

Tree Preservation Order Recommendation

2022/0001/TPO

Agenda Item 5

National Park Authority Planning & Access Committee

Date 27 June 2022

Paper for decision

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1. Purpose

- 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 Arden House Policies is confirmed following notification and associated period for comments to be submitted.

2. Recommendation(s)

- 2.1. Members are asked to:

- 2.1.1. **Note** the making of the TPO on the 17 March 2022– issued with approval of the Chair of the Planning & Access Committee (Reference: 2022/0001/TPO)
- 2.1.2. 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 protected by a TPO from 1998 made by Argyll and Bute Council.
- 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 an Order was still required and a new Order was made to better protect the existing trees, groups of trees and woodlands with an updated Tree Preservation Order.

4. Site Location and Description

- 4.1. The TPO protects existing trees, groups of trees and woodlands which form the setting of the grade B listed property of Arden House and form a key part of locally important Arden House designed landscape.
- 4.2. A total of 51 trees, the majority being broadleaves (71 %) are covered by the new TPO along with two groups of trees and three woodlands which include areas of ancient woodland. This new TPO has slightly extended the area protected to the north of the previous TPO to provide a robust clear boundary for the protected woodland in this area.
- 4.3. The trees are mainly mature specimens, probably relating to a previous designed planting associated the original Arden House. By way of species protected by the TPO, oak and lime are the most frequent broadleaves species, along with specimen conifers such as; Douglas fir, Coastal and Giant Redwoods.

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

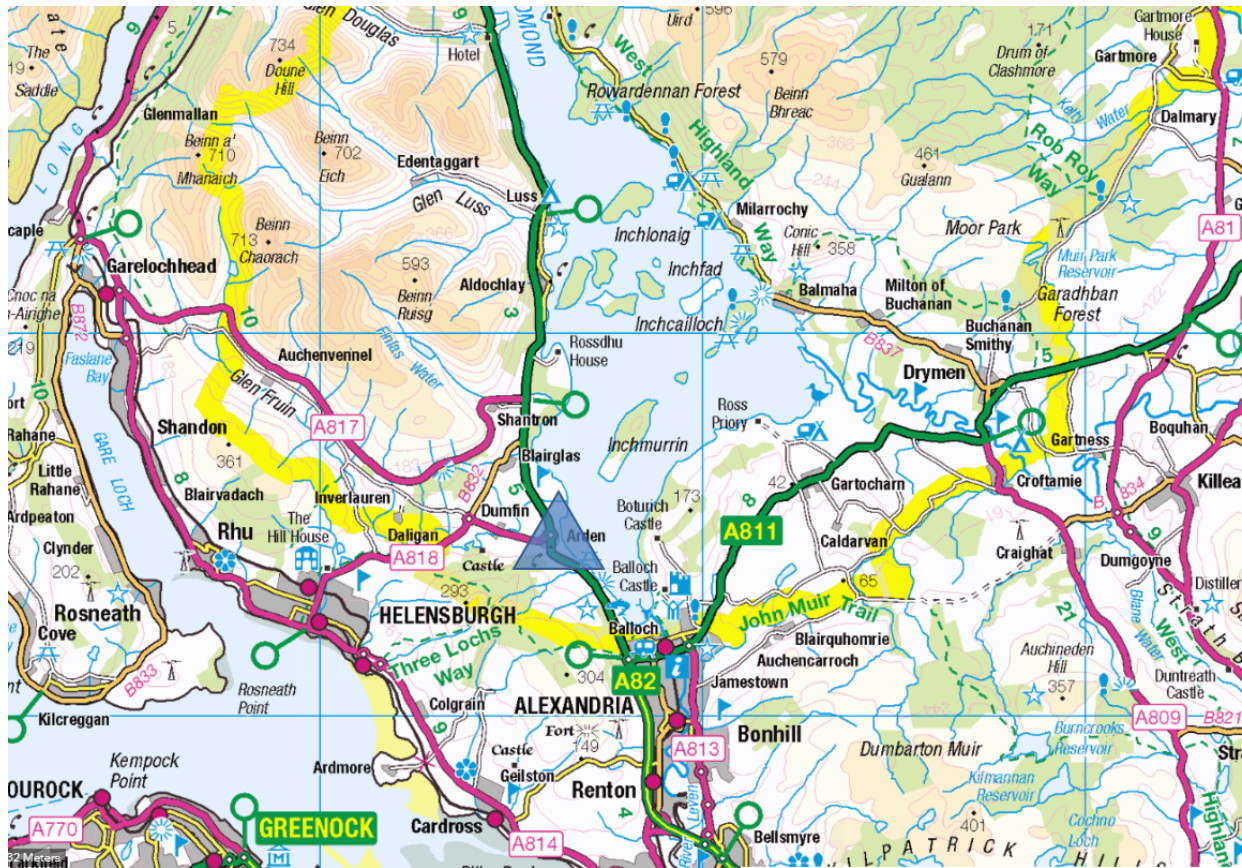


Figure 2a – showing the TPO in the context of South Loch Lomond on an aerial image



Figure 2b showing the TPO on a larger scale aerial image



Figure 3 –This plan shows the trees, groups of trees and woodland protected by the TPO

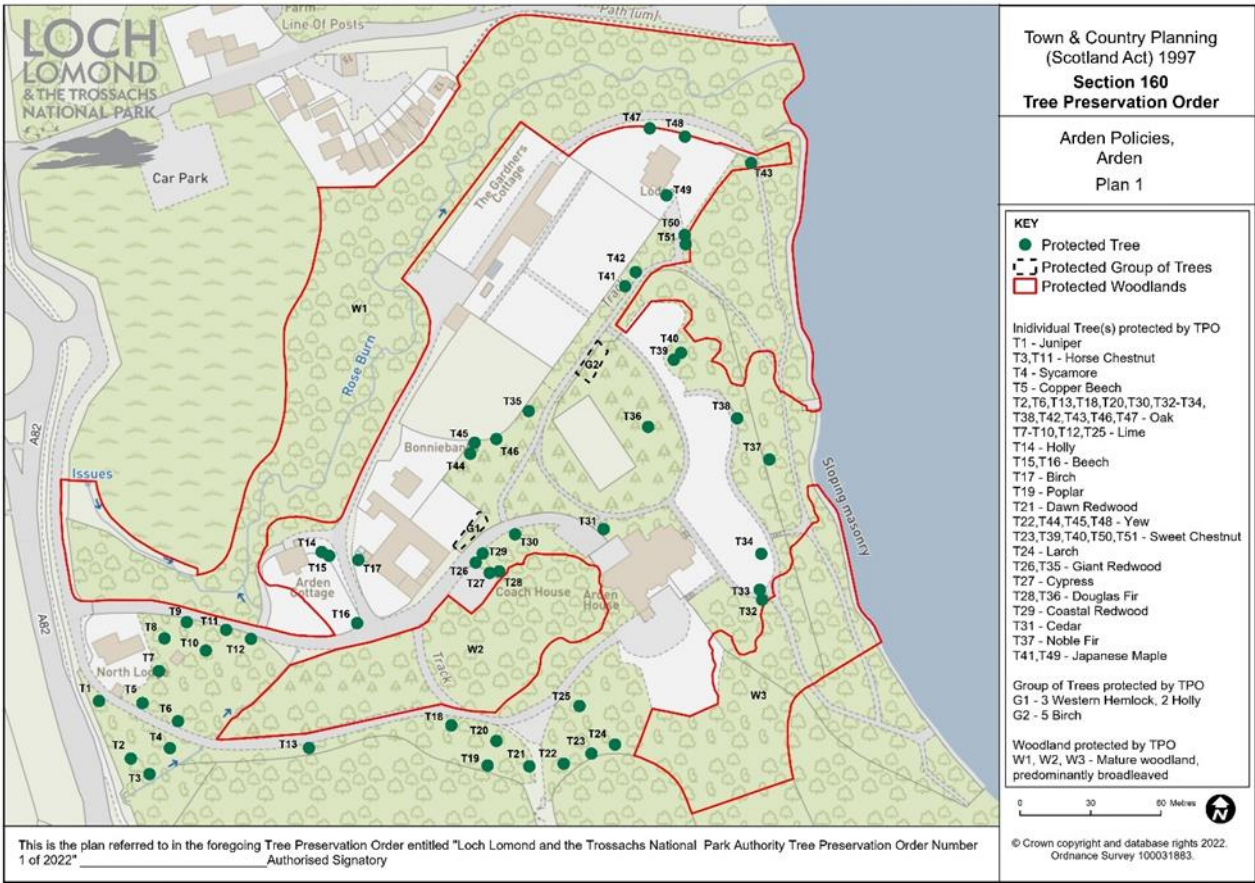


Figure 4 Photographs showing a sample of trees and woodlands covered by the TPO.

