



## Planning and Access Committee

Meeting: 28<sup>th</sup> June 2021

### Agenda item 5: Tree Preservation Order Recommendation

2020/0001/TPO

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#### 1. Introduction

1.1. This report forms part of an ongoing review of the Tree Preservation Orders (TPO) 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 trees, groups of trees and woodland in terms of value to amenity and/or cultural or historical significance and updated their protection by the new TPO. This paper recommends that an updated TPO in Drymen, Stirling is confirmed following a period of consultation.

## 2. Recommendation

2.1. Members are asked to:

- a) **Note** the making of the TPO on the 14<sup>th</sup> January 2021– issued with approval of the Chair of the Planning & Access Committee (Reference: 2020/0001/TPO)
- b) **Approve the recommendation to confirm** the TPO without 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. The area covered by this new TPO was originally covered by part of a TPO from 1961 and a later TPO from 1972: both made by County Council of Stirling.
- 3.3. As part of the ongoing TPO review project, the suitability of existing trees, groups of trees and woodland (along with the associated documentation) was reviewed and it was recommended that a new Order was made to better protect the existing trees, groups of trees and woodland with an updated Tree Preservation Order.

## 4. Site location and description

- 4.1. The TPO protects existing trees, groups of trees and woodlands both on the eastern and northern approaches to Drymen and within the village its-self.
- 4.2. A total of 165 trees, the majority being Oak (71 %) are covered by the new TPO along with seven groups of trees and seven woodland which include areas of native and ancient woodland. This TPO includes nine additional trees which were just outwith the original TPO but form a continuation of the historic field edge tree feature which was already protected by the existing TPO - tree numbers T58 to T66.
- 4.3. The trees are mainly mature specimens probably relating to a previous agricultural field structure prior to the village expanding. Some younger specimens are included where they contribute to the character of the village and its surroundings. The woodlands are generally mature woodland with well-established tree however there are some younger areas of trees resulting from conditional replanting due to tree works consent or from TPO enforcement action

4.4. The TPO covers trees on the Old Gartmore road running south into the village, east along B858 and A811 to Blarnavaid Farm. Further trees are protected along southern portion of the B858 and B837 leading north to Balmaha. The woodland protected include the woodland opposite the Primary school and extensive woodland on the south side of B837. A separate TPO covers trees and woodland in the adjacent Buchanan Castle Estate which will be reviewed in due course.

