

**Reference No:** 09/01778/TPO

**Applicant:** Roads and Amenity Services, Argyll & Bute Council

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**PROPOSED FELLING OF TREES AT THE BURIAL GROUND, KILMARTIN**

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**SUPPLEMENTARY REPORT NO. 1**

**(A) SUMMARY**

Members determined at the PPSL meeting of 19<sup>th</sup> May 2010 that permission be granted to fell a number of conservation area trees within Kilmartin Burial Ground subject to a satisfactory planting scheme for the provision of replacement trees within the cemetery being provided. Subsequently, Amenity Services have expressed the view that it is impractical to replant within the cemetery grounds and that attempts to agree planting on third party land outwith the site have been unsuccessful. Consequently it is necessary to reconsider the merits of the replanting requirement

**(B) REPORT**

Since permission for the felling of trees was granted, it has subsequently been established by the Council's Service Officer for Grounds & Horticulture that there is no suitable alternative site for the replanting of trees within the limits of the burial ground which would not either impact adversely upon graves or the site/setting of listed buildings/scheduled ancient monuments and in terms of potential future damage. Consequently, an attempt has been made to seek alternative locations within the vicinity of the burial ground for compensatory tree planting. However this has largely been met with resistance from land owners and despite best endeavours it must be concluded that it is unlikely that any meaningful planting can be readily achieved on adjacent land.

Over and above this, correspondence has been received from Dunadd Community Council which raises objection to the prospect of replacement tree planting, in addition to voicing serious concern that part of the burial ground remains closed and subject to further damage whilst this matter remains unresolved.

The Council's Service Officer for Grounds and Horticulture has further advised that the trees to be felled are most unlikely to have been part of any formal planting scheme within the cemetery given their location close to the retaining wall and graves. They would appear to be self-seeded sycamore and holly, the removal of which will not damage or detract from the tree cover and species range in the area.

Whilst it is usual practice to require the replacement of trees felled within a conservation area or trees subject to a tree preservation order, the Council is able to exercise discretion as to whether replanting ought to be a requirement in mitigation for the removal of protected trees. In the circumstances, given that planting cannot be accommodated within the graveyard without giving rise to adverse implications for graves and structures, the lack of opportunity to achieve planting on surrounding land,

and the low value of the trees being removed, it is considered that there is reasonable justification for waiving the requirement for replacement planting in this particular instance.

Members should note that as this report involves a decision being re-visited in less than 6 months of the original decision being made, the Committee will be asked (in terms of Standing Order 16.2) to review the previous decision of 19 May 2010 in light of the material change of circumstances which arises as a consequence of the assessment of the practicability of replanting and the opinion of the Council's Horticultural Officer, and which would have had a bearing on the original decision had it been known at the time.

**(C) RECOMMENDATION**

Having due regard to the Head of Planning & Regulatory Services recommendation dated May 2010, the Committee's decision of 19<sup>th</sup> May 2010, the subsequent further advice of the Council's Service Officer for Grounds and Horticulture and third party representation, it is recommended that consent be granted to fell the ten trees identified in the application without the previously identified requirement for compensatory planting.

**Author of Report: Peter Bain                      Date: 4<sup>th</sup> October 2010**

**Reviewing Officer: Richard Kerr                Date: 5<sup>th</sup> October 2010**

**Angus Gilmour  
Head of Planning**