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**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON  
25 FEBRUARY 2020**

**SUBJECT: TREE PRESERVATION ORDER - MILTONHILL, KINLOSS**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 This report asks Committee to confirm the Tree Preservation Order (TPO) approved by this Committee on 8 October 2019 (para 25 of the minute refers) at Miltonhill, Kinloss, without modification.
- 1.2 This report is submitted to Committee in terms of Section III (E) (7) of the Council's Scheme of Administration to make, vary and revoke orders for the preservation of trees.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee confirm 'The Moray Council (Miltonhill, Kinloss) Tree Preservation Order (No 1) 2019' without modification.**

**3. BACKGROUND**

- 3.1 Policy E4 *Trees and Development* of the Moray Local Development Plan 2015 supports the serving of a TPO on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.
- 3.2 A TPO encourages good woodland management and any works to the trees must be agreed by the Council. Any trees which are felled within a TPO must be replanted. In Moray, there are 38 TPOs.
- 3.3 TPOs are subject to a minimum 28 days public consultation during the period between Committee giving approval to serve the Order and the Committee confirming the Order. The Order must be confirmed by Committee no more than 6 months after the Order has been served or revoked. During the consultation period, the public can give representations either in support of, or

objecting to the Order. In terms of Regulation 5 of the Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010, the Council must consider all representations before confirming the TPO with or without modifications.

- 3.4 The serving of a TPO at Miltonhill, Kinloss was approved by this Committee at its meeting on 8 October 2019 (para 25 of the minute refers). A location map has been provided as **APPENDIX 1**.

#### **4. PROPOSAL**

- 4.1 After approval by Committee on 8 October 2019, the TPO was served on 20 November 2019, and advertised publically on 27 November, for a consultation period of 28 days - until 6 January 2020 - for representations to be received.
- 4.2 No representations were received and it is recommended that the Committee confirm the TPO without modification.

#### **5. NEXT STEPS**

- 5.1 If the Committee agree to confirm the TPO as set out in Section 2 of this report, the Council are required to register the TPO in the Land Register of Scotland.
- 5.2 In addition, notice will be given to the Scottish Forestry, interested persons and any person who made a representation. A copy of the TPO will also be made available for public inspection.

#### **6. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Corporate Plan prioritises the need to maintain and promote Moray's landscape and biodiversity. The 10 Year Plan identifies the need to build a better future for children and young people in Moray by providing the healthiest start in life. Serving TPOs protects significant trees and woodlands and conserves the local natural environment and biodiversity whilst also helping to promote healthier lives.

**(b) Policy and Legal**

The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 provides for the serving, varying and revoking of TPOs.

**(c) Financial implications**

Land registry and advert costs will be met from existing Economic Growth & Development section budgets.

**(d) Risk Implications**

There is a risk that the trees at Miltonhill, Kinloss could be felled with a resultant significant loss of amenity if the TPO is not served.

**(e) Staffing Implications**

Serving of TPOs has staffing implications for Strategic Planning & Development and Legal Services.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

No Equality Impact Assessment is required for this report.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) have been consulted and are in agreement with the contents of the report/comments received have been incorporated into the report.

**7. CONCLUSION**

**7.1 TPOs are formal orders attached to important, feature and character creating trees and woodlands to protect the amenity value they contribute to the local community.**

**7.2 Following consultation, no representations were received and the Committee is asked to confirm the TPO at Miltonhill, Kinloss with no modifications.**

Author of Report: Darren Westmacott, Planning Officer (Strategic Planning & Development)

Background Papers:

Ref: