

## Tree Preservation Order Recommendation 2017/0001/TPO to 2017/0004/TPO

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### 1. Introduction

- 1.1 As part of the Park Authority's obligations under the Planning etc. (Scotland) Act 2006 section 28(1)(d), the Park Authority is carrying out a review of the Tree Preservation Orders (TPOs) lying within the National Park.
- 1.2 As part of this ongoing review, the recommendation in this paper is to revoke 3 existing adjacent TPOs and replace with a single amended TPO.

### 2 Recommendation

#### 2.1 Members are to:

- **Note** the making of the following TPOs on the 24th March 2017 – issued with the approval of the Chair of the Planning & Access Committee:
  - 2017/0001/TPO - Land Adjacent to Ardvreck, Arrochar
  - 2017/0002/TPO - Land to the North of Cobbler Cottage, Arrochar
  - 2017/0003/TPO - Woodland at Church Road, Arrochar (Modified)
  - 2017/0004/TPO - Arrochar South
- **Confirm** the following revocation TPOs without amendment:
  - 2017/0001/TPO - Land Adjacent to Ardvreck, Arrochar
  - 2017/0002/TPO - Land to the North of Cobbler Cottage, Arrochar
  - 2017/0003/TPO - Woodland at Church Road, Arrochar (Modified)
- **Confirm with modification**
  - 2017/0004/TPO Arrochar South

### 3 Background

- 3.1 A TPO review involves both the review of the relevant legal titles, which should show the TPO, along with a re-assessment of the merits of the TPO in terms of value to amenity and/or cultural or historical significance. It is also an opportunity to update TPOs where for example consented tree removal has occurred or trees may no longer satisfy the requirements for protection. In order to remove protection by a TPO, the Park Authority must make a revocation TPO – this process is called revoking a TPO.
- 3.2 On the 24<sup>th</sup> March 2017, four TPOs were made following approval by the Head of Rural Development and Planning authorised by Chair of the Planning & Access Committee in accordance with the Authority's Scheme of Delegation relative to

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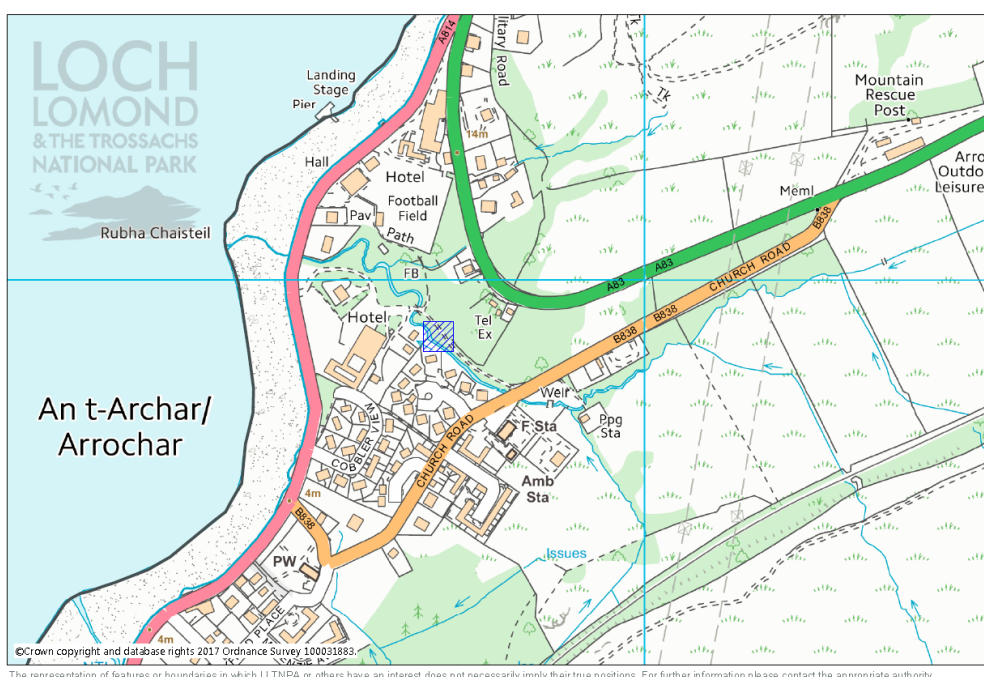
planning. Once notice of the making of a TPO is given there is a consultation period of at least 28 days during which representations can be made. The 'unconfirmed' TPO is valid for 6 months from the date it is made. The Planning and Access Committee are required to make a decision as to whether the four TPOs are to be confirmed, unmodified, following a review of the representations and any other matters arising. No representations were received during the consultation period.