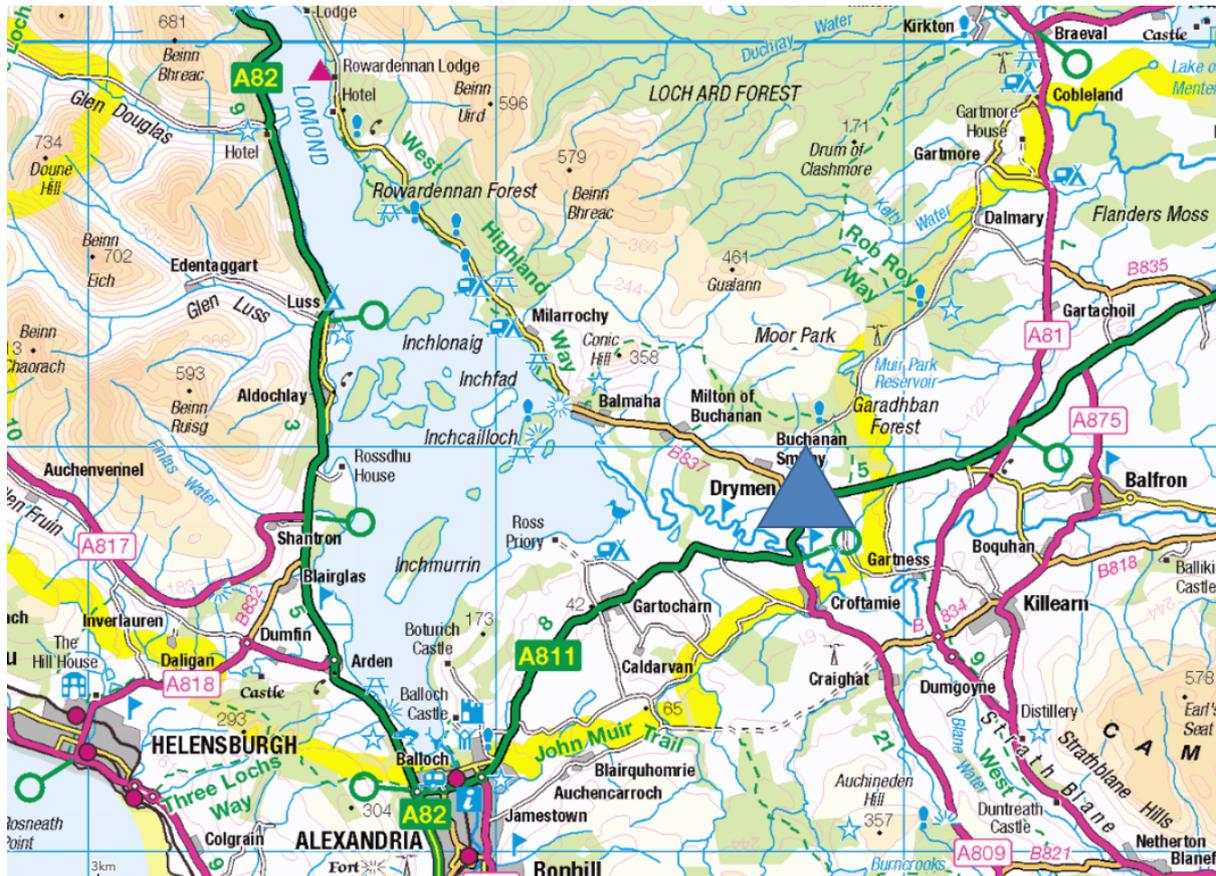
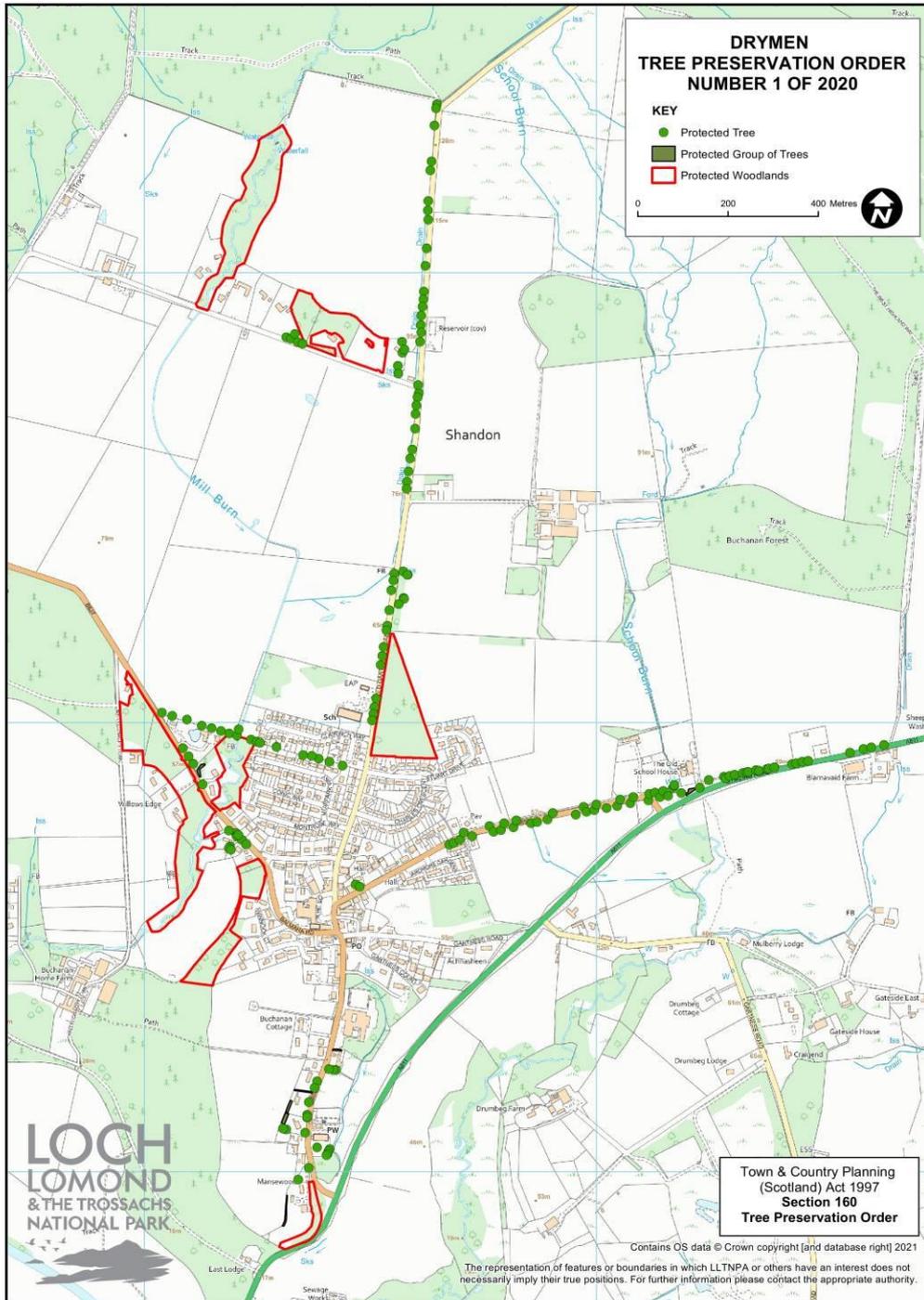


Figure 1 Location Map - Blue triangle shows general location of TPO



**Figure 2** –This plan shows the trees, groups of trees and woodland protected by the TPO



**Figure 3** Photographs showing a sample of trees and woodlands covered by the TPO. Photograph shows T54, 55 and 56 in the foreground and W3 in the background

Photograph below shows T89 and 90

Photograph below shows part of W6



Photograph below shows T154 and 155



Photograph below shows area of young replanted trees in W4 with the original mature woodland behind



## 5. Relevant Planning History

- 5.1. The TPO as made included areas both within and outside the village boundary, as defined for planning terms in the Local Development Plan as well as area in and outside the Conservation Area.
- 5.2. Given the size of the TPO a full planning history for the area affected is not given however as part of the assessment process planning history was considered.