Photograph below shows T25



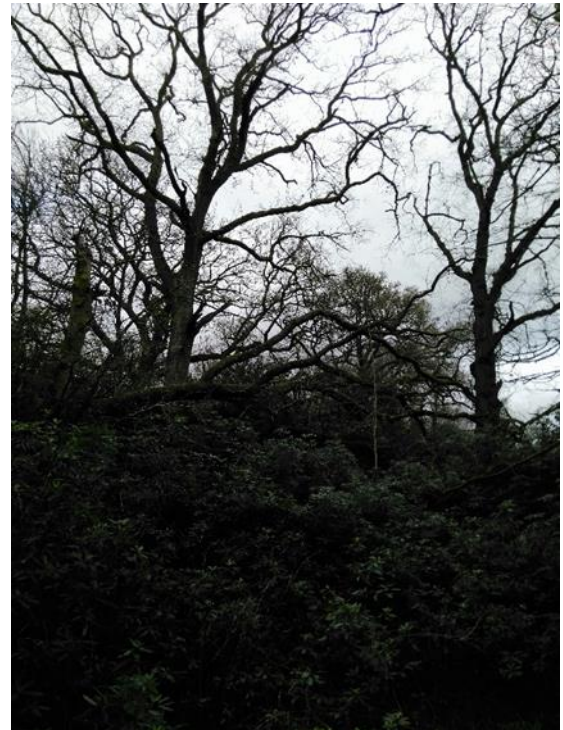
Photograph below shows T36



Photograph below shows T50 and T51



Photograph below shows part of W1



5. Relevant Planning History

- 5.1. There are 53 permissions affecting to the area covered by the Tree Preservation Order, they mainly relate to planning application approvals for

minor extensions/ subdivision or change of use of the existing buildings along with associated granted listed building consents.

5.2. The following permissions are highlighted as of particular relevance to this Tree Preservation Order:

5.2.1. 2010/0059/DET Erection of 2 No. holiday lodges - expired permission for lodges around protected trees

5.2.2. 2016/0087/TRE - Work to trees with a TPO - crown reduction by 30% of 1 no ash tree and fell 1 no oak tree – works to trees within protected woodland

5.2.3. 2016/0132/DET – Erection of 2 No. holiday lodges, initiated permission adjacent to protected trees and group.

6. Consultations and Representations

6.1. The following statutory notifications were undertaken in relation to the making of the TPO:

6.1.1. Scottish Forestry

6.1.2. The owners of the land on which the trees, groups of trees or woodland are situated, and any party entitled to:

- fell, top, lop, uproot or otherwise damage or destroy any tree to which the tree preservation order relates; or
- work by surface working any materials in, on or under such land.

In addition, an advert was placed in the Helensburgh Advertiser on the 24 March 2022 and the Luss and Arden Community Council was notified.

6.2. Responses to Notification :

No responses were received following the above notification.

7. Assessment

7.1. Members are being asked to approve the recommendation to confirm the Tree Preservation Order, made on 17 March 2022.

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:

7.3.1. Condition (relates to health and physical form);

- 7.3.2. Retentions span (Remaining lifespan);
- 7.3.3. Relative public visibility;
- 7.3.4. Other factors such as arboricultural features or veteran trees, trees which have significant historical or commemorative importance.
- 7.4. Part 2 is the expediency assessment which is the level of threat to the trees or woodland concerned.
- 7.5. 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.
- 7.6. The protected trees scored between 11 and 21 with the most frequent score being 15 with a mean score of 17. By way of example scores – T25 scored 20, T36 scored 21, T50 and T51 both scored 17.
- 7.7. The TEMPO method scores a woodland on a number of categories which are as follows:
 - 7.7.1. Condition (relates to current management and health);
 - 7.7.2. Naturalness (age of woodland cover);
 - 7.7.3. Size of woodland;
 - 7.7.4. Cultural factors. (historic, natural heritage designation and public use);
 - 7.7.5. 'Expediency assessment' - the level of threat.
- 7.8. 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.
- 7.9. The protected woodlands scored between 22 and 26. W1 scored 23, W2 scored 22 and W3 scored 26.

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 Order from 1998, with a small increase in the area of woodland protected. This updated TPO will ensure that the trees and woodland have protection by a TPO which complies 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. Arden House and its policies are prominent in the landscape, especially when viewed from Loch Lomond, and make an important contribution to the scenic and historic character of the area. Loss or fragmentation of the existing tree and woodland cover would have an adverse impact on the amenity and

landscape setting of the House, the associated buildings and locally important designed landscape.

8.3. This Tree Preservation Order will help to maintain the trees and woodland which create the setting of this listed building and the associated designed landscape by ensuring that when felling or other trees works are needed they are appropriate, and replacement planting is undertaken when required from any approved tree works.

8.4. In the interests of amenity it is therefore appropriate to protect the trees and woodland around Arden House with this 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 <http://www.lochlomond-trossachs.org/planning/planning-applications/make-an-application/tree-preservation-orders-national-park/>

10. Appendices

Appendix 1 – Tree TEMPO guidance

Appendix 2 – Woodland TEMPO guidance

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