### 3.3 The 3 existing TPOs to be revoked are:

- (Land Adjacent to Ardvreck, Arrochar) Tree Preservation Order (No. 5 (2005)) by 2017/0001/TPO,
- (Land to the North of Cobbler Cottage, Arrochar) Modified Tree Preservation Order (No. 6 (2005)) by 2017/0002/TPO,
- (Woodland at Church Road, Arrochar) (Modified) Tree Preservation Order (No. 2 (2004)) by 2017/0003/TPO.

### 3.4 The new TPO (Arrochar South, 2017/0004/TPO) takes into account the trees removed as part of the various consented developments and modifies the area of woodland protected to reflect the settlement boundary in the Local Development Plan, adding in peripheral trees. This will ensure a clearer, and more easily understood, approach to the protection of the trees and woodland in this area.

### 3.5 The general area lies on south of the A83, east of the A814 and west of Church Road as shown in Figure 1.



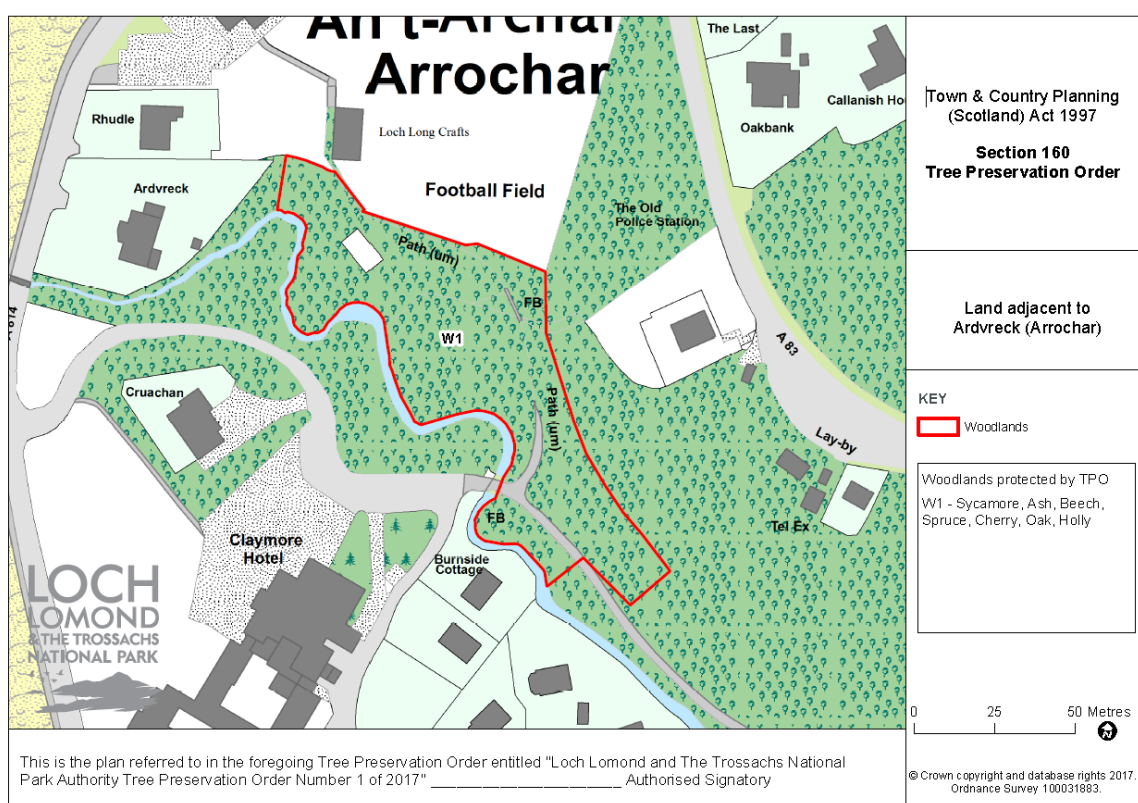
**Figure 1 – Location Plan – Blue Square marks the centre of TPO's location**

