

	<h1>Report</h1>	Agenda Item <h1>18</h1>
---	-----------------	---------------------------------------

Report to:	Planning Committee
Date of Meeting:	1 December 2009
Report by:	Executive Director (Enterprise Resources)

Subject:	Tree Preservation Order – Earls Gate, Bothwell
----------	---

1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Advise members of the making of a Provisional Tree Preservation Order (TPO) under the terms of Section 163 (Provisional Tree Preservation Orders) of the Town and Country Planning (Scotland) Act 1997 in relation to an a number of trees located at Earls Gate, Bothwell.
- ◆ Request that members note the action taken in terms of the Council's approved scheme of delegation.

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that Committee note the making of the Provisional Tree Preservation Order under the terms of section 163 (Provisional Tree Preservation Order of the Town and Country Planning (Scotland) Act 1997) on the area of ground containing several trees shown on the attached plan.
- (2) that this provisional Tree Preservation Order be confirmed within 6 months from the date of this order should there be no objections.
- (3) that, in view of the requirement to progress the matter as soon as possible, the action taken by the Executive Director (Enterprise Resources) in terms of the Council's approved Scheme of Delegation, in consultation with the Chair and Local Members, be noted.

3. Background

3.1 Normally a TPO does not take effect until it is confirmed by the Council following a period which includes advertisement of the TPO, notification to owners and consideration of any representations made in response to the TPO. A Provisional TPO however allows the Council to provide immediate protection to trees for a period of six months and allows the time required to process the confirmation of the Provisional TPO.

4. Ground for making the TPO

4.1 The trees in question lie within the grounds of number 9 Earls Gate. The two trees are located in a prominent position alongside Castle Avenue and make a valuable contribution to the amenity of the area. There have been recent pre-application discussions regarding a proposal to develop this area of ground for housing. Given the possible development of this area it is considered that the trees are under

immediate threat and it is therefore important to ensure that they are adequately protected to avoid their loss or damage. The designation of this Order will ensure that they are adequately protected.

5. Employee Implications

5.1 There are no personnel implications

6. Financial Implications

6.1 There are no financial implications

7. Consultations

7.1 Consultations have taken place with the Council's Arboricultural Manager

8. Equality Impact Assessment and Consultation Arrangements

8.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.

Colin McDowall

Executive Director (Enterprise Resources)

19 November 2009

Link(s) to Council Objectives/Values

- ◆ Living in the Country (Source – Forecast)
- ◆ Creating Successful Communities – (Source – Forecast)

Previous References

None

List of Background Papers

None

Contact for Further Information

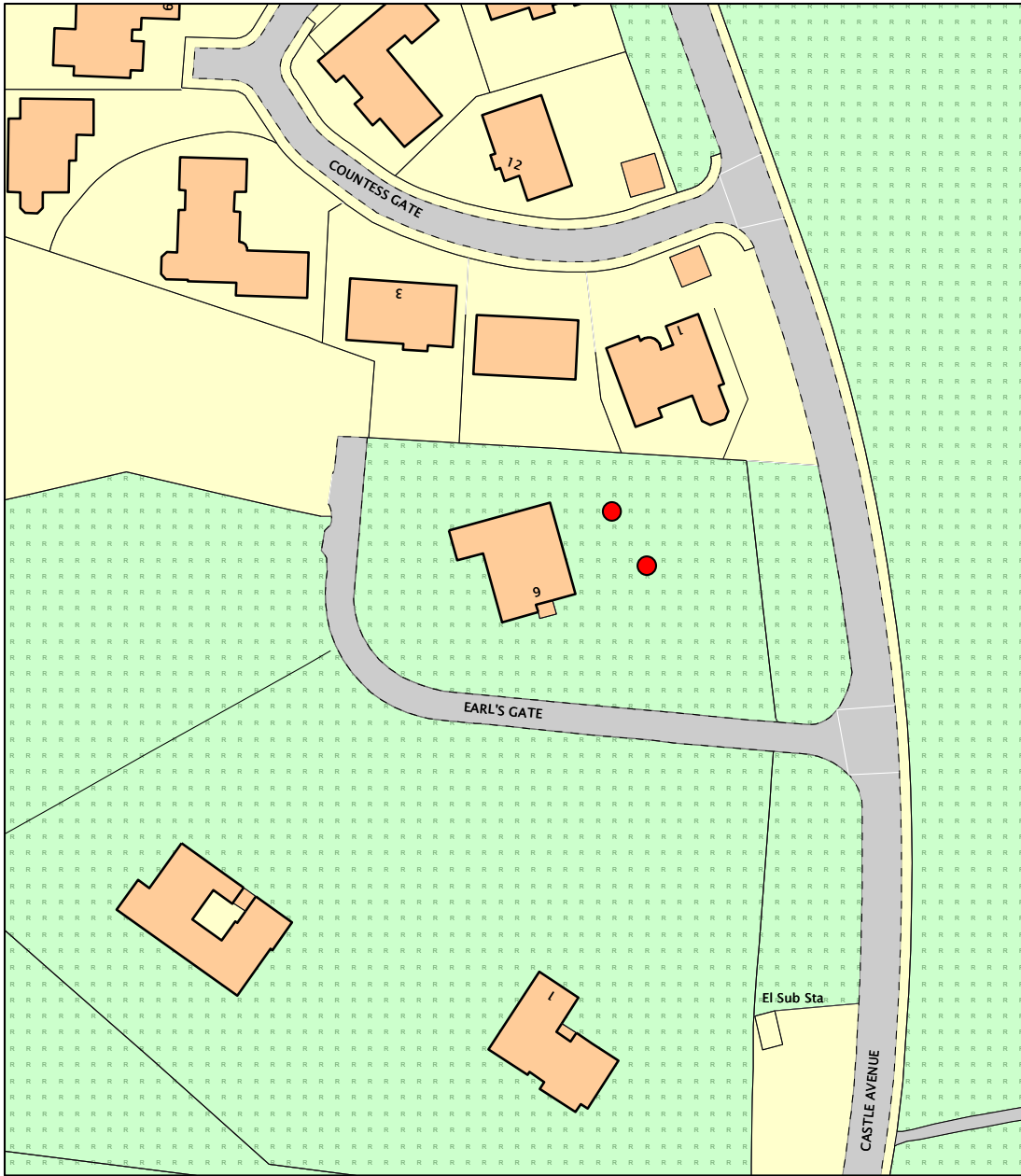
If you would like to inspect the background papers or want further information, please contact:-

Mary McGonigle, Planning Officer, Brandon Gate, Hamilton

Ext: 3550 (Tel: 01698 453550)

E-mail: mary.mcgonigle@southlanarkshire.gov.uk

Earls Gate Bothwell



**Enterprise Resources
Planning & Building Control**

Date: 28 October 2009

Scale: 1:1,107

—

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. South Lanarkshire Council 100020730 2005