

National Park Authority

Planning & Access Committee

Agenda Item 5



Tree Preservation Order Recommendations

TPO review

1. Introduction

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. As part of this ongoing review, the recommendation in this paper is that four TPOs are revoked and three new TPOs are created.

2. Recommendation

2.1 That Members:

- a) **Note** the making of the following TPO issued with approval of the Chair of Planning & Access Committee.
 - 2018-0001-TPO – revocation - Leny Lodge to Leny Feus made on the 14th March 2018
 - 2018-0003-TPO – revocation The Poker Tree, Aberfoyle - made on the 8th March 2018
 - 2018-0004-TPO – revocation - Land North West of Bailie Nicol Jarvie Court, Aberfoyle - made on the 20th March 2018
 - 2018-0005-TPO – revocation – The Limes, Gartmore - made on the 20th March 2018.
 - 2018-0006-TPO – new – Leny Lodge to Leny Feus - made on the 14th March 2018
 - 2018-0008-TPO – new - The Poker Tree, Aberfoyle - made on the 8th March 2018
 - 2018-0009-TPO – new - Land North West of Bailie Nicol Jarvie Court, Aberfoyle – made on the 20th March 2018
- b) **Confirm** these seven TPOs without **modification**.

3. Background

- 3.1 The 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 serve a TPO – this removal process is called 'revoking' a TPO.

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3.2 In March 2018, seven TPOs were made following approval by the Director of Rural Development and Planning as authorised by the Chair of the Planning & Access Committee in accordance with the Scheme of Delegation. 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 then required to make a decision as to whether the seven TPOs are to be confirmed unmodified, following a review of the representations and any other matters arising.

4. Tree Preservation Order Descriptions

4.1 The seven TPOs being considered are described below at four locations as shown on the map below. There are 6 TPOs that are grouped together in pairs where one has been revoked and a new one served. The seventh TPO is only being revoked (The Limes, Gartmore).

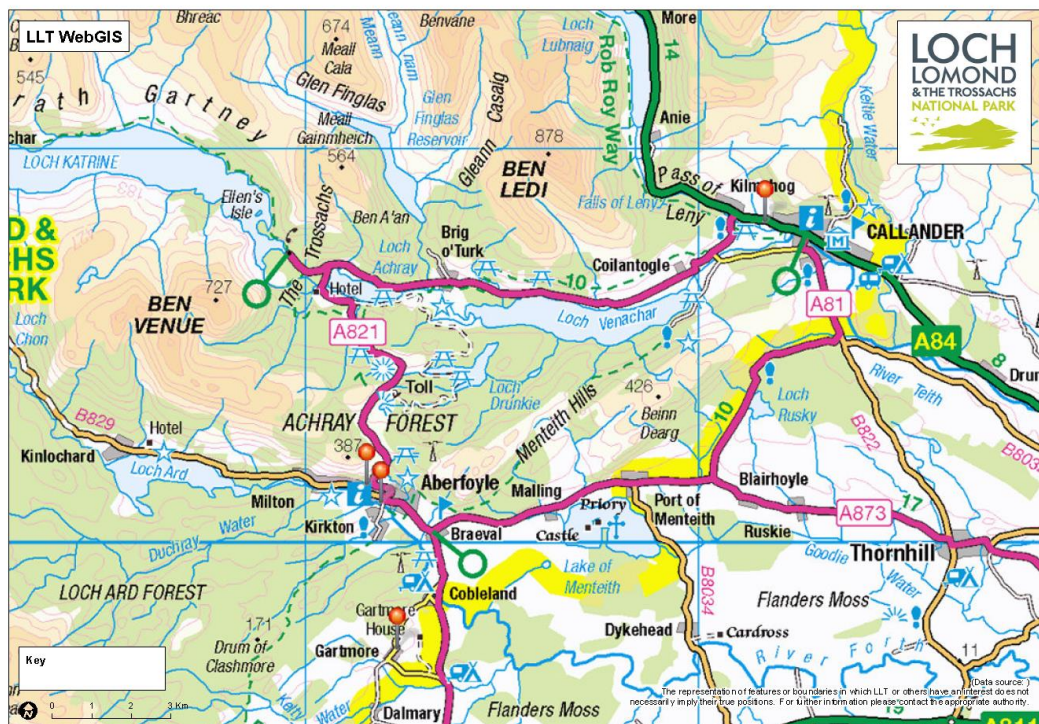


Figure 1 – Location of the seven TPOs at four locations

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4.2 Considering each in turn:

