

National Park Authority

Planning & Access Committee

Agenda Item 5

Tree Preservation Order Recommendation 2018/0011/TPO



1. Introduction

- 1.1. This report forms part of an ongoing review of the Tree Preservation Orders within the National Park as required by The Town and Country Planning (Scotland) Act, Section 159 (c). 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. This paper considers a TPO in Lochgoilhead, Argyll.

2. Recommendation

2.1 Members are to:

- a) **Note** that Loch Lomond & The Trossachs National Park Authority (Land To The North Of Donich View, Lochgoilhead, Argyll) Tree Preservation Order (No. 11(2005)) confirmed on 24th April 2006 (the “Original Order”) was varied on 17th August 2018 by the Loch Lomond and The Trossachs National Park Authority (Tree Preservation Order Number 11 of 2018 (the Variation Order)) with approval of the Chair of the Planning & Access Committee (Reference: 2018/0011/TPO)
- b) **Confirm** the Variation Order **without further modification**.

3. Background

- 3.1 Planning authorities can make a Tree Preservation Order (TPO) if it appears to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. TPOs can also be made in circumstances where it is considered that there is an imminent threat of wilful destruction to trees or woodlands. The aim of making any TPO is to protect individual trees or woodland of particular value, while taking a proportionate assessment of the risk and threat in each individual case.
- 3.2 This woodland north of Donich View, Lochgoilhead is covered by the original Order made by this Authority in 2005 and confirmed on 24th April 2006.

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3.3 As part of the ongoing TPO review project, the suitability of this woodland (along with the associated documentation) was reviewed and it was recommended that the original Order was varied to better protect the woodland with more relevant conditions pertaining specifically to woodland and to amend the plan in the original Order.

4. Site Location and Description

- 4.1 The woodland is located between the River Goil and Donich View, Lochgoilhead (refer Figure 2) and forms an attractive riverside edge at the start of the village.
- 4.2 There is a core path running through the woodland close to the river and the southern boundary of the woodland lies adjacent to the gardens of the houses on Donich View.
- 4.3 The woodland is on the Ordnance Survey 1866 map but is not recorded on the Scottish National Heritage's Ancient Woodland Inventory, probably due to its small size.
- 4.4 The woodland is dominated by mature specimens and the main species are beech, sycamore, oak and ash. There is little understorey or signs of regeneration.
- 4.5 While the woodland is undoubtedly of planted origin (in the early 19th century) it has matured into a woodland of importance both for amenity and biodiversity, and could be further improved with appropriate management.

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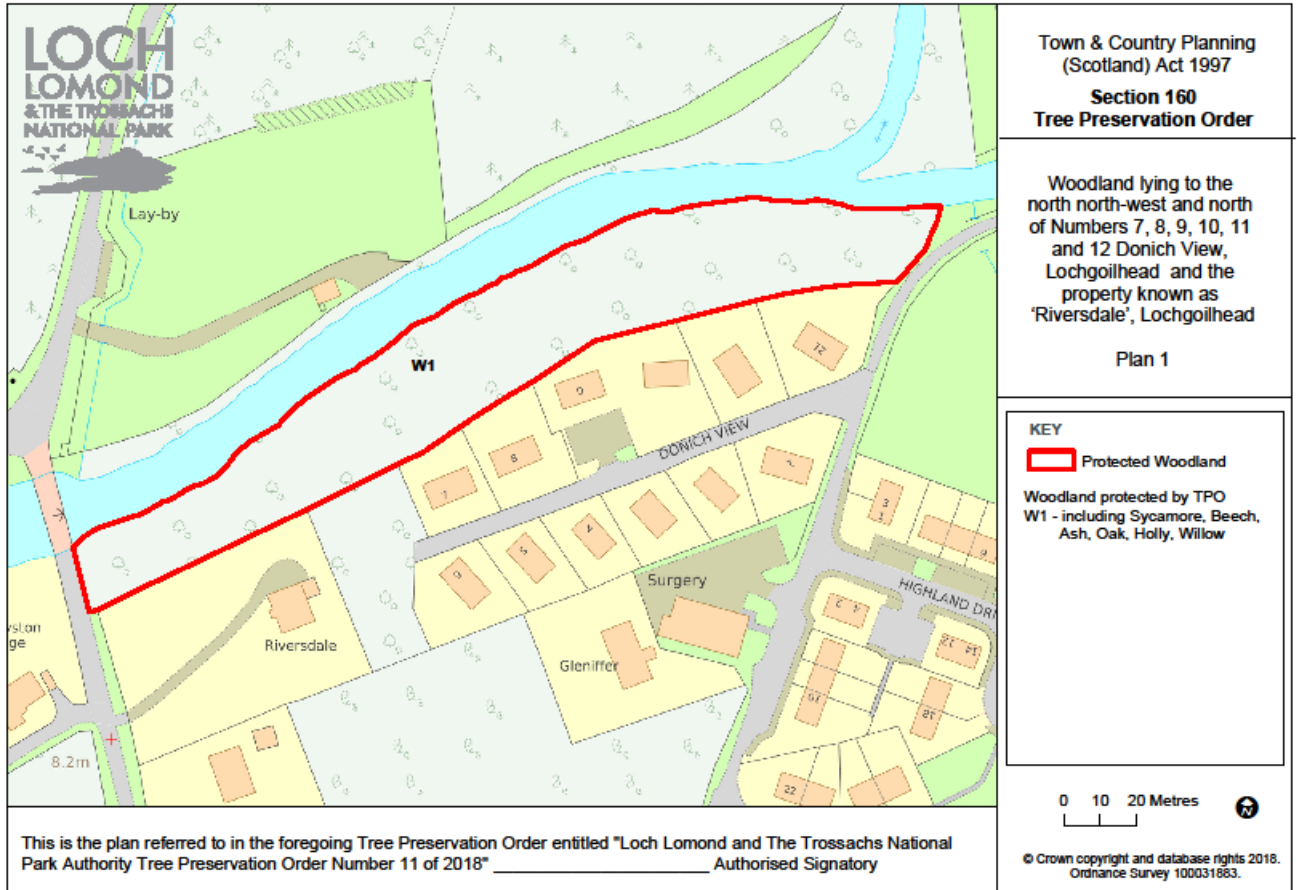