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- 3.6 The first revocation TPO (Reference: 2017/0001/TPO) is an area (circa 0.56 ha) of mature mixed woodland was protected by a TPO made in 2005 (known as Land Adjacent to Ardvreck, Arrochar Tree Preservation Order No. 5 (2005)). The woodland lies to the south of the old football pitch, west of the property known as The Old Police Station and east of the property known as Ardvreck.



**Figure 2 – 2017/0001/TPO – Small scale plan**

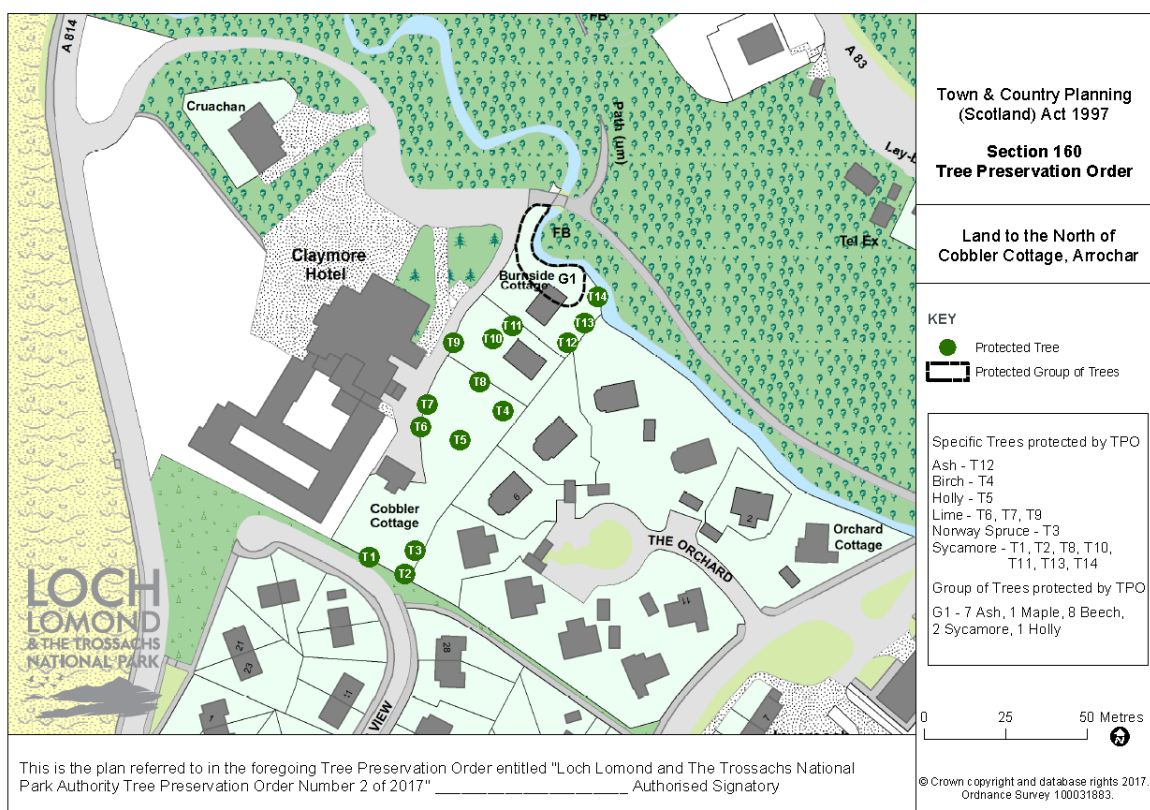
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- 3.7 The second revocation TPO (Reference: 2017/0002/TPO) contains fourteen trees and a group comprising of 19 trees were protected by a TPO made in 2005 (known as Land to the North of Cobbler Cottage, Arrochar Modified Tree Preservation Order No. 6 (2005)). The site lies to north and south of Cobbler Cottage and east of Claymore Hotel (both grade B listed buildings).



