

**Tree Preservation Order Numbers - 2016/0002 – Creggandarroch and - 2016/0003 – Creggandarroch and Blairachorine**

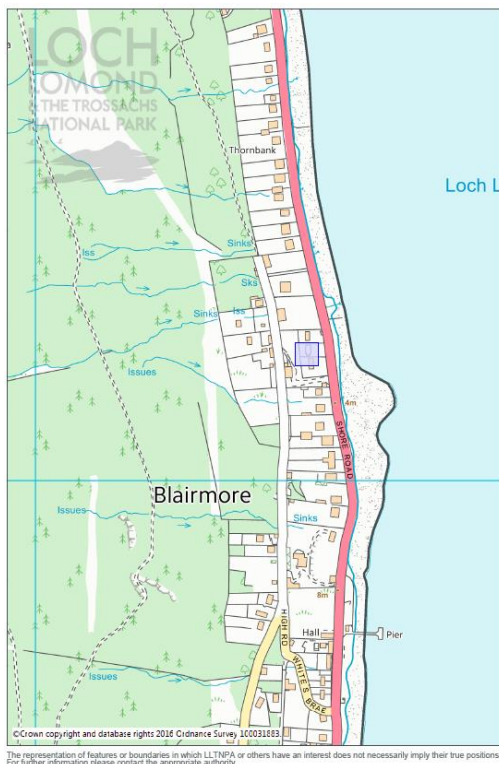
**1 SUMMARY**

- 1.1 Seven trees at Creggandarroch were protected by a TPO served by National Park Authority in 2004 as result of a planning application for three domestic dwellings. As part of the planning approval (amended at appeal), consent was given for two trees to be felled enabling the development. Subsequently another protected tree blew over as a result of high winds in the winter of 2011/2012. The remaining trees are still considered worthy of protection with a TPO.
- 1.2 The existence of additional significant trees was noted in 2015 following concern about felling being undertaken in the property known as Blairachorine. After a site visit and assessment by the NPA Trees and Woodland Advisor in February 2015, a number of trees were identified to be worth of protection by a TPO. Therefore, a TPO (No. 2005/0001) has been served to revoke the original Creggandarroch TPO given the loss of 3 trees and a new TPO (No. 2016/0003) has been served to protect the remaining four trees along with trees on the neighbouring property to the north (Blairachorine) (fourteen trees in total). During the consultation period a single representation was received; supporting the revocation TPO and objecting to the new TPO. It is recommended that TPO No 2016/0002 and 2016/0003 are confirmed.

**2 BACKGROUND**

***Site Description:***

- 2.1 The location lies to the west of the A880, east of the Creggandarroch House (listed building) and south of Duart Tower in Blairmore as shown in Figure 1. This area includes Blairachorine (listed building).



**Figure 1 – Large Scale Location Plan - Blue Square marks the approximate location**

## Appendix 2

### 2.2 TPO no 2016/0002

There are 7 trees protected by TPO served in 2004 on this site as shown on figure 2 below. Four of the trees are location within the grounds of Creggandarroch house, one tree is at the rear of Ellisland and two trees are located on property known as Lochnagar.

