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## NORTH AYRSHIRE COUNCIL

2<sup>nd</sup> October 2019

### Planning Report Committee

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<b>Title:</b>	<b>Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran</b>
<b>Purpose:</b>	To seek approval for the confirmation with modification of the Tree Protection Order concerning a group of trees along the A841 at Brodick, Isle of Arran.
<b>Recommendation:</b>	That the Council confirms the North Ayrshire Council A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran) Tree Preservation Order 2019 under S.160 1997 Town and Country Planning (Scotland) Act in the interests of protecting public amenity.

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## 1. Executive Summary

- 1.1 This report updates members on the Tree Preservation Order (TPO) Notice served in May 2019 on a grouping of trees on Arran along the A841. The Council is required to confirm the Order, within 6 months of serving the Notice (before 22nd November 2019). The TPO has been subject to consultation with interested parties. The notice was also publicised in a local newspaper.
- 1.2 An independent survey from a qualified practitioner has been carried out which analyses the contribution the trees make to public amenity and cultural and/or historical heritage. The analysis also makes recommendations to whether the TPO should be confirmed.
- 1.3 It is recommended that a modified Tree Preservation Order be confirmed (see Annex 1). It is considered that the grouping of trees between Rosa and Cnocan Bridge contribute significantly to public amenity. The modification, which removes the protection of woodland from Brodick Primary to Rosa Bridge reflects the recommendations noted above.

## 2. Background

- 2.1 In May 2019, the Planning Committee agreed to serve a Tree Preservation Order (TPO) along the A814 from North of Brodick Primary School to Cnocan Bridge on the Isle of Arran. The Committee was advised at the time that a probationary period of no more than 6 months will be in place. This period has allowed interested parties to make representations and allow a full analysis of the contribution the trees make to public amenity and/or cultural/historical heritage.

- 2.2 During the probationary period, the Notice serving the TPO was sent to interested parties and an advert was placed in the local newspaper. A consultation period of 28 days started from the date of the notice (22<sup>nd</sup> of May 2019) which attracted two letters of representation, both from persons representing Arran Estates.
- 2.3 Following a procurement process, Informed Tree Services was appointed to undertake an independent survey on the suitability of the Tree Preservation Order as served in May 2019. The brief gave instruction to analyse how (if at all) the grouping of trees meet the criteria listed under S160 of the Town and Country Planning (Scotland) Act 1997. The two criteria listed are:
- (a) that it is expedient in the interests of amenity to make that provision,
- (b) that the trees, groups of trees or woodlands are of cultural or historical significance.
- 2.4 The Report splits the grouping of trees into three segments, referred to as compartments. These are made up of:
- Compartment 1) "Brodict primary School to the junction of B880 String Road incorporating the northern perimeter of Stronach Wood to the south of A841".
- Compartment 2) "A841 incorporating roadside trees forming an avenue and public footpath past Rosa Bridge woodland with golf course to the south and on to the bend in the road just north of Strabane".
- Compartment 3) "A841 passing Home Farm with mature woodland and road side trees to Cnocan Bridge".
- 2.5 The study allowed detailed analysis into the contribution each of these groupings of trees make as opposed to a general survey of the area. Each compartment has been subject to analysis and has recommendations to whether they are worthy of a TPO.
- 2.6 The trees were appraised on the week beginning 5th of August 2019 and have been assessed using nationally recognised systems entitled "The Evaluation Method for Preservation Orders" (TEMPO) (J. Forbes-Laird 2006) to rate the appropriateness of the TPO and "Visual amenity valuation of trees and woodlands – The Helliwell system 2008" (R. Helliwell 2008). The latter provides a comparative amenity value to the protected woodland. The TEMPO method has the following scoring categories:
- Do not apply TPO
  - TPO indefensible
  - Does not merit TPO
  - TPO defensible
  - Definitely merits a TPO

## Findings and Recommendations

- 2.7 The report makes the following recommendations:
- 1) The served TPO notice is modified and confirmed to no longer include the section from Brodict Primary School to Rosa Bridge as compartments 2 & 3 definitely merit a TPO.

