

Planning Advice Note

Tree Preservation Orders (TPOs)



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Protected Trees in the Park

Across the National Park, there are [Tree Preservation Orders \(TPOs\)](#) (further details available on our website), which protect individual trees, groups of trees and woodland.



The lodge, Lochgoilhead



Glen Loin house, Arrochar

What is a TPO?

A TPO ([Tree Preservation Order](#)) affords a tree, a group of trees or a woodland protection from felling, or any other works i.e. removal of branches etc.: unless prior formal consent for the felling or tree works has been granted by the local planning authority. We (the Park Authority) are the planning authority for the National Park.

Fast facts

- A TPO is **made by a planning authority** to protect specific trees, groups of trees or woodlands, usually within towns and villages, which it considers contributes to the attractiveness and character of the local area and are in threat of removal from development.
- **Tree Evaluation Methodology for Preservation Order (TEMPO)** is used to assess whether a tree should be protected. The assessment looks at aspects such as condition and retention space of the tree(s), public visibility, the cultural or arboricultural significance and the risk of removal that the trees are under.
- Trees are also protected from felling through the requirement for a **felling licence from the Forestry Commission** although trees in gardens, orchards, churchyards or designated open space are exempt from a felling licence. See [Forestry Commission website](#) for more details about felling licences.

Trees in Conservation Areas

In the National Park there are 8 [Conservation Areas](#) - Callander, Drymen, Gartmore, Killin, Luss, Milton, Tyndrum and St Fillans. In a Conservation Area consent is needed for tree works, including tree felling, reduction or lifting of the crown, removing limbs or felling, but these trees are not necessarily protected by a TPO. As a planning authority, we would not usually object to tree works being carried out in a Conservation Area, but we have the opportunity to make a TPO to prevent inappropriate tree works.

The process for making a TPO

The Town and Country Planning (Scotland) Act (1997) (Section 159 to 178) provides the legal framework for tree protection and sets out the process we follow and consultation we undertake as a planning authority.

- The Director of Rural Development & Planning and the chair of the Planning and Access Committee decide whether to make a TPO in the first instance following a recommendation by an officer. Should there be an imminent threat to trees then this process can be authorised by the Director.
- Before a recommendation is made, officers undertake a site visit to assess the tree(s) or woodland and undertake a TEMPO¹ assessment.
- The TPO is then served on people with an interest in the tree i.e. land owner, neighbours, statutory undertakers, and Forestry Commission Scotland.
- An advert is published and a site notice may be placed on the site to invite comments about the tree(s) covered by the Order.
- Following consideration of any objections and comments the officer makes a recommendation to the Planning and Access Committee.
- The Planning and Access Committee decide whether to confirm the Order. There may be an opportunity for those who have made comments to speak at the meeting.

When does the TPO come into effect?

A TPO comes into effect on the day we as a planning authority make it. The TPO then last for 6 months, until we decide the Order is confirmed and provides long term protection. If the Order is not confirmed then the protection ceases after the 6 month period.

Is there a right of appeal?

The legislation provides no right of appeal against the authority either making or confirming an Order. There is however a right of appeal following an application to carry out work on trees protected by an Order that is

¹ 'Tree Evaluation Method for Preservation Orders'

refused, granted subject to conditions, or not determined.

When is a group or woodland category used?

We may decide to protect a group where individual category would not be appropriate as the group's overall impact and quality merits protection.

The woodland category's purpose is to safeguard a woodland as a whole. While some trees may lack individual merit, all trees within a woodland protected by a TPO are protected. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.

Managing TPO trees and woodland

A TPO does not hinder beneficial woodland or tree management however an application is required. We would encourage managing trees to benefit the amenity of the area. There is a separate [guidance note on works to protected trees](#).

Reviewing the TPO

As part of our obligations under the Planning etc. (Scotland) Act 2006 section 28(1)(d), we must carry out a review of the Tree Preservation Orders (TPOs) lying within the National Park.

A review involves both the review of the relevant legal titles, which should reference the TPO, along with a re-assessment of the merits of the TPO in terms of value to amenity etc. It is also an opportunity to update TPOs where, for example, consented tree removal has occurred or trees no longer satisfy the requirements for protection.

A review can result in the varying or revoking of an Order. The process to vary and revoke a TPO involves serving another TPO and the same notification process.

Further advice

Please contact the planning team at planning@lochlomond-trossachs.org or Tel: 01389 722024 for further advice.