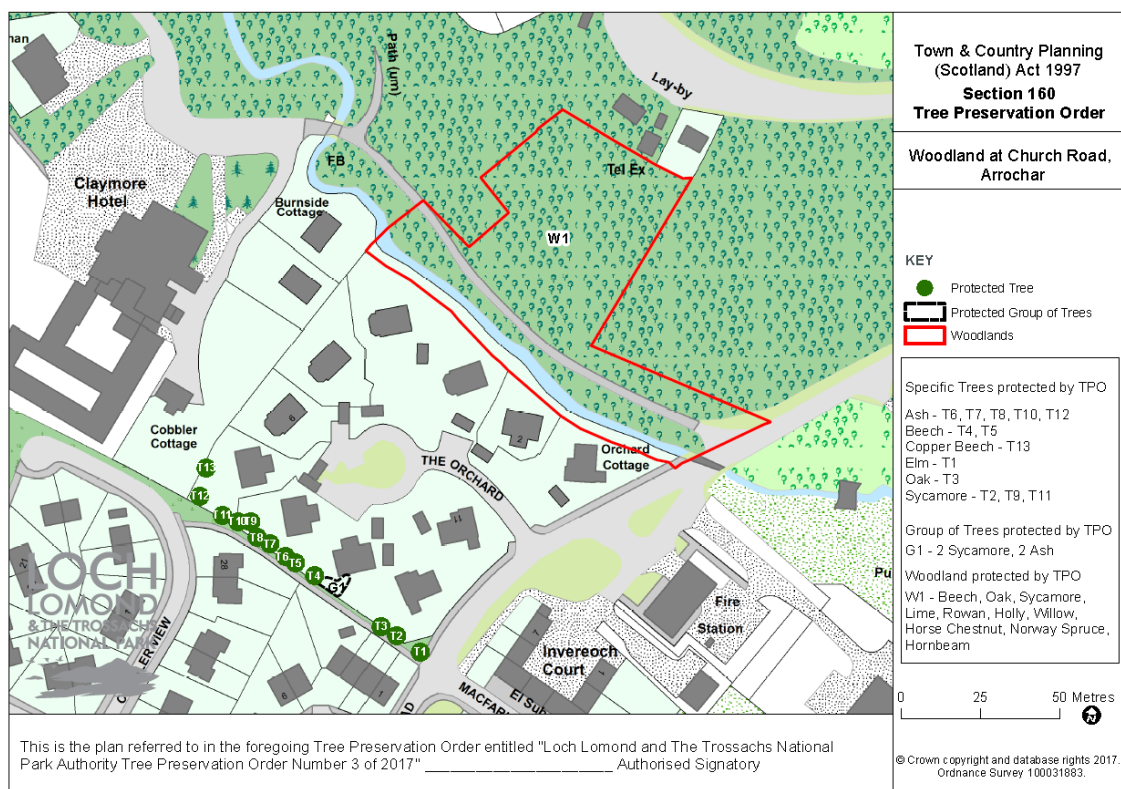
**Figure 3 – 2017/0002/TPO – Small Scale plan**

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- 3.8 The final revocation TPO (reference: 2017/0003/TPO) contains thirteen trees, one group of trees and a woodland which were protected by a TPO made in 2005 (known as Woodland at Church Road, Arrochar (Modified) Tree Preservation Order No. 2 (2004)). The area lies to south of the A83 and to the west of Church Road and The Steadings (shown as Inverloch Court on the below plan (grade C listed building)).



