

8. TREE PRESERVATION ORDERS IN LIVINGSTON SOUTH WARD (WARD 4)

Prior to consideration of the following item of business a map concerning the Mid Lothian TPO was circulated to committee members.

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Tree Preservation Orders (TPOs) in the Livingston South Ward.

The committee were advised that there were three main ways in which tree and woodland protection could be achieved. There were tree preservation orders (TPOs), designation of conservation areas and planning conditions. It was an offence for any person in contravention of a TPO to cut down, uproot, wilfully destroy a tree or wilfully damage, top or lop a tree in such a manner as to likely destroy it without the consent of the planning authority; this included trees in conservation areas.

TPOs arose through the development planning system where a planning authority may make a TPO for reasons of amenity and/or cultural or historical significance or as a result of community interest.

With regards to the Livingston South ward there were 13 extant TPOs. These were confirmed by the council and recorded as a burden on title deeds by Registers of Scotland. Details of these, together with location plans, were attached to the report at Appendix 1.

In addition to the 13 extant TPOs there were a further six TPOs which required further work to bring them to extant status. These too were listed in Appendix 1 of the report. Of the six, five required confirmation or completion of recording on the land register. Registers of Scotland had been approached about investigating these gaps in title records.

In order to ensure that TPOs were enforceable, all areas in West Lothian where a TPO has previously been promoted were now being reviewed by the council in accordance with section 159 (c) of the Town and Country Planning (Scotland) Act 1997. A working group had been set up and an action plan had been drafted setting out the tasks required.

Additionally the ongoing digitisation and e-mapping processes used by Registers of Scotland had created more stringent requirements for the preparation of TPO maps. Thus there was an additional need to verify and refresh the TPO registration process used by the council.

The report concluded that due to its central nature and the build out of Livingston new town in the Livingston South ward there had been considerable need for tree protection in the ward with TPOs being one of the mechanisms offering protection to trees and woods.

The local areas committee was asked to note the extent of TPOs in the Livingston South ward and to note that a review was underway.

Decision

1. To note the contents of the report;
2. To note the comments in relation to the title deeds for Hunter Road; and
3. To ask officers to confirm with committee members if it was a criminal offence to remove/damage trees in a conservation area.