Figure 2 - Site Plan - This plan shows the TPO boundary

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Figure 3 – Photographs of the site

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5. Relevant Planning and Tree Works Application History

5.1 There is a pending tree works application:

- 2018/0196/TRE – Various felling and pruning works to manage the trees in the woodland.

6. Consultations and Representations

6.1 After a TPO has been varied by the National Park Authority, interested parties are notified in writing and an advert is placed in the relevant local newspaper. There is then a consultation period of at least 28 days during which representations on the varied TPO can be submitted. The TPO must be confirmed by the Planning and Access Committee within 6 months of the TPO being varied in order for it to become permanent.

6.2 The following statutory consultations were undertaken in relation to the varying of the TPO:

- 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.

An advert was placed in the Dunoon Observer on the 31st August 2018 and the Lochgoilhead Community Council was notified

Responses to consultation:

6.3 A single representation was made by Robert K. Mackenzie, Minister, Lochgoilhead & Kilmorich Church.

6.4 The following is a summary of the points raised:

- The local church (as owners of the land) has concerns about the safety of the trees and has closed the core path (with Park Authority awareness).

Officer response: *There is a pending tree works application by the land owner which is intended to address these concerns and enable the path to be reopened.*

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- It is considered that the description of the TPO is misleading with regard to the species mix present and recommends the following amendment “Wood is dominated by non- native beech and an a mixture of sycamore, with some native species on its fringes”.
Officer response: *These comments are noted however by convention the species are listed in order of decreasing frequency and it is not considered any modification is required*
- The woodland was established in 19th century and it is not native woodland.
Officer response: *Noted – this point is addressed in the below assessment.*
- There is establishing non-native conifer and rhododendron in the woodland while over time dominated the woodland and notes “This natural process is what preservation will tend to maintain”
Officer response: *The TPO is not solely intended to preserve individual trees or the current exact species mix but it is to preserve tree cover and the woodland as a whole. The Park Authority welcomes and encourages dialogues with the land owner on the longer term woodland and tree management plans*
- The Park Authority, as part of the current Tree Works Application (2018/0196/TRE), is recommending planting smaller native species which are not currently present in the woodland
Officer response: *Smaller native tree planting is recommended in proximity of the domestic properties. This will maintain woodland cover while avoiding overshadowing and in order to establish a more diverse woodland. Replacement tree planting is a standard requirement in tree works applications and is the responsibility of the landowner.*

7. Legislative Context

- 7.1 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 under The Town and Country Planning (Scotland) Act, Section 159 (c). Government guidance is set out in Circular 1/2011: Tree Preservation Orders.

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8. Assessment

- 8.1 The woodland was assessed in accordance with a modified Tree Evaluation Method for Tree Preservation Orders (TEMPO) for woodlands (See appendix 2 for TEMPO guidance). TEMPO was developed as a field guide to consider all relevant factors when to assess trees/woodland for a TPO.
- 8.2 The woodland comprises of mainly mature trees which extends from the edge of the Donich River to the rear to the properties on the north side of Donich View, Lochgoilhead. The woodland forms an attractive edge to the Lochgoilhead village.
- 8.3 The TEMPO method scores a woodland using the following categories:

Part 1 is an 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 an expediency assessment which considers the level of threat to the woodland.

- 8.4 On the above basis the woodland scored 24 with a score greater than 21 indicating a TPO is definitely merited. The total score is based on 8 (out of 10) for condition, 10 (out of 10) for naturalness (although not listed in the Ancient Woodland Inventory the woodland is recorded on the 1866 OS 1st edition map and is thus of sufficient age to be considered an ancient woodland); and 2 (out of 10) for size. The expediency rating was 1 (out of 5).

9. Conclusion

- 9.1 Members are being asked to confirm the Variation Tree Preservation Order, made on 17th August 2018 without modifications.
- 9.2 The woodland is prominent from both the public highway and forms an attractive setting for a core path and an attractive edge to the village of Lochgoilhead.

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As part of the ongoing TPO review project, the woodland has been assessed as still worthy of protection by a TPO and a Variation TPO was recommended in order to bring the TPO in line with current guidance.

The Variation Order prohibits any unauthorised tree work and ensures that any works undertaken are in line with best practice. Also it provides for the replacement of any consented tree felling works thereby helping to maintain the woodland.

10. Background Documents

- 10.1 The made TPO schedule and plan 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/>

Author: Simon Franks, Tree and Woodland Advisor

Executive Sponsor: Stuart Mearns, Director of Rural Development and Planning

Appendix 1 - TEMPO guidance