**Figure 3 – 2017/0003/TPO – Small Scale plan**

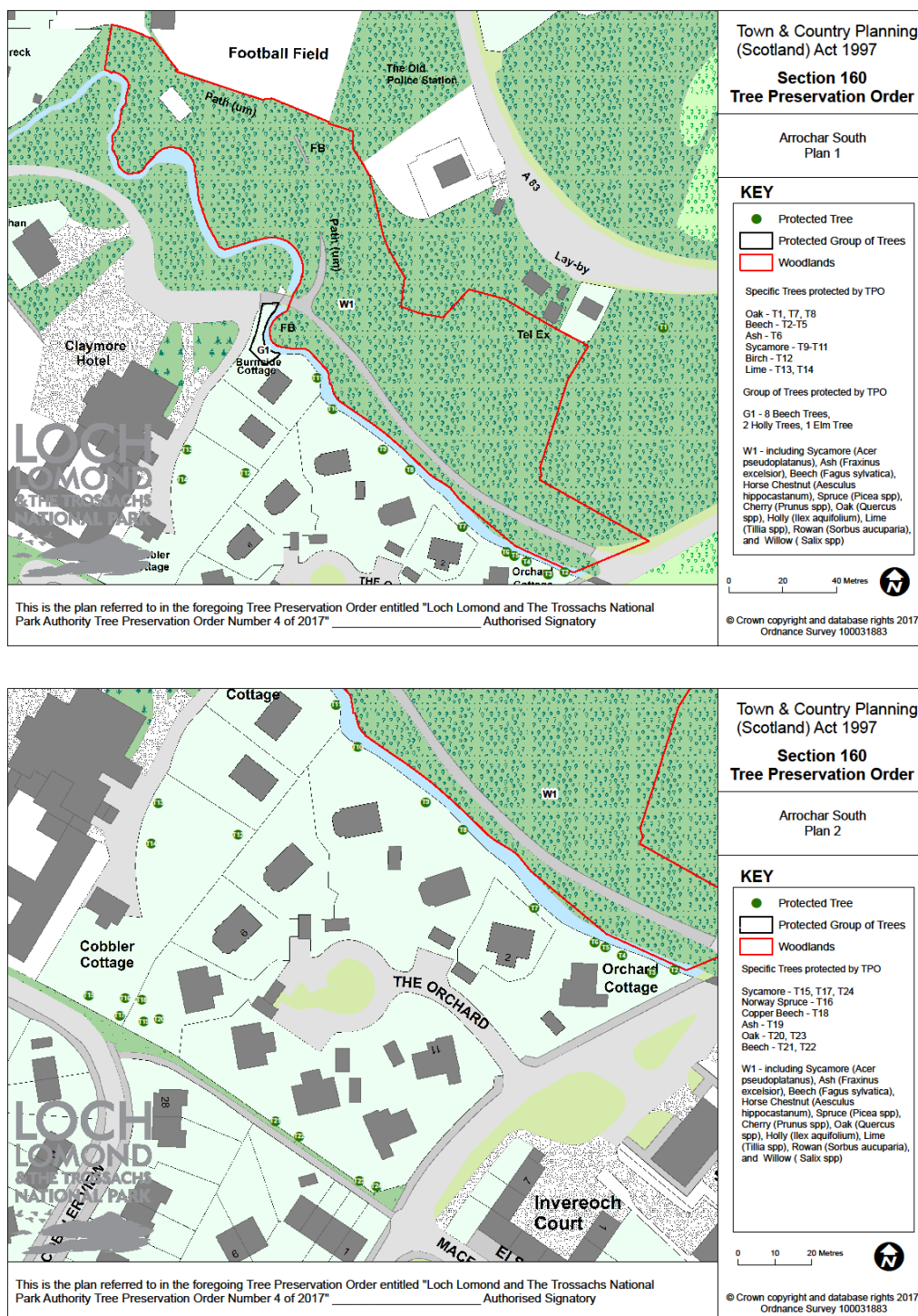


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- 3.9 2017/0004/TPO – This new TPO protects approximately the same area previously covered by the above 3 TPOs which has been amended to reflect consented tree removal and current woodland boundaries.



