

National Park Authority Planning & Access Committee

Agenda Item 5: Appendix 3

Tree Preservation Order Recommendations TPO review



Tree Preservation Orders

2018-0004-TPO and 2018-0009-TPO –

Land North West of Bailie Nicol Jarvie Court, Aberfoyle

1. Summary

A group of trees to the rear of residential properties to the north west of Aberfoyle were protected by Stirling District Council in 1990 as a result of a planning application for two dwellings (refused). Subsequently, planning permission was granted for a single dwelling house, so now part of the ground affected by the Tree Preservation Order is residential garden ground of the house known as Elmtree. The new Tree Preservation Order has been served to protect the woodland to the rear of the houses and exclude the garden ground trees which have been compromised by the building of the dwelling house (Elmtree). The predominately native woodland forms an attractive backdrop to Aberfoyle, creating a buffer between the edge of the houses and the Trossachs Woodlands Special Protection Area (native oak woodland).

2. Background

Site Description

- 2.1 The site lies to the north of Lochard Road (B829) behind a group of detached houses and west of the residential cul de sac Staball Ard, Aberfoyle. The woodland is adjacent to the boundary of the Special Area of Conservation (Trossachs Woodland) (shown in blue hatching on Figure 1 location plan).

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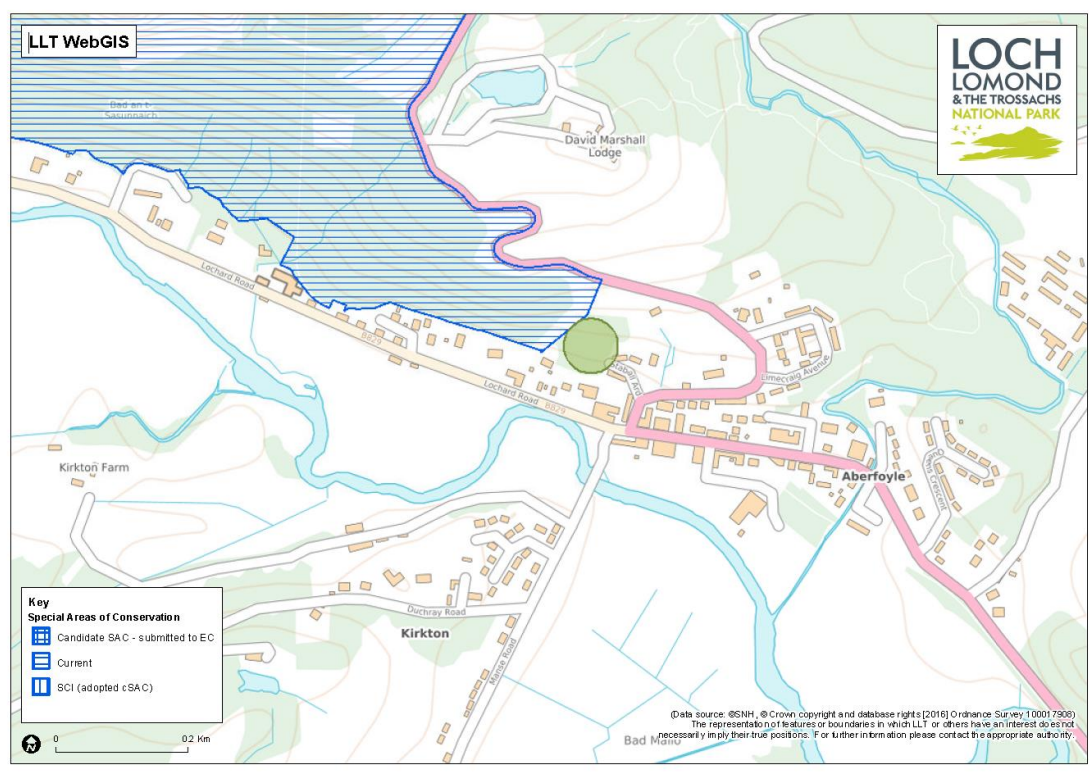


Figure 1 – Location Plan, also showing location of Trossachs Woods, Special Area of Conservation, protected for its oak woodland

- 2.2 The original TPO covers the woodland lies behind the houses known as Teindland, Marsden, Craigsheen and Ben Ard and also covers all the garden ground of Elmtree. Elmtree is a house built in the early 1990s following the protection of the trees. The reason for the original TPO is connected to a refusal for 2 houses at that same location in 1990.

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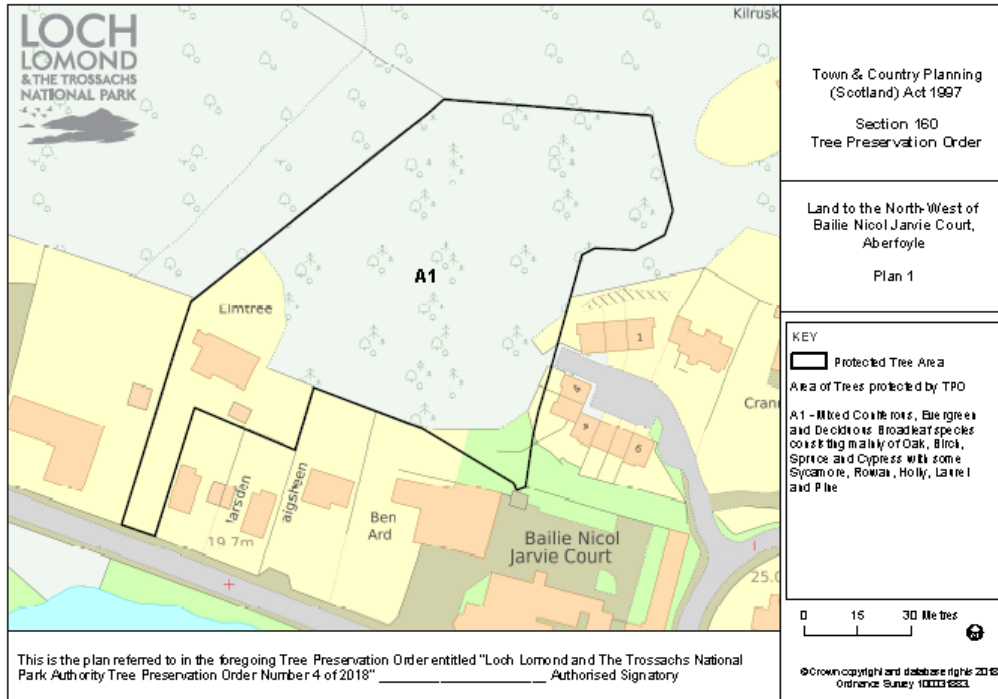


