

To: Planning and Climate Change Policy Board

On: 23 January 2024

Report by: Chief Executive

Title: Tree Preservation Order Requests

1. Summary

- 1.1 This report seeks to provide an update to the Tree Preservation Order (TPO) requests which were considered at previous meetings of the Planning and Climate Change Policy Board.
 - 1.2 The requests submitted are considered in line with the relevant legislation, namely, Section 160 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, and within the procedures set out in the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2011.
 - 1.3 The report recommends that the tree preservation orders are confirmed in respect of the following sites:
 - Land to the south of Stanely Reservoir, Paisley
 - Trees at Potterhill Avenue, Paisley
 - Trees at St. Marks Church, Paisley
 - 1.4 The report also notes that the 28 day consultation period in relation to the TPO at Inchinnan Road, Renfrew is currently ongoing and a report will be returned to the March meeting of the Planning and Climate Change Policy Board for confirmation or otherwise of the order.
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2. Recommendations

- 2.1 It is recommended that the Board:

- (i) Confirm the tree preservation orders in respect of the sites known as Land to the south of Stanely Reservoir, Paisley, Trees at Potterhill Avenue, Paisley and Trees at St. Marks Church, Paisley and agreed that officers make the orders public and register them with the Land Registry for Scotland.
 - (ii) Note that the TPO designation agreed at the meeting of the Planning and Climate Change Policy board in November 2023 in respect of the site at Inchinnan Road, Renfrew is currently subject to a period of public consultation.
 - (iii) Note that the TPO designation in relation to the site at Inchinnan Road, Renfrew will be returned to a future meeting of the Planning and Climate Change Policy Board for confirmation or otherwise of the order.
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3. TPO Requests Previously Considered

3.1 At the meeting of the Planning and Climate Change Policy Board in August 2023, it was agreed that TPO designations would be placed on the following sites:

- Land to the south of Stanely Reservoir, Paisley
- Trees at Potterhill Avenue, Paisley
- Trees at St. Marks Church, Paisley

3.2 In respect of the sites noted above and in line with the Renfrewshire Planning and Development Tree Policy 2022, and the relevant legislation relating to Tree Preservation Orders, Officers have, undertaken the following:

- Prepared the relevant orders and made them available online for review;
- Served the orders on relevant parties including landowners;
- Published public notices in the local press advising of the orders; and
- Provided an opportunity for comments to be made by any interested party in relation to either of the orders.

3.3 The 28 day consultation period has now concluded in respect of the three aforementioned sites with comments being received in relation to each site. The comments are summarised as follows.

Land to the South of Stanely Reservoir, Paisley

3.4 The owners of the site have advised that they have been in discussion with Scottish Water in relation to the development of a site utilising renewable energy and sustainable building materials. The owners have noted that the intended plans for the site include:

- Development of 20 homes with renewable energy solutions, commonly known as 'green homes' with support of Scottish Water;
- Formation of dog walkers path around the perimeter of the reservoir;

- Development of access to the site for walkers and bird watching;
 - Removal of drug paraphernalia, rubbish and the impact of flytipping;
 - Development of a public amenity area to the eastern fringes of the site including children's play area/picnic site.
- 3.5 In addition the owners also comment, as follows, on the assessment undertaken in relation to the trees in question:
- The report does not take into consideration the impact of financial value from an owners perspective;
 - The survey is limited in its interpretation of amenity as it does not consider the widescale and obvious signs of anti-social behaviour related to the immediate area (drug use/fires/large group gatherings)
- 3.6 An objection has also been received in respect to the TPO noting that Scottish Water are currently being approached to investigate the potential for the optimisation of development, maximising power generation for the wider Foxbar area, (potentially including RAH Paisley), and rather than a blanket protection, the Council and their arboricultural specialists should be supporting and encouraging this beneficial additional work- (all in support of NPF4 and the adopted local plan).
- 3.7 Support is offered to the TPO from Cllr Lorraine Cameron who notes that the area is popular with locals and has become a habitat for wildlife including bats which are a protected species. In addition, Cllr Cameron notes that according to ancient maps, there may be a standing stone, yet to be discovered, adjacent, or in, the area in question.
- 3.8 The above comments, both in support and against the TPO, are noted and it is acknowledged that the owners are potentially seeking to progress plans for alternative development on the site.
- 3.9 In all regards, the independent arboriculturist, who undertook the survey of the trees, concluded that the site is of significant landscape importance that definitely merits a TPO designation. The comments received as part of the consultation process are noted however they do not raise any matters which would give reason not to apply a TPO. Should development on the site come forward in future, the developer will require to take account of the TPO designation and how trees could be protected and managed appropriately. It is considered that such matters could be considered and controlled via any planning permission granted.
- 3.10 It is recommended that the TPO in respect of Land to the south of Stanely Reservoir, Paisley is confirmed.

