The Town and Country Planning (Scotland) Act 1997

Loch Lomond and The Trossachs National Park Authority Tree Preservation Order

Number 3 of 2026

LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY, a National Park Authority and body corporate established in terms of and acting under the National Parks (Scotland) Act 2000 and the Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 and having its principal office at National Park Headquarters, Carrochan, 20 Carrochan Road, Balloch, G83 8EG makes the following Tree Preservation Order in exercise of the powers conferred by section 160 of the Town and Country Planning (Scotland) Act 1997 as amended and all other powers enabling it to do so.

Reason for making this Tree Preservation Order

The woodland on the island of Inchcailloch is a prominent and distinctive landscape feature, clearly visible from Balmaha and other locations around Loch Lomond, and forms an important part of the chain of wooded islands which contributes to the character and visual amenity of the loch. The woodland is of significant cultural and historical interest, having a long-established history of management associated with woodland grazing, charcoal production and tanning, and is recognised as being of ecological importance through its designation as part of the Endrick Mouth and Islands Site of Special Scientific Interest, (SSSI) and Loch Lomond Woods Special Area of Conservation (SAC).

The island is readily accessible to visitors from Balmaha and elsewhere and attracts significant recreational use, including day visitors and campers. This accessibility creates a risk of damage to the woodland through visitor activity, including fire, with evidence of fire damage to trees. Having regard to the woodland's visual prominence, ecological importance, contribution to the landscape and public enjoyment of Loch Lomond, its cultural and historical significance, and its vulnerability to visitor-related damage, it is considered expedient in the interests of amenity to make a Tree Preservation Order to protect the woodland from damage or loss.

Citation, commencement and interpretation

1. -(1) This Order may be cited as the Loch Lomond and The Trossachs National Park Authority Tree Preservation Order Number 3 of 2026 ("**this Order**") and takes effect on the date of execution hereof.

(2) In this Order-

"**the 1992 Order**" means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992;

"**the Act**" means the Town and Country Planning (Scotland) Act 1997;

"**the Plan**" means Plan 1 annexed and signed as relevant to this Order;

"**Article**" means an article of this Order

"**operational land**" has the meaning attributed to it by Section 215 of the Act;

"**planning authority**" has the meaning attributed to it in the Act;

"**protected tree**" has the meaning given in Article 2;

"**Schedule**" means a schedule annexed and signed as relevant to this Order;

"**statutory undertaker**" has the meaning attributed to it by Section 214 of the Act;

(3) In this Order, unless otherwise specified or the context otherwise requires:

(a) any reference to one gender includes all other genders;

(b) words in the singular only include the plural and vice versa;

(c) any reference to the whole is to be treated as including reference to any part of the whole;

(d) any reference to a person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality) and words importing individuals include corporations and vice versa;

(e) any reference to an Article, Schedule or Part of a Schedule is to the relevant Article, Schedule or Part of a Schedule of or to this Order;

(f) any reference to a statute or statutory provision includes any subordinate legislation which is in force from time to time under that statute or statutory provision;

(g) any reference to any statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time taking account of any amendment or re-enactment;

Protected Trees

2. - (1) A protected tree is a tree specified in Schedule 1 or comprised in a group of trees or in a woodland specified in that Schedule.

(2) The position of such trees, groups of trees or woodlands is identified in the manner indicated in Schedule 1 and on the Plan.

(3) Where any ambiguity as to the identification of a protected tree arises between the Plan and the specification in Schedule 1, the Plan is to prevail.

Prohibited Acts

3. - Subject to the provisions of the Act and the exemptions specified in Article 4, no person is except with, and in accordance with, the consent of the planning authority -
(a) to cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
(b) to cause or permit the cutting down, topping, lopping, uprooting, or wilful damage or wilful destruction of,
a protected tree.

Exemptions
4. - Nothing in Article 3 is to prevent-

(a) the cutting down of a tree in accordance with a felling permission granted by Scottish Forestry under the Forestry and Land Management (Scotland) Act 2018;

(b) the cutting down, uprooting, topping or lopping of a tree on land in the occupation of a planning authority when this is done by or with the consent of that authority;

(c) the cutting down, uprooting, topping or lopping of a tree by, or on behalf of, Scottish Forestry on land placed at their disposal in pursuance of the Forestry and Land Management (Scotland) Act 2018 or otherwise under their management or supervision;

(d) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary-
(i) in the interests of the safe operation of the undertaking;
(ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
(iii) to enable the statutory undertaker to carry out development for which planning permission is granted by the 1992 Order,
provided that notice in writing of the proposed operations is given to the planning authority as soon as practicable after the operations become necessary

(e) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

(f) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;

(g) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to carry out works to implement a planning permission (other than an outline planning permission or planning permission in principle) granted on an application under Part 3 or Section 242A of the Act, or deemed to have been granted (whether for the purposes of Part 3 of the Act or otherwise); or

(h) the cutting down, topping, lopping or uprooting of a tree by, or at the request of, SEPA to enable SEPA to carry out development for which planning permission is granted by the 1992 Order.

