevant parties and the Orders were advertised in the local newspaper. No representations were received during the statutory notice period in respect of either Order.
- 3.4. Regarding the Hallpark Sauchie Tree Preservation Order after expiry of the period for receipt of representations, an agent for Forth Valley College (the land owners) submitted a representation in respect of Tree T6 on the plan which is situated in a central part of the site and which the representation claimed could have a significant adverse impact upon any future redevelopment of the site. Notwithstanding that the representation was out of time, the Council's technical officers re-considered the necessity to retain tree T6 and advised that it was not in particularly good condition and that its loss would not have any significant impact on the amenity of the street frontage of the development site. Accordingly Tree T6 could be omitted from the Tree Preservation Order.
- 3.5. In relation to the planning application for 25 flats at Hallpark, the Planning Committee at its meeting on 14 July 2011 reconsidered the need for a Section 75 Agreement to restrict the occupation of the flats by replacing it with a planning condition thus enabling the planning permission to be issued.

4.0 Conclusion

- 4.1. In the light of the foregoing it is concluded that the Council should proceed to confirm the Orders subject to the omission of Tree T6 in respect of the Hallpark Sauchie Tree Preservation Order.

5.0 Sustainability Implications

- 5.1. The trees on both sites are a significant local biodiversity asset and contribute to the visual amenity of their respective localities.

6.0 Resource Implications

6.1. Financial Details

- 6.2. No new financial implications for the Council arise from the recommendation beyond the provisions of the existing Lease.

6.3. Staffing

- 6.4. The procedure involved in putting in place the extension of the Lease will require involvement from Legal Services but there are no ongoing staffing implications.

7.0 Exempt Reports

7.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please double click on the check box ☒)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

Clackmannanshire Local Plan - Policy EN2

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council and the Director are acting within their legal powers.

Yes ☒

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix A - Alloa Park North Plan

Appendix B - Hallpark Sauchie Plan

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)


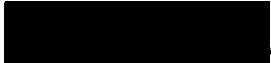
Yes ☒ (please list the documents below) No ☐

Report to Council on 05 November 2009 (Item 10)

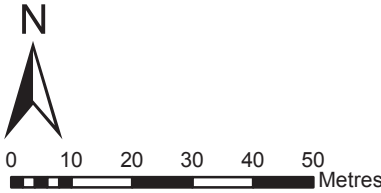
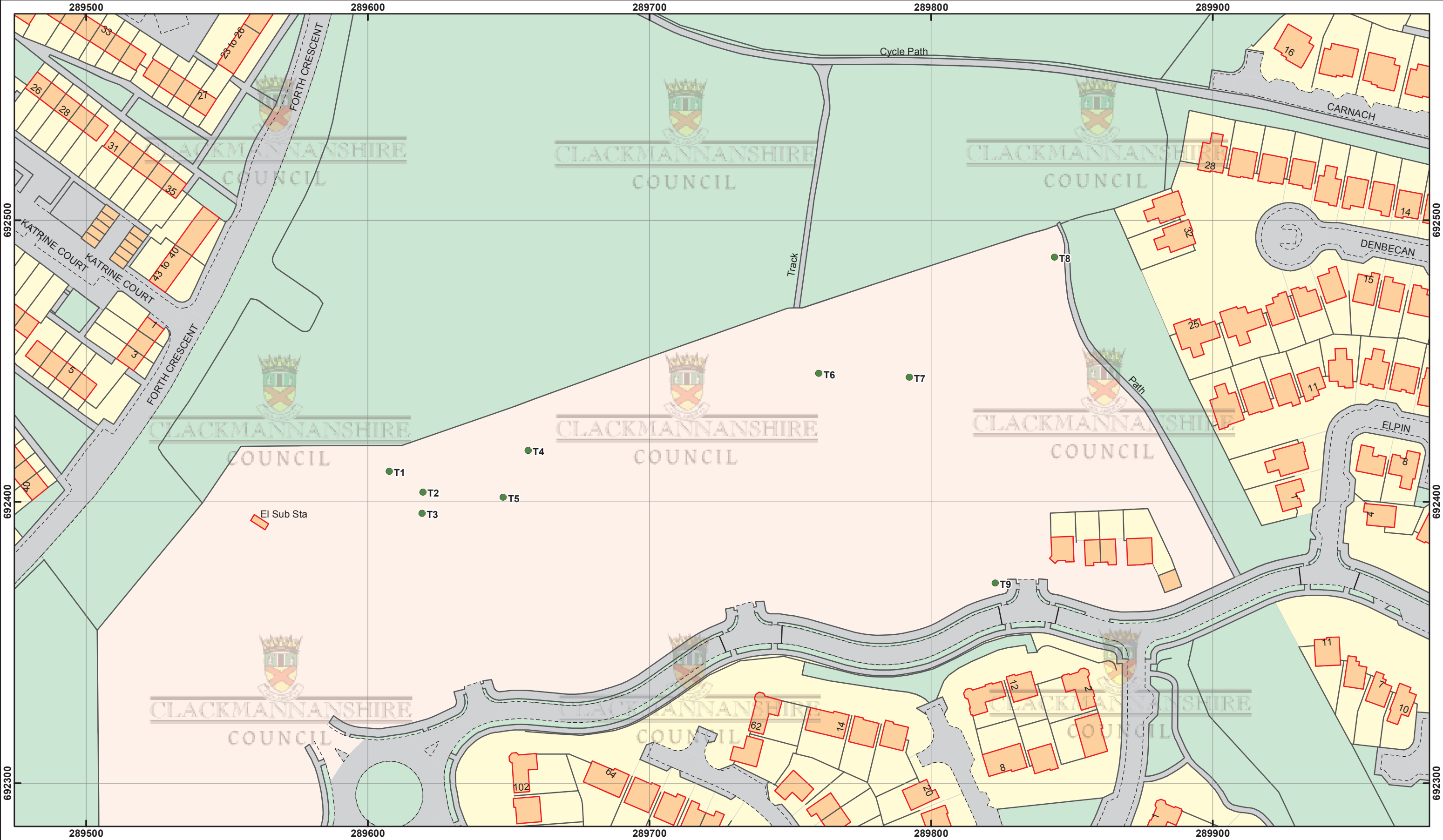
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Approved by