- 2) That some trees be felled as they are dead and could become dangerous. Other normal woodland management practices such as pruning is also recommended.
- 2.8 Reasons for the recommendations include that both compartments 2 & 3 are classed as having “high desirability for retention” and scored highly (in the category “*definitely merits a TPO*”) on the TEMPO evaluation Method for Preservation Orders.
- 2.9 Reasons to remove Compartment 1 include that a large section of the area is on the edge of a commercial plantation and many of the trees have already been removed. In addition, woodland to the South, South-West of the protected area suffers from sporadic wind-throw. The TEMPO evaluation score for the compartment was “*Does not merit a TPO*”.
- 2.10 Full details of the assessment including character statements and scoring can be found in Background Paper 1 of this report.
- 2.11 Stanley Wright Ltd made an objection to the TPO on the following grounds;
- The trees along the roadside have had no active management for over 80 years and require some management works to maintain public safety which is the Estates’ prime concern;
  - Trees along the roadside have been marked up to enable management and several of them have been identified as being dead, having dead wood in the canopy or indications of disease; and
  - Some trees pose a risk to the carriageway and could causes significant damage if blown and understand there is no adequate means locally of removing many fallen trees after a strong gale.
- 2.12 The representee also highlights that a broad TPO is not appropriate for the long term and suggests that the TPO could be modified to protect key trees only. Additional concerns include the integrity of the road from lifted root plates of trees that have fallen.
- 2.13 In response, it is considered that the independent survey carried out by Informed Tree Services does recommend that some active management is required and highlights three trees that are required to be felled or managed. The survey methodology also included analysis to determine the health of the trees. The confirmation of a TPO does not mean that woodland can no longer be managed, just that consent is required from the planning authority to carry out some works. Should an issue arise where there is a serious and immediate risk to public safety, the responsibility still lies with the Owner, Tennent or Addressee to ensure their land is safe. Section 160 (5) of the 1997 Town and Country Planning (Scotland) Act states that without prejudice to any other exemptions for which provision may be made by a tree preservation order, nothing in such an order shall prohibit the uprooting, felling or lopping of trees if—
- (a) it is urgently necessary in the interests of safety,
  - (b) it is necessary for the prevention or abatement of a nuisance, or
    - (ba) it is authorised by an order granting development consent,
  - (c) it is in compliance with any obligation imposed by or under an Act of Parliament or an Act of the Scottish Parliament, so long as notice in writing of the proposed

operations is given to the planning authority as soon as practicable after the operations become necessary.

2.14 Mr Charles Fforde also submitted a representation objecting to the TPO as follows:

- The Tree Preservation Order makes reference to "Article(s)" 2, 3 and 4, which are presumed to form part of the Town and Country Planning (Scotland) Act 1997 but a search has not revealed them. We require them to be included verbatim in the Notice or ignored. The map showing the notice should be made clear and highlight whether trees below the line are included in the TPO;
- The trees do not satisfy the criteria for TPO which are:
  - 1) It is expedient in the interests of amenity to make that provision,
  - 2) the trees, or groups of trees or woodlands are of cultural or historical significance;
- Sections 3 and 4 of the notice appear contradictory as it states that "no person" may lop, top, etc without consent of the planning authority in section 3 while within section 4 allows with the consent of the forest authority. This is unsatisfactory and misleading;
- The present landowner is content to take such steps necessary for public safety and, being prevented from so doing, must now pass liability to North Ayrshire Council;
- The trees are marked to show those that are a danger, many are leaning, some are dead. If they were to blow over, the trees would ever block the carriageway, or their roots would tear it up. It is time positive management was applied to those trees;
- The trees have been carefully selected as they are unlikely to improve, and the number and size of the trees is such as to make it worthwhile for a reputable timber merchant to remove the trees;
- If the notice is confirmed, we will certainly seek payment for all timber within and below the line on the map.

2.15 In response it is considered that the notice served complies with the relevant legislation. The Council's Legal Services are content with its contents. It is also considered that the map which accompanied the notice also complies with the legislation.

2.15.1 The articles Mr Fforde refers to are contained within the notice itself and not to parts of the legislation. However, should there be any confusion, any interested party is able to contact the Council for confirmation or advice.

2.15.2 Article 3 describes the restrictions put on any person as a result of the TPO, while Article 4 highlights which restrictions do not apply if works are under accordance with relevant parts of the 1967 Forestry (Scotland) Act which is why there is reference to two different consenting authorities.