Figure 2 – Site Plan (Original TPO – Revocation 2018/0004)

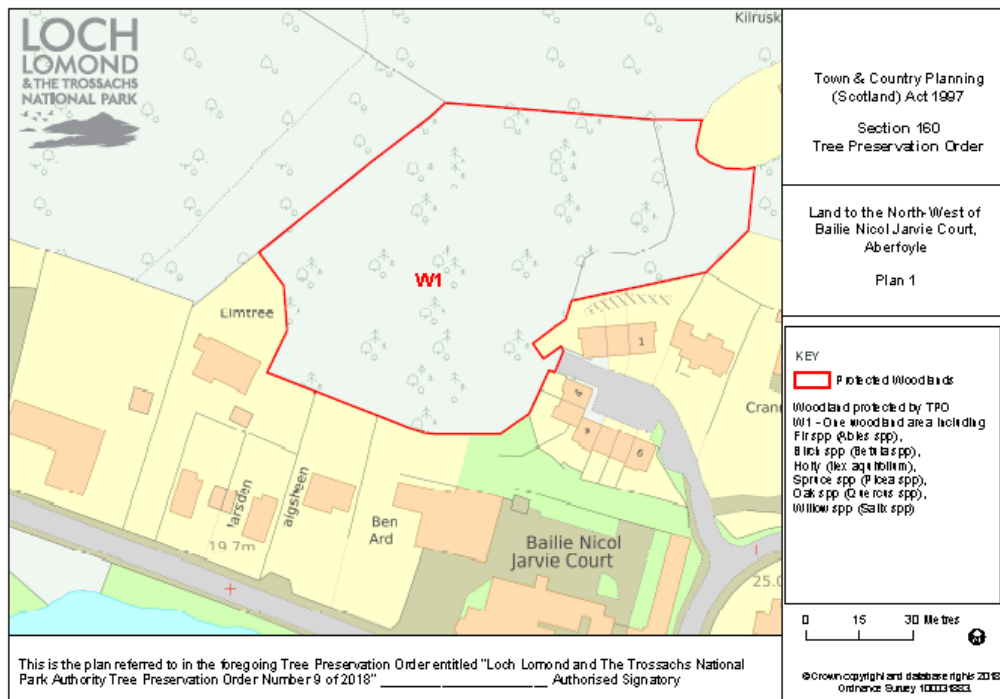


Figure 3 – Site Plan (New TPO – 2018/0009)

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- 2.3 The new site area covers the woodland only and not garden ground areas as shown in Figure 3.



Figure 3 – Photograph of TPO looking up the driveway of the house known as Elmtree

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Figure 3 – Photograph of TPO behind the flats in the cul de sac Staball Ard

3. Relevant Planning History

3.1 The planning history relevant to the original TPO is as follows:

- 90/00014/OUT/S – Erection of 2 dwellings (refused 07.02.1991), Land to the rear of Marsden
- 91/00013/OUT/S – Erection of dwelling house (approved 07.02.1992), Land to the rear of Marsden
- 94/00015/REM/S – Reserved Matters approved for 91/00013, Land to the rear of Marsden
- 94/00022/DET/S – Demolition of former stables and erection of block of three dwellings and erection of second block containing six dwellings, Staball Ard

4. Consultations and Representations

4.1 The following statutory consultations were undertaken in relation to the making of the TPO:

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- 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.

4.2 In addition, an advert was placed in the Stirling Observer on the 30th March 2018 and Strathard Community Council was notified.

Responses to consultation:

4.3 There were no responses received.

5. Assessment

5.1 Members are being asked to confirm the revocation Tree Preservation Order (2018/0004/TPO) and new Tree Preservation Order (2018/0009/TPO) both made on the 20th March 2018. These TPOs were served following re assessment of the TPO which found that the woodland still merited protection by a TPO however the schedule 1 of the TPO did not comply with current requirements and the boundaries did not reflect the current extent of the woodland due to consented development.

5.2 The TEMPO method scores a woodland on a number of categories as follows. Part 1 is the amenity assessment which is broken down into four sections:

- Condition (relates to current management and health);
- Naturalness (age of woodland cover);
- Size of woodland;
- 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.

5.3 The woodland scored 21 with a score greater than 21 indicating a TPO is definitely merited. This score is comprised from 8 (out of 10) for condition; 8 (out of 10) for; 2 (out of 10) for size, 2 (out of 10) for cultural factors. The expediency was 1 (out of 5).

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6. Conclusion

- 6.1 The Members are being asked to confirm the two Tree Preservation Orders, made on 20th March 2018 which will result in this important area of woodland to the north of Aberfoyle being protected by an updated TPO.