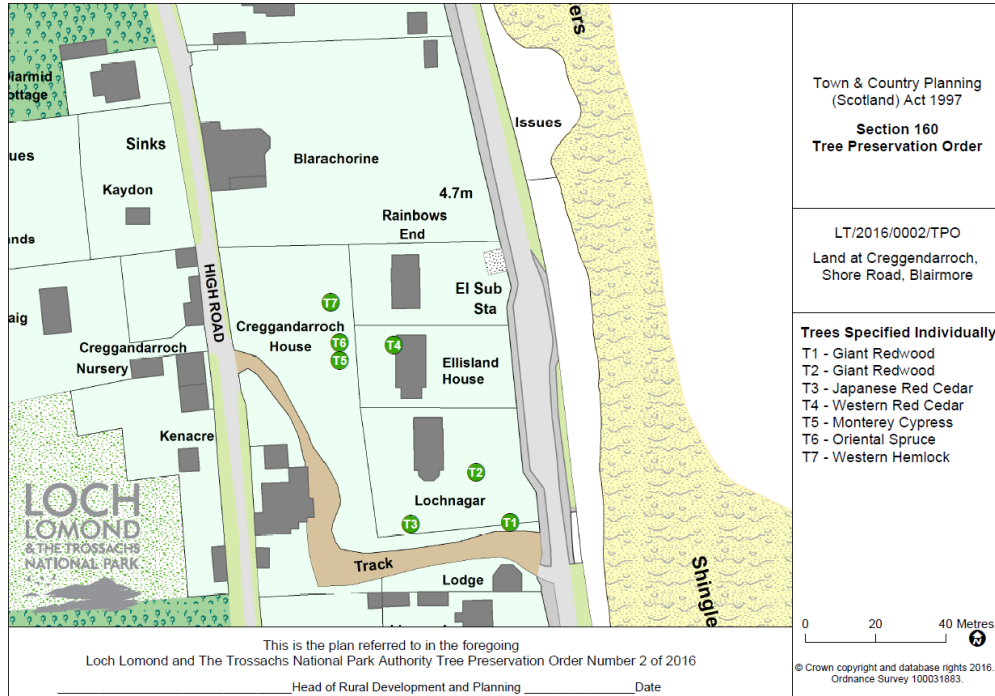


Figure 2 - 2016/0002 - Small Scale Location Plan

### 2.3 TPO no 2016/0003

There are 14 trees identified in the new TPO as shown in Figure 3 below. Three trees are within the grounds of Creggandarroch House, one trees within Lochnagar and ten new trees within Blairchornie.

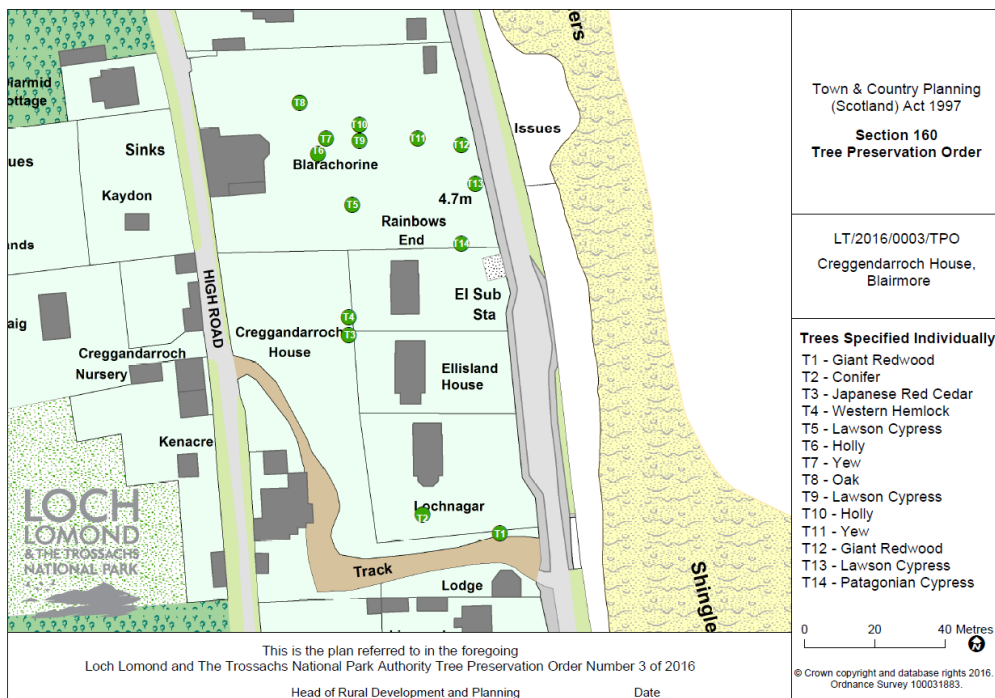


Figure 3 - 2016/0003 - Small Scale Location Plan

## Appendix 2

- 2.4 The photographs below (Figure 4) show a selection of the 14 trees to be protected by 2016/0003. The first photograph on the left shows T3 and T4 that are within the grounds of Creggandarroch House but behind Ellisland. The second photograph shows T1, the closest tree, a Giant Redwood, at the property Lochnagar and also in the distance T12, T13, and T14 can be seen within Blairachorine.



**Figure 4 – Photographs**

### ***Relevant Planning History:***

- 2.5 2005/0052/DET/A- Erection of 3 No detached dwellinghouses and access – Approved 23 August 2005. This consent was appealed and the Reporter amended the conditions leading to the felling of T2 and T4 (tree numbers as per TPO No. 2016/002).

## **3 CONSULTATIONS AND REPRESENTATIONS**

- 3.1 The following statutory consultations are required:
- a) Forestry Commission Scotland – Conservancy
  - b) The owner, lessee and occupier of the land on which the trees are situated, and any party entitled to:
    - i) fell, top, lop, uproot or otherwise damage or destroy any tree to which the tree preservation order relates; or
    - ii) work by surface working any materials in, on or under such land.