2.15.3 As stated in the response to Stanley Wright Ltd, the confirmation of a TPO does not restrict works where an immediate risk to public health exist. Should such a risk be

present, the responsible person is still required to take appropriate action (and can do so under the Act) and then notify the Planning Authority as soon as possible. Therefore, the transfer of liability is neither required nor accepted.

2.15.4 With regards to trees which are a danger, the independent report highlights that 3 trees should be removed as soon as possible. Should anyone wish to remove trees that are dangerous, then they can do so. It should be noted that the report's findings include that most trees are healthy, vibrant and worthy of protection.

2.15.5 The compensation provisions are in Article 7 of the TPO and are narrated below for ease of reference. Making a TPO does not in itself give rise to a claim for compensation. This would only occur after a planning application is made and refused 7(1)(a) or granted with conditions 7(1)(b). The applicants would require to demonstrate that they have suffered loss or damage caused or incurred as a result of the refusal or conditions above. Any claim would require to be in writing stating the grounds of claim and the amount claimed and be submitted within 6 months of the planning decision or determination of any appeal. The claim cannot be made for amounts less than £1,000. Article 7(5) of the notice sets out the grounds under which compensation will not be paid. Any dispute regarding compensation is to be determined by the Lands Tribunal for Scotland. Each case for compensation will therefore need to be judged on its own merits making it difficult to determine how much compensation any party would be entitled to.

### **3. Proposals**

3.1 It is proposed that the Council confirms a modified Tree Preservation Order in order to recognise the significant contribution the woodland makes to public amenity. This will ensure that the trees are afforded an appropriate level of protection while allowing appropriate woodland management. The Proposed modifications are as follows:-

3.1.1 That the trees between Brodick Primary School and Rosa Bridge are removed from the TPO.

3.1.2 That the words "Brodick Primary School" are removed from the title of the TPO and replaced with "Rosa Bridge"

3.1.3 That the Schedule to the TPO is amended to remove the trees from an "area" designation and instead include them within a "woodland" designation as shown within a continuous red line on the map (map shown in appendix 1).

3.1.4 That an "individually specified protection" is included for Tree 13 (Beech) and its location highlighted in green on the said map.

3.1.5 That a "group" protection is included for the four mature common lime trees located outside "Arran Aromatics and their location highlighted with a broken black line on the said map.

#### 4. Implications/Socio-economic Duty

<b>Financial:</b>	There will be registration fees involved in registration of the Order if Confirmed. These costs are likely to be in the region of £180
<b>Human Resources:</b>	N/A
<b>Legal:</b>	Should a TPO be confirmed, the owners will be served with a notice meaning that any work to lop, chop or fell the trees or woodland will require permission of the Council. The TPO will be recorded in the appropriate Land Register.
<b>Equality/Socio-economic Duty:</b>	Assessments carried out highlight the impact on public amenity.
<b>Children and Young People:</b>	No significant impacts foreseen as a result of confirming TPO.
<b>Environmental &amp; Sustainability:</b>	Confirmation of TPO complies with LDP policy on enhancing and protection of the environment.
<b>Key Priorities:</b>	North Ayrshire is a vibrant, welcoming and attractive environment.
<b>Community Benefits:</b>	The protection of the trees is in the interest of wider public amenity.

#### 5. Consultation

- 5.1 Should a TPO be confirmed interested parties are required to be notified and the Order registered in the Scottish Land Register.