Directions as to replanting
5. - (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the planning authority may give to the owner of the land on which that part of the woodland is situated, a direction in writing specifying the manner in which, and the time within which, the owner must replant trees on that land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land must replant trees on the land in accordance with the direction.

(3) Any direction given under paragraph (1) may include requirements as to-
(a) species;
(b) number of trees per hectare;
(c) the erection and maintenance of fencing necessary for the protection of the replanting;
(d) the preparations of ground, draining, removal of brushwood, lop and top; and
(e) protective measures against fire.

Adaption and Modification of the Act
6. - (1) The provisions of the Act mentioned in column 1 of Part 1 of Schedule 2 are to have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications specified in column 2 of Part 1 of that Schedule.

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part 2 of Schedule 2.

Compensation
7. - (1) Subject to paragraphs (2) to (5), any person who has suffered loss or damage caused or incurred in consequence of: -
(a) any refusal of consent required under this Order; or
(b) any grant of any such consent subject to conditions,
is entitled to recover from the planning authority compensation in respect of such loss or damage.

(2) A claim for compensation under this Order shall be made by serving on the planning authority a notice in writing stating the grounds of the claim and the amount claimed.

(3) The time within which any such notice shall be given is a period of six months -
(a) from the date of the decision of the planning authority; or
(b) where an appeal has been made to Scottish Ministers against the decision of the planning authority, from the date of the decision of Scottish Ministers on the appeal.

(4) No claim may be made under this Article if the amount in respect of which the claim would otherwise have been made is less than £1,000.

(5) No compensation shall be payable to a person-
(a) for loss of development value or other diminution in the value of the land;
(b) for loss or damage which was not reasonably foreseeable when consent was refused or was granted subject to conditions;
(c) for loss or damage reasonably foreseeable by that person and attributable to failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
(d) for costs incurred in appealing to the Scottish Ministers against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(6) In this Article-

"**development value**" means an increase in value attributable to the prospect of development;

and, in relation to any land, the development of it shall include the clearing of it: IN WITNESS WHEREOF this Order consisting of this and the four preceding pages together with the Schedules and Plans annexed and signed as relative hereto are signed for and on behalf of Loch Lomond and The Trossachs National Park Authority at Balloch

On the SECOND [redacted] .....day of November 2026

By [redacted] .....Authorised Signatory

ROBERT JOHN MARTIN COOK .....Full Name

Before this witness:

[redacted] .....Witness

LEWIS GRANT .....Full Name

of Carrochan, 20 Carrochan Road, Balloch G83 8EG.

This is the Schedule 1 referred to in the foregoing Tree Preservation Order entitled "Loch Lomond and The Trossachs National Park Authority Tree Preservation Order Number 3 of 2026"

SCHEDULE 1

Protected Trees referred to in Article 2 of this Order

Trees Specified Individually (coloured green on the Plan)		
No. on Plan	Description	Situation
None		
Groups of Trees within a broken black line on the Plan		
No. on Plan	Description	Situation
None		
Woodlands (within a continuous red line on the Plan)		
No. on Plan	Description	Situation
W1	Mixed broadleaves and mixed conifers comprising Alder, Ash, Aspen, Birch, Cherry, Elder, Elm, Fir, Hawthorn, Hazel, Holly, Juniper, Larch, Oak, Pine, Rowan, Spruce, Willow, Yew.	Lying within ALL and WHOLE Inchcailloch Island, Loch Lomond being 52.84 hectares in measurement on the Ordnance Map and being the subjects registered in the Land Register of Scotland under Title Number STG81659

[redacted]

.....Authorised Signatory

Schedule 2 referred to in the foregoing Tree Preservation Order entitled "Loch Lomond and The Trossachs National Park Authority Tree Preservation Order Number 3 of 2026"

SCHEDULE 2

Part I of Schedule 2

PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning (Scotland) Act 1997	**Adaptation or Modification**
Section 36 (Registers of applications etc.)	For subsections (1) to (3) substitute "(1) The planning authority shall in relation to this Order keep a register of all applications for consent under this Order, containing: - (a) information as to the nature of such applications, the decisions of the planning authority thereon, (b) information as to any appeal to Scottish Ministers and the decisions of Scottish Ministers thereon, any compensation awarded in consequence of the decisions of the planning authority or Scottish Ministers; and (c) any directions as to the replanting of woodlands."
Section 37 (determination of applications: general considerations)	(a) In subsection (1): - (d) for "planning permission" where those words first appear;" substitute "consent under a tree preservation order"; (e) for "sections 27B(2) and 59(1)(b) substitute "subsections (1A) and (1B)"; (f) for "planning permission" in both of the other places where those words appear substitute "consent under the order"; (g) after "think fit", insert, "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and (b) After subsection (1) insert "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the

	special character of the woodland or the woodland character of the area. (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).". (c) Omit subsections (2) and (3); and (d) In subsection (4) for paragraphs (a) to (c) substitute: - "(a) consent under a tree preservation order; or (b) any consent, agreement or approval required by a condition imposed on the grant of such consent,"
Section 44 (effect of planning permission)	(a) references to 'planning permission' are to be treated as references to 'consent required by a tree preservation order'; (b) for 'the permission' substitute 'the consent'; (c) for 'to develop land' substitute 'to carry out works'; and (d) after 'land' insert 'on which the tree or trees to which the consent relates are situated'. (e) Omit subsections (2) and (3).
Section 47 (right to appeal against planning decisions and failure to take such decisions)	(a) For subsection (1) substitute "(1) Where a planning authority (a) refuse an application for consent under a tree preservation order or grant it subject to conditions; (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order; (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) have not given notice of their decision on such an application within the period of 2 months beginning with the date on which the application was received by the authority [or within such extended period as may at any time be agreed upon in writing between the applicant and the authority],

	the applicant may by notice appeal to the Scottish Ministers". (b) Omit subsections (1A), (2) and (4). (c) For subsection (3) substitute: - "(3) Any appeal under this section shall be made in writing, specifying the grounds on which the appeal is made; and such notice shall be served on the Scottish Ministers within a period of three months beginning with, in the case of an appeal made under (a) paragraphs (a) to (c) of subsection (1), the date of the decision notice or the direction, as the case may be; and; (b) paragraph (d) of that subsection, the date of expiry of the period mentioned in that paragraph,". (d) For subsection (5) substitute- "(5) For the purposes of the application of section 48(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.".
Section 47A	
Section 48 (determination of appeals)	(a) In subsection (5)(a): - (i) for "sections 33, 37(1) to (3), 38(1) to (3), 41(1) and (2) and 42 and Part I of Schedule 3" "section 37(1), (1A) and (1B)"; and (ii) for "planning permission" substitute "consent under a tree preservation order". (b) Omit subsections (5)(b) and (6) to (8).

Part II of Schedule 2

PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1997, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 36

36.-(1) The planning authority shall in relation to this Order keep a register of all applications for consent under this Order, containing

(a) information as to the nature of such applications, the decisions of the planning authority thereon,

(b) information as to any appeal to Scottish Ministers and the decisions of Scottish Ministers thereon, any compensation awarded in consequence of the decisions of the planning authority or Scottish Ministers; and

any directions as to the replanting of woodlands."

(4) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 37

37.-(1) Where an application is made to a planning authority for consent under a tree preservation order-

(a) subject to subsections (1A) and (1B) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

(4) The date of the grant or refusal of-

(a) consent under a tree preservation order; or

(b) any consent, agreement or approval required by a condition imposed on the grant of such consent,

shall be the date on which the notice of the planning authority's decision bears to have been signed on behalf of the authority.

Section 44(1)

44.-(1) Without prejudice to the provision of this Part as to the duration, revocation or modification of consent required by a tree preservation order, any grant of consent required by a tree preservation order shall (except in so far as the consent otherwise provides) enure

for the benefit of the land on which the tree or trees to which the consent relates are situated and all persons for the time being interested in it.

Section 47
47.-(1) Where a planning authority

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) have not given notice of their decision on such an application within the period of 2 months beginning with the date on which the application was received by the authority [or within such extended period as may at any time be agreed upon in writing between the applicant and the authority],

the applicant may by notice appeal to the Scottish Ministers ".

"(3) Any appeal under this section shall be made in writing, specifying the grounds on which the appeal is made; and such notice shall be served on the Scottish Ministers within a period of three months beginning with, in the case of an appeal made under

(a) an appeal under paragraphs (a) to (c) of subsection (1), the date of the decision notice or the direction, as the case may be; and;

(b) paragraph (d) of that subsection, the date of expiry of the period mentioned in that paragraph,".

(5) For the purposes of the application of section 48(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 47A
47A.-(1) In an appeal under section 47(1), a party to the proceedings is not to raise any matter which was not before the planning authority at the time the decision appealed against was made unless that party can demonstrate-

(a) that the matter could not have been raised before that time, or

(b) that it's not being raised before that time was a consequence of exceptional circumstances.

(2) Nothing in subsection (1) affects any requirement or entitlement to have regard to: -

(a) the provisions of the development plan, or

(b) any other material consideration.

Section 48
48.-(1) On an appeal under section 47 the Scottish Ministers may

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to them in the first instance.

(3) If the Scottish Ministers propose to reverse or vary any part of the decision of the planning authority to which the appeal does not relate, they shall give notice of their intention to the planning authority and to the appellant and shall give each of them an opportunity of making representations about their proposal.

(5) In relation to an appeal to the Scottish Ministers under section 47-

(a) sections 37(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Scottish Ministers under section 47 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(9) Schedule 4 applies to appeals under section 47, including appeals under that section as applied by or under any other provision of this Act.



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Authorised Signatory

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The Town and Country Planning (Scotland) Act 1997

Loch Lomond and The Trossachs National Park Authority Tree Preservation Order Number 3 of 2026

Island of Inchcailloch

New Tree Preservation Order

Made – November 2026

Confirmed – XX YY 2026

Legal File Reference – 2019-81

Planning Reference - 2026/0003/TPO - Inchcailloch

Loch Lomond and The Trossachs National Park Authority,
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LOCH LOMOND & THE TROSSACHS NATIONAL PARK