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Clackmannanshire Council (Alloa Park North) Tree Preservation Order 26 2010



Town & Country Planning (Scotland) Acts Tree Preservation Order and Trees in Conservation Areas (Scotland) Regulations 1975 - As Ammended

OS Grid ref.: NS 89 92 SE

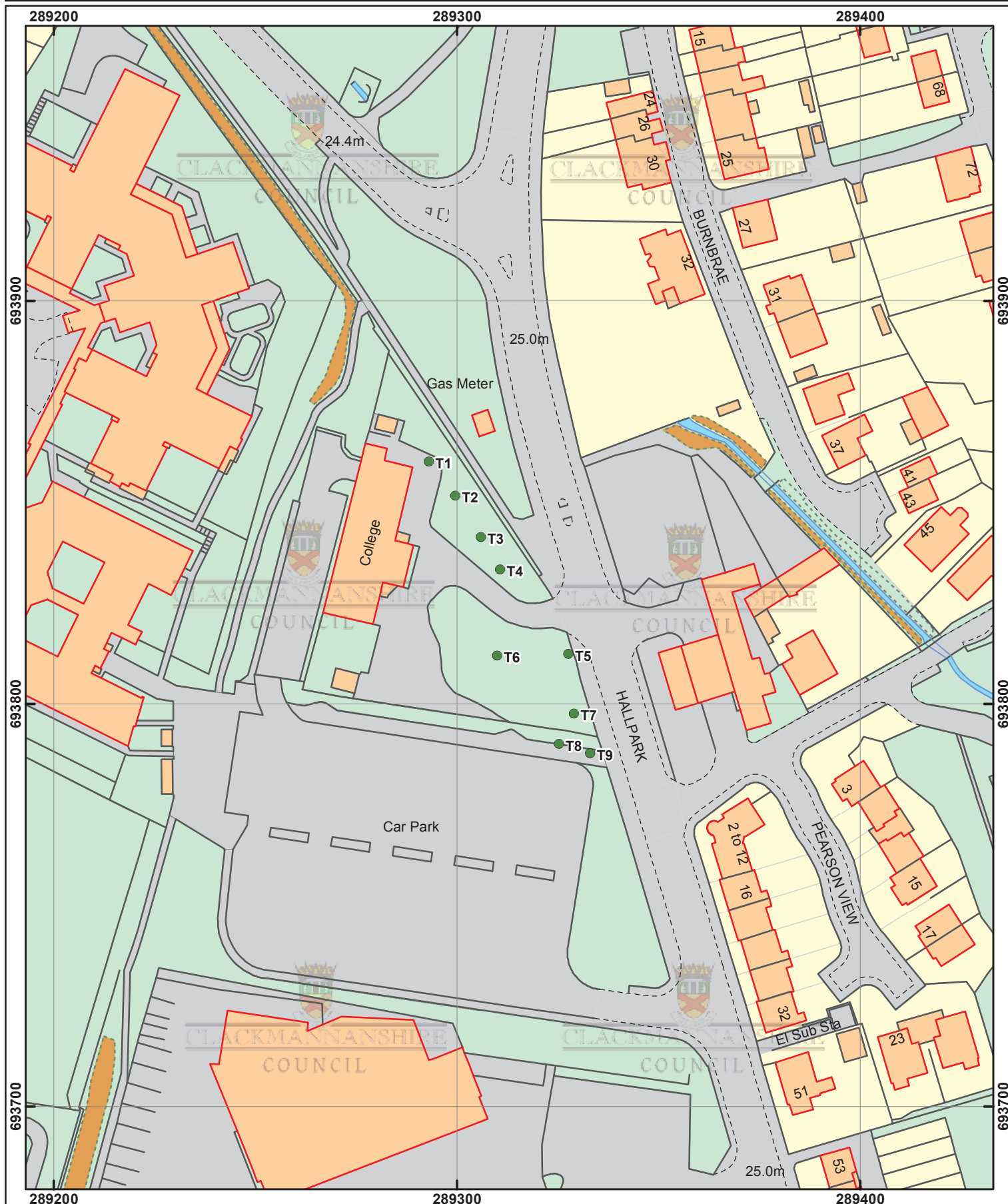
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Legend

● Tree


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Clackmannanshire Council (Hallpark, Sauchie) TPO 27 2010



Town & Country Planning (Scotland) Acts Tree Preservation Order and
Trees in Conservation Areas (Scotland) Regulations 1975 - As Amended

0 10 20 30 40 50
Metres

OS Grid ref.: NS 89 93 NW

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