Although not required by statute, community council were also consulted. In addition, an advert was placed in the Dunoon Observer on the 16<sup>th</sup> September 2016

### ***Responses to Consultations:***

- 3.2 The only representation was received from Mr Beck:  
Mr Beck, (Neighbour) **Supports** the revocation of the protection to the trees – 2016/0002  
Mr Beck, (also on behalf of another neighbour Mr Gardiner) **Objects** to the new TPO – 2016/0003.

## Appendix 2

3.3 The following is a summary of the points raised:

- Concern that there had not been any consultation prior to the serving of the TPO.

**Officer response** - *This is the procedure, the notice sent with the copy of the TPO provides the opportunity for representations to be made.*

- There is no active management of the trees so the trees should not be protected by a TPO.

**Officer response** - *The lack of management does not prevent the serving of a TPO nor does the serving of a TPO indicate that no work is required to manage the trees. There will still be a requirement for the various owners of the trees to undertake management which would require approval from the Authority.*

- The trees are shallow rooted and have a high risk of failure

**Officer response** – *There was no indication of unusually shallow roots recorded during the site visit and assessment.*

- The NPA had previously recommended that tree 'T4' should be felled.

**Officer response** – *Having reviewed the correspondence, no such written recommendation could be found, it was however recommended in a letter dated the 6<sup>th</sup> February 2012 that this tree should be inspected. This inspection would be required for the owner of the tree (Creggandaroch House) to comply with their "Duty of Care" under the Occupier Liability (Scotland) Act 1960.*

3.4 After speaking to Mr Beck to explain the above points, he subsequently stated via email that his concerns had been answered during the conversation.

## 4 PLANNING ASSESSMENT

### 4.1 TPO No. 2016/002

Members are being asked to confirm the revocation Tree Preservation Order, served on the 7 September 2016. The TPO was served following re assessment of the TPO which found that two trees had been felled to permit the consented development and a further tree had blown over in winter of 2011/2012.

4.2 When the remaining tree cover was assessed using the TEMPO assessment they were worthy of a TPO and this protection is conferred by the making of TPO no 2016/0003.

### 4.3 TPO No. 2016/003

Members are being asked to confirm the Tree Preservation Order, served on the 7 September 2016.

4.4 The basis for the assessment of the trees is a standard Tree Evaluation Method for Tree Preservation Orders (TEMPO) – used by the majority of Scottish Planning Authorities for assessing where a tree(s) is worthy of a TPO. TEMPO was developed as field guide to consider all relevant factors when to assess tree(s) for a TPO (see Appendix 4 for the full guidance document).

4.5 The TEMPO method scores a tree on a number of categories as follows:

Part 1 is the amenity assessment which is broken down into four sections:

- a) Condition (relates to health and physical form);
- b) Retentions span (Remaining lifespan);

## Appendix 2

- c) Relative public visibility;
- d) Other factors such as arboricultural features or veteran trees, trees which have significant historical or commemorative importance.

Part 2 is the expediency assessment which is the level of threat to the trees or woodland concerned.

- 4.6 The trees proposed for protection when assessed using TEMPO scored between 19 and 16. The variation in scoring was in relation to their location/ prominence in relation to the public highway.
- 4.7 One of the trees, T14, Patagonian Cypress (*Fitzroya cupressoides*) is an international endangered species while T2 species was more difficult to ascertain, hence it being recorded only as a conifer. Expert advice has been sought from Royal Botanical Garden Edinburgh, and it was thought that the tree might either be a Juniper species or Sawara cypress cultivar.
- 4.8 While there has been a single representation, as a result of subsequent discussion with the neighbour he confirmed that his concerns had been suitability addressed. It is acknowledged there is no management of the majority of the trees currently but the serving of a TPO does not prevent any appropriate management in the future nor indicate that no management is required.

## 5 CONCLUSION

- 5.1 Given the requirement to amend one TPO and extend the extent of the protection afforded by a TPO, it was decided that the original TPO should be revoked and a new TPO should be served to ensure that TPO complied with the current guidance.
- 5.2 It is recommended that TPO No. 2016/0002 to revoke the original protection and TPO No. 2016/0003 to protect the remaining trees along with the adjacent significant trees are confirmed.

**Background Documents:** *Tree Evaluation for Preservation Orders (TEMPO) and assessment notes, consultation responses and representations available in electronic file - Reference 2016/0002/TPO and 2016/0003/TPO. Also available in the file is the TPO schedule and plan.*