## 6. Consultations and Representations

- 6.1. The following statutory consultations were undertaken in relation to the making of the TPO:
  - a) Scottish Forestry
  - b) The owners of the land on which the trees, groups of trees or woodland 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.
- 6.2. In addition, an advert was placed in the Stirling Observer on the 20<sup>th</sup> January 2021 and the Drymen Community Council was notified.
- 6.3. *Responses to Notification:*
- 6.4. Three representations were received following the making of the TPO were received and these are summarised below.
- 6.5. A representation made by Robert Scott was received.

The following is a summary of the points raised:

- It was highlighted that a number of trees to the west of the Winnock Hotel were not included in the TPO and it was considered they should be included as they contribute to the wooded nature of the village

**Officer response:** While the trees highlighted are outwith the original TPO which was being reviewed they are within the Drymen Conservation Area. The Planning Authority would oversee of any proposal for tree works to these trees via tree works notification process that is required in Conservation Areas. Due to this it is not proposed that the TPO should be modified to include these additional trees given they are already protected.

## 6.6. A representation by William Thomson was received

The following is a summary of the points raised:

- The response highlighted the issues relating to litter and state of the path present in the woodland (W6) which he owns and wished to discuss these issues further with Park Authority

**Officer response:** The above points are noted and have been passed onto the Access and Recreation team discuss further with the owner as these issues would come under their remit.

## 6.7. A representation by Norma and Bob Gillespie was received

The following is a summary of the points raised:

- They highlight issues relating to fires and construction of a structure in the woodland and the impact of them on the trees. They wish the enforcement powers associated with the TPO to be used to manage these issues

**Officer response:** The above points are noted however the use of enforcement powers associated with TPOs to manage these issues would not be appropriate. These issues have been passed onto the Access and Recreation team and Police Scotland for their awareness and for consideration as per the previous representation.

## 7. Assessment

7.1. Members are being asked to approve the recommendation to confirm the Tree Preservation Order, made on 14<sup>th</sup> January 2021.

7.2. The assessment of the trees, groups of trees and woodlands and the need for a TPO includes a structured evaluation. This is known as the Tree Evaluation Method for Tree Preservation Orders (TEMPO). There are two TEMPO methods depending on whether a tree or group of trees or a woodland are being assessed

7.3. The TEMPO method scores a tree ( or group of trees) on a number of categories as follows:

- Condition (relates to health and physical form);
- Retentions span (Remaining lifespan);
- Relative public visibility
- 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 or woodland concerned.

The score attributed provides a guide to the need for making a TPO, but is not the sole basis for assessing the need. A score of 11 or over shows that a TPO is defensible.

7.4. The protected trees scored between 11 and 20 with the most frequent score being 20 with a mean of score of 15. By way of example scores - T54, 55 and 56 scored 20, 11 and 20 respectively, T55 obtained a lower score due previous pruning and storm damage affecting the tree's form. T89 and T90 both scoring 19 while T154 and 155 scored 12.

7.5. The TEMPO method scores a woodland on a number of categories which are as follows:

- Condition (relates to current management and health);
- Naturalness (age of woodland cover);
- Size of woodland;
- Cultural factors. (historic, natural heritage designation and public use)
- 'Expediency assessment' - the level of threat

7.6. The score attributed provides a guide to the need for making a TPO, but is not the sole basis for assessing the need. A score of 16 or over shows that a woodland TPO is defensible.

7.7. The protected woodlands scored between 18 and 30 with the mean score being 23. By way of example W3 scored 18, W4 scored 30, W6 scored 20.

## **8. Conclusion**

8.1. It is recommended that the new TPO be confirmed in order to update the protection afforded by the previous Tree Preservation Orders from 1961 and 1972, with a small increase in the number of trees protected This updated TPO will ensure that the trees and woodland have protection by a TPO which comply with current guidance. This will enable clarity as to which trees and woodlands is protected and ensure this protection is legally robust to challenge.

8.2. The trees and woodland integrate the village's built heritage with the surrounding countryside and contribute significantly to the amenity of the village and to the long distance walking and cycling routes which pass through the village. The removal or fragmentation of the existing tree and woodland cover would have an adverse impact on the amenity and landscape setting of the village and its surroundings.

8.3. A Tree Preservation Order helps preserve and maintain the wooded character of the village and its approaches by reducing the loss of significant trees, groups of trees and woodlands, and enabling replacement planting as and when required. It is therefore appropriate to protect the trees and woodlands in Drymen with an updated Tree Preservation Order.

## 9. Background documents

9.1. The made TPO schedule and plan are available on line on [The Park Authority's website](#).

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Appendix 1 – Tree TEMPO guidance  
Appendix 2 – Woodland TEMPO guidance