Trees at Potterhill Avenue, Paisley

- 3.11 No objections were received in respect of the trees at Potterhill Avenue, Paisley however comments were received which sought clarification on the ownership and the ongoing maintenance of the trees.

- 3.12 In light of the comments received, it should be noted that the trees forming part of the TPO are within private ownership and in this regard the responsibility of the ongoing maintenance of the trees in question is a matter for the respective owners.
- 3.13 It is recommended that the TPO in respect of Trees at Potterhill Avenue, Paisley is confirmed.

Trees at St. Marks Church, Paisley

- 3.14 Correspondence was received from the Church in question in respect of the TPO at St. Marks Church, Paisley which sought clarification on the TPO process and details of the survey undertaken.
- 3.15 Clarification was provided to the church official and a copy of the independent arboriculturist report was provided for their reference and records.
- 3.16 It is recommended that the TPO in respect of Trees at St. Marks Church, Paisley is confirmed.

Trees at Inchinnan Road, Renfrew

- 3.17 At the meeting of the Planning and Climate Change Policy Board in November 2023, it was agreed that TPO designations would be placed on trees at Inchinnan Road, Renfrew.
- 3.18 In respect of the sites noted above and in line with the Renfrewshire Planning and Development Tree Policy 2022, and the relevant legislation relating to Tree Preservation Orders, Officers have, undertaken the following:
- Prepared the relevant orders and made them available online for review;
 - Served the orders on relevant parties including landowners;
 - Published public notices in the local press advising of the orders; and
 - Provided an opportunity for comments to be made by any interested party in relation to either of the orders.
- 3.19 The 28 day consultation period is currently ongoing in respect of the trees at Inchinnan Road, Renfrew. Following the conclusion of the consultation period, any comments received will be considered and a further report brought back to the Planning and Climate Change Policy Board for consideration and determination.

4 Next Steps

- 4.1 The TPO orders in respect of the sites known as Land to the south of Stanely Reservoir, Paisley, Trees at Potterhill Avenue, Paisley and Trees at St. Marks Church, Paisley are confirmed, made public and registered with the Land Registry for Scotland.

- 4.2 Following conclusion of the public consultation in respect of the TPO at Inchinnan Road, Renfrew, the TPO will be returned to a future meeting of the Planning and Climate Change Policy Board to take account of any comments received and to confirm, or otherwise the order.
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Implications of the Report

1. **Financial** – None.
 2. **HR & Organisational Development** – None.
 3. **Community/Council Planning** –
 4. **Legal** – The recommendations in the report would require tree preservation orders to be made in relation to the sites in question. Should the orders be confirmed they would require to be lodged with the Land Register of Scotland.
 5. **Property/Assets** – None.
 6. **Information Technology** – None.
 7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 8. **Health & Safety** – None.
 9. **Procurement** – None.
 10. **Risk** – None.
 11. **Privacy Impact** – None.
 12. **COSLA Policy Position** - None.
 13. **Climate Risk** – None.
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