**Figure 4 – 2017/0004/TPO – Small scale plan**

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- 3.10 The photographs below (Figure 5) show the woodland affected by 2017/0001/TPO and whose protection will be continued by 2017/0004/TPO.



**Figure 5** – Photographs of 2017/0001/TPO and 2017/0004/TPO



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- 3.11 The photographs below (Figure 6) shows examples of the remaining trees affected by 2017/0002/TPO (from the south) and whose protection will be continued by 2017/0004/TPO. Lower photograph shows these trees from The Orchard (from the north).



**Figure 6** – Photographs of 2017/0002/TPO and 2017/0004/TPO showing examples of the remaining trees



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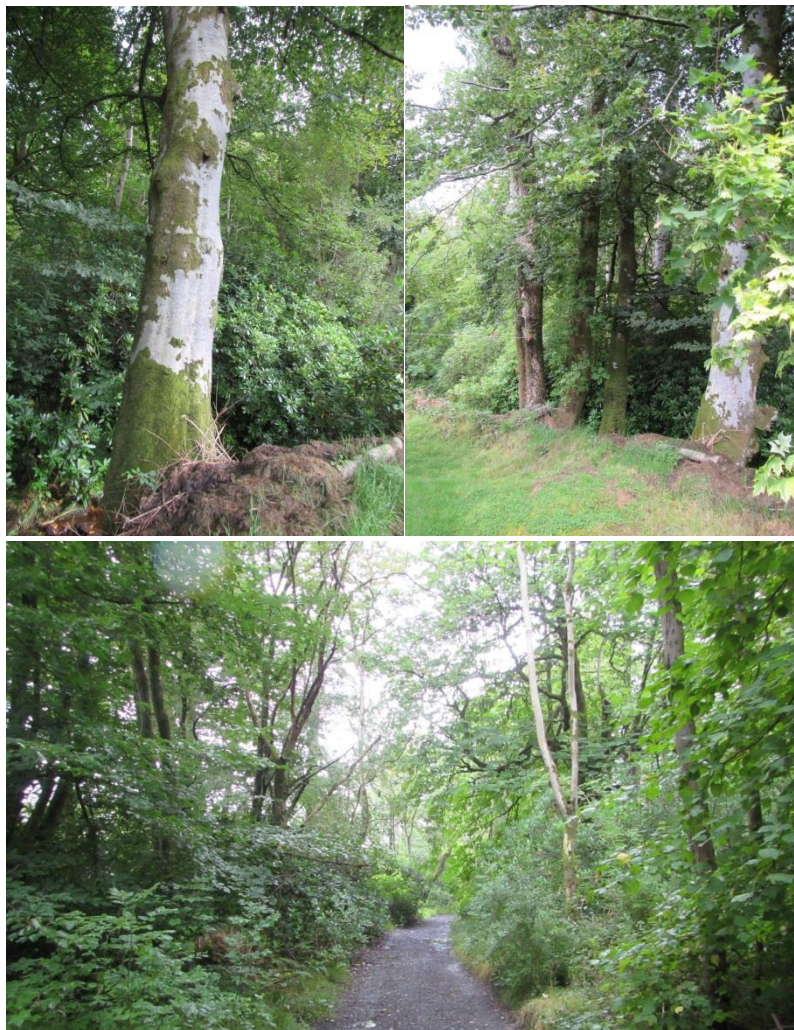
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- 3.12 The photographs below (Figure 7) shows examples of the remaining trees and woodland affected by 2017/0003/TPO and whose protection will be continued by 2017/0004/TPO.



**Figure 7a** – Photographs of 2017/0003/TPO and 2017/0004/TPO showing examples of the remaining trees and woodland

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**Figure 7b** – Photographs of 2017/0003/TPO and 2017/0004/TPO showing examples of the remaining trees and woodland

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- 3.13 There have been various planning permissions subsequent to the original TPOs being made which enable the safeguarding of the surrounding woodland and significant trees during the assessment of these applications. Due to the protection afforded by the various TPOs no tree protection was incorporated into the various planning consents.