Leny Lodge to Leny Fues, Callander (Ref: 2018/0001/TPO and 2018/0006/TPO)

The site lies to the east of Callander along the A84 Trunk Road (see the location plan in **Appendix 1**). The site lies on the boundary of the Callander Conservation Area and forms an avenue. There are 49 lime trees, 1 oak tree and a group of mixed coniferous and broadleaved species that are protected by TPO served by Stirling Council in 1988 due to the significant contribution the avenue makes to the setting of Callander. It is recommended that the original TPO is revoked by confirmation of TPO reference 2018/0001/TPO and a new TPO is confirmed (ref 2018/0006/TPO) with the amendments to protect 51 lime trees, 1 sycamore tree and a group of trees with yew and holly. The serving of the new TPO protects fifty-two individual trees. The detailed assessment is contained in **Appendix 1**.

The Poker Tree, Aberfoyle (Ref: 2018/0003/TPO and 2018/0008/TPO)

The site lies to the south of Lochard Road (B829) to the west of Aberfoyle, opposite the former hotel, known latterly as Bailie Nicol Jarvie hotel. The site lies adjacent to the River Forth. The TPO extends alongside the River Forth and included one individual mature oak, known as the 'Poker Tree' and a small group of trees along the edge of the river. It is recommended that the original TPO is revoked by confirmation of TPO reference 2018/0003/TPO and a new TPO is confirmed (ref 2018/0008/TPO) with the amendments to remove the group of trees and only protect the individual oak, the 'Poker Tree'. The detailed assessment is contained in **Appendix 2**.

Land North West of Bailie Nicol Jarvie Court, Aberfoyle (Ref: 2018/0004/TPO and 2018/0009/TPO)

The site lies to the north of Lochard Road (B829) behind a group of detached houses and to the west of the residential cul de sac, Staball Ard, Aberfoyle. The woodland is adjacent to the boundary of the Special Area of Conservation (Trossachs Woods). The Tree Preservation Order protects a group of trees within the garden ground of a private house known as Elmtree, and the woodland to the rear of all the properties. It is recommended that the original TPO is revoked by confirmation of TPO reference 2018/0004/TPO and a new TPO is confirmed (ref 2018/0009/TPO) with the amendments to remove the group of trees within the garden ground of Elmtree. The detailed assessment is contained in **Appendix 3**.

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The Limes, Gartmore (Ref: 2018/0005/TPO – Revocation)

The site lies at the north of the village of Gartmore at the entrance to Gartmore House. The trees are within the conservation area of Gartmore and form an avenue of lime trees. There are twelve individual trees protected by the Tree Preservation Order but since being served 4 trees have been removed. It is recommended that the original TPO is revoked by confirmation of TPO reference 2018/0005/TPO as the trees no longer merit a TPO. It should be noted however the notification of any proposed tree work would still be required to be made to the planning authority given they are within the Gartmore Conservation Area. The detailed assessment is contained in **Appendix 4**.

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. Consultation

- 6.1 A statutory consultation for 28 days was undertaken in relation to the above TPOs by the Park Authority. The relevant parties, including Forestry Commission, property owners/tenants and any party entitled to undertake works to the tree such as a neighbour were given notice and site notices and adverts were used to inform the public and seek any comments. There is a duty to consider any representations before confirming a TPO
- 6.2 There were no representations received in relation to any of the TPOs served.

7. Conclusion

- 7.1 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 TPOs lying within the National Park.

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- 7.2 It is recommended that the following TPOs are confirmed without modifications:
- Leny Lodge to Leny Fues, Callander (Ref: 2018/0001/TPO and 2018/0006/TPO)
 - The Poker Tree, Aberfoyle (Ref: 2018/0003/TPO and 2018/0008/TPO)
 - Land North West of Bailie Nicol Jarvie Court, Aberfoyle (Ref: 2018/0004/TPO and 2018/0009/TPO)
 - The Limes, Gartmore (Ref: 2018/0005/TPO – Revocation)

8. Background Documents

- 8.1 The original TPO schedules and plans are available online on The Park Authority's website <http://www.lochlomond-trossachs.org/planning/planning-applications/make-an-application/tree-preservation-orders-national-park/>

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Appendix 1 - Leny Lodge to Leny Feus, Callander

Appendix 2 – The Poker Tree, Aberfoyle

Appendix 3 – Land North West of Bailie Nicol Jarvie Court, Aberfoyle

Appendix 4 – The Limes, Gartmore

Appendix 5 - TEMPO guidance