

North Ayrshire Council submission of 27 July 2022

PE1812/SS: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

Thank you for your request to North Ayrshire Council for information regarding the consideration of petition PE1812: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors.

Please see below the information requested.

- The mechanisms in place for reporting a potential breach of a Tree Preservation Order (TPO), including how such information is recorded and analysed.

Potential breaches of a Tree Preservation Order (TPO) have the same mechanisms in place as other breaches of planning control. North Ayrshire Council's Planning Enforcement Charter sets out how this can be done and how any report will be dealt with. The Enforcement Charter can be viewed by clicking the following link, <https://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/Planning/enforcement-charter.pdf>

- The number of potential breaches of TPOs reported to you between 2012-22, broken down by year.

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of Potential Breaches Reported	1	1	0	1	0	0	1	2	2	1	0

- The number of prosecutions you have undertaken in relation to Tree Preservation Orders (TPO) between 2012 – 2022; broken down by year; and

No prosecutions have been undertaken within that time period for the North Ayrshire Council area. The Council itself would not undertake any prosecutions as this is the responsibility of the Procurator Fiscal.

- The number of occasions where a breach of a TPO has not proceeded to prosecution, and the reasons for not pursuing prosecution.

Where a breach of a TPO is identified, further action is only taken where it is considered expedient to do so. Replanting can be considered the most expedient way forward and this can be achieved through negotiation with those responsible and/or issue of a Notice under S.168 of the Town and Country Planning (Scotland) Act, as amended. If prosecution is considered, the Planning Authority has to report the matter to the Procurator Fiscal. The Fiscal will determine whether to proceed.

I trust that the above satisfies the request for information. However, should any of the Council's response raise any further comments or questions, please do not hesitate to get back in touch.