#### 4 Consultations and Representations

- 4.1 The following statutory consultations were 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.

In addition, an advert was placed in the Helensburgh Advertiser on the 30th March 2017 and the Community Council was notified.

#### *Responses to Consultation*

- 4.2 No responses from any consultees were received nor were any other representations made.

#### 5 Legislative Context

- 5.1 The Park Authority, as planning authority, may make a TPO to protect individual tree(s), groups of trees or woodland where it appears expedient in the interests of amenity and/or that the trees/groups of trees/woodland are of cultural or historical significance. The Park Authority has a duty from time to time to review any TPO, as required by the Planning etc. (Scotland) Act 2006 section 28(1)(d). Further information on the legislation and procedures can be found in Planning Circular 1/2011: Tree Preservation Order.

#### 6 Planning Assessment

- 6.1 The Members are being asked to confirm the four Tree Preservation Orders made on the 24th March 2017.
- 6.2 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 is worthy of a TPO. TEMPO was developed

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as a field guide to consider all relevant factors when to assess trees for a TPO (full guidance document can be provided on request).

- 6.3 As part of the TPO review project the trees and woodland covered by the TPOs made in 2004 and 2005 were re-assessed using TEMPO. It was noted that there had been some tree removal from TPO number 2 (2004) and TPO number 6 (2005) in connection with the consented developments. The remaining individual tree and group were still worthy of protection by a TPO along with an additional significant oak tree visible from the A83.
- 6.4 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);
  - 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 concerned.

- 6.5 The remaining trees and group of trees scored between 13 and 14 (out of max of 25). This score is comprised from 3 (out of 5) for condition, 4 (out of 5) for retention span, 4 or 3 (out of 5) for public visibility. The expedience was 2 (out of 5) due the trees being within domestic gardens and so there would be no control on the removal of these trees. It is therefore recommended that these trees are protected by a TPO to maintain their contribution to the amenity of the general area and the setting of the adjacent listed buildings.
- 6.6 With regard to the woodland protected by TPO number 2 (2004) and number 5 (2005) it was re-assessed with the slightly different woodland TEMPO as well as reviewing the extent of protected woodland.
- 6.7 The TEMPO method scores woodland on a number of categories as follows. Part 1 is the amenity assessment which is broken down into four sections:
- a) Condition (relates to current management and health;
  - b) Naturalness (age of woodland cover);
  - c) Size of woodland;
  - d) Cultural factors. (historic, natural heritage designation and public use)

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



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- 6.8 Both woodlands scored 24 (with a score greater than 21+ indicating a TPO is defensible). This score is comprised from 8 (out of 10) for condition, 10 (out of 10) for naturalness (the woodland appear on OS maps between the 1880 and 1900 so falls out with the Ancient Woodland Inventory however as a result of the site visit it was considered that the woodland is developing characteristics of a long established plantation hence the score, 2 (out of 10) for size. The expedience was 2 (out of 5) consented development and minor erosion of the woodland edge (out with the previous TPO boundary).
- 6.9 The woodlands show signs of informal public access and previous attempts at rhododendron control. The previous woodland boundary of Number 2 (2004) was modified in 2017/0004 to take into account the current woodland edge and current settlement boundary identified in the adopted Local Development Plan.

#### 7 Conclusion

- 7.1 Three revocation TPOs (2017/0001, 2017/0002 and 2017/0003) remove protection from trees and woodland covered by TPOs made in 2004 and 2005. There has been some consented tree removal as part of the previously approved developments after the original TPOs had been made. The new TPO (2017/0004) protects the remaining trees and woodland previously protected by TPOs with minor amendments. These trees and woodland form a significant contiguous area of tree cover in Arrochar with existing and potential development at its margins. No representations were received during the consultation period. It is therefore recommended that the Orders are confirmed (with modification to 2017/0004 to the plan legend).

#### 8 Background Documents:

- 8.2 The TPO schedules and plans are available on line on the National Park's web site <http://www.lochlomond-trossachs.org/planning/planning-applications/make-an-application/tree-preservation-orders-national-park/>

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