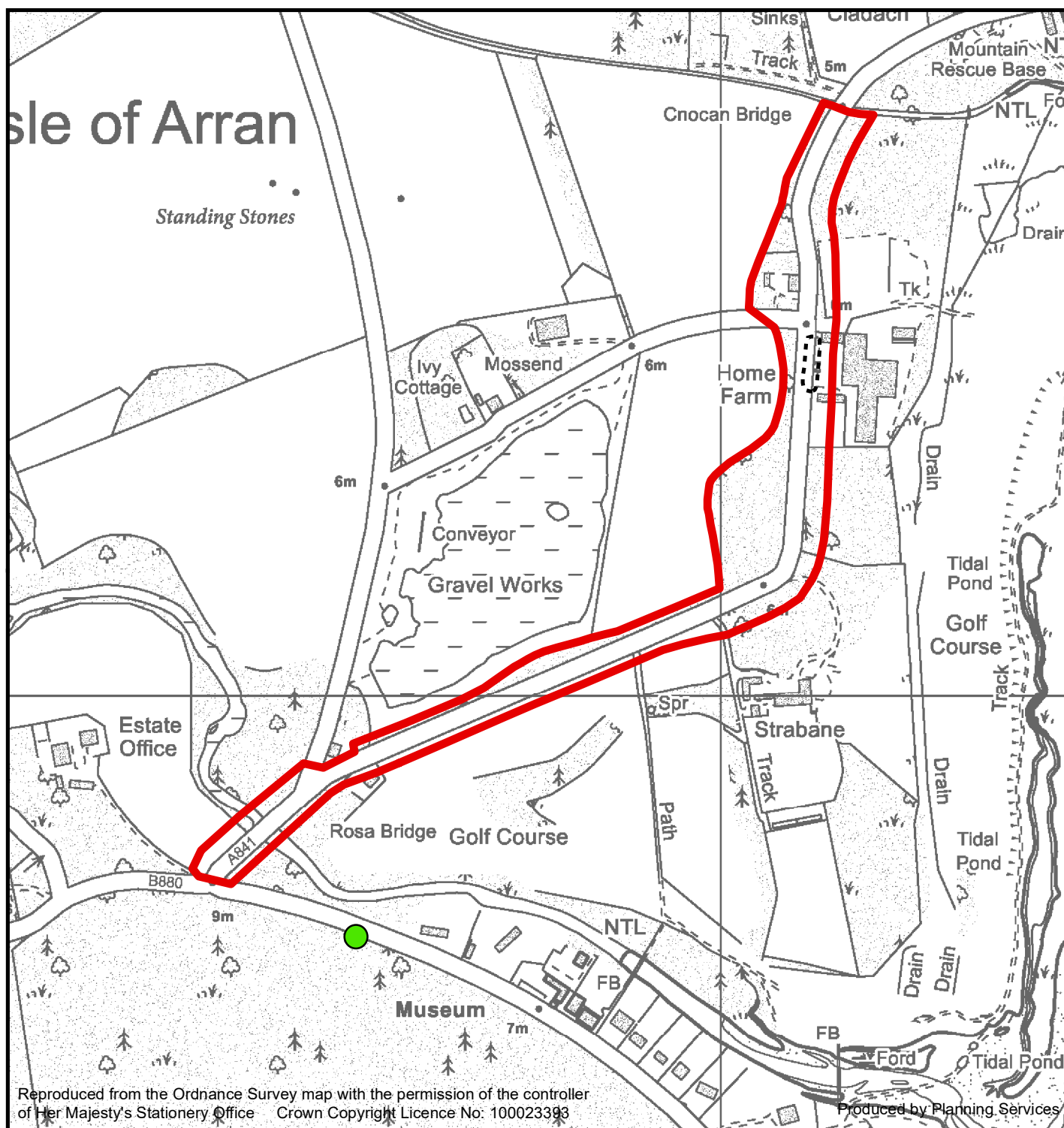
Russel McCutcheon  
Executive Director of Place

For further information please contact **Thom Ledingham, Planning Officer**, on **01294 324623**.

#### Background Papers

1. Report on the Suitability of a Tree Preservation Order Relating to: Brodick Primary School to Cnocan Bridge, Isle of Arran. KA27 8DD by Informed Tree Services.



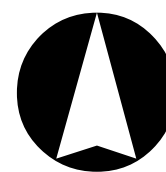


Address: Rosa Brige to Cnocan Bridge,  
Brodick

Grid Ref: 200950.637157

Area: 4.68Ha

Description: Mainly mixed deciduous mature  
trees



NORTH

Scale: 1:5,000







**REPORT ON THE SUITABILITY  
OF A TREE PRESERVATION ORDER  
RELATING TO:  
BRODICK PRIMARY SCHOOL TO  
CNOCAN BRIDGE,  
BRODICK,  
ISLE OF ARRAN.  
KA27 8DD.**

***Ref: NAC/TPO/07.08.19***

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7<sup>th</sup> August 2019.

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## **1 INTRODUCTION & INSTRUCTIONS**

- 1.1. Following communications received from Mr. Thom Ledingham, of North Ayrshire Council, on the 17<sup>th</sup> June 2019, a quotation to carry out an elevation of a recently created tree preservation order (TPO) was provided. The quotation was accepted – official order number received on 18<sup>th</sup> July 2019.
- 1.2. The TPO in question<sup>1</sup> was forwarded to the author prior to the site investigation.
- 1.3. It was agreed that Mr. Chris Simpson of Informed Tree Services Ltd (ITS) would carry out an objective appraisal of the appropriateness of the TPO.
- 1.4. Mr. Ledingham asked the author to treat the TPO as three distinct areas (compartments). Described (by Mr. Ledingham) as:  
  
**Compartment 1)** “Brodict primary School to the junction of B880 String Road incorporating the northern perimeter of Stronach Wood to the south of A841”.  
  
**Compartment 2)** “A841 incorporating roadside trees forming an avenue and public footpath past Rosa Bridge woodland with golf course to the south and on to the bend in the road just north of Strabane”.  
  
**Compartment 3)** “A841 passing Home Farm with mature woodland and road side trees to Cnocan Bridge”.  
  
1.5. The appraisal was carried out on the 5<sup>th</sup> August 2019, with the aim of assessing the appropriateness of the TPO.  
  
1.6. The author used the nationally recognised system “Tree evaluation method for preservation orders” (TEMPO) (J. Forbes-Laird 2006) to rate the appropriateness of the TPO.  
  
1.7. The author also applied the “Visual amenity valuation of trees and woodlands – The Helliwell system 2008” (R. Helliwell 2008) to give a comparative “amenity” value to the protected woodland. The Helliwell System provides a financial value but is applied here purely to give a comparative amenity value.

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<sup>1</sup>The North Ayrshire Council (A841 Brodict Primary School to Cnocan Bridge, Brodict, Isle of Arran) Tree Preservation Order 2019.

## **2     DECLARATION**

I, Christopher Brian Simpson, declare that:

- 2.1 I understand that my duty in providing this written report is to provide an objective unbiased opinion on the suitability of a recently created tree preservation order. I understand that this duty overrides any obligation to the party who has commissioned me. I confirm that I have complied with that duty.
- 2.2 I believe the facts I have stated in this report are true and that the opinions I have expressed are correct.
- 2.3 I have set out in my report what I understand from those instructing me to be the issues in respect of which my opinion as an expert is required.
- 2.4 I have done my best in preparing this report to be accurate and complete, and I have mentioned all matters that I regard as relevant to the opinions I have expressed.
- 2.5 I have drawn attention in this report to all facts of which I am aware might affect my opinion.
- 2.6 I have not, without forming my own independent view, included or excluded in this report anything that has been suggested to me by anyone including those instructing me.
- 2.7 I will notify those instructing me if for any reason this report requires any correction or qualification.
- 2.8 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 2.9 I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the findings of this report.

### **3     SUMMARY**

- 3.1 North Ayrshire Council created a Tree Preservation Order (TPO) relating to an area of roadside trees, north of Brodick, on the 22<sup>nd</sup> May 2019.
- 3.2 Mr. Chris Simpson, of Informed Tree Services Ltd, was commissioned to objectively appraise the TPO area. The appraisal was carried out on the 5<sup>th</sup> August 2019.
- 3.3 The “Tree Evaluation Method for Preservation Orders” (TEMPO) (2006) was adopted.
- 3.4 The TPO area was to be considered in three distinct compartments; 1, 2 & 3.
- 3.5 Compartment 1 does not merit a TPO.
- 3.6 Compartment 2 definitely merits a TPO.
- 3.7 Compartment 3 definitely merits a TPO.
- 3.8 The “Visual amenity valuation of trees and woodlands – The Helliwell system” (2008) was also applied. The woodland (collectively) scored 72 points.
- 3.9 Three trees have been recommended for removal within 3 months. These are trees 4, 1478 & 1909.
- 3.10 Foliage and limbs that obstruct the pavement along the A841 should be pruned to provide unobstructed passage, within 3 months.
- 3.11 The TPO should be modified to remove compartment 1, should be altered to a woodland category, one individual tree (tree 13) should be added and 1 group added; the four Common Lime outside “Arran Aromatics”.
- 3.12 The TPO plan should be scaled at 1:2’500.
- 3.13 The TPO should then be confirmed and registered.

## 4 INVESTIGATION FINDINGS

- 4.1 The woodland appraisal was carried out in clear, bright, dry and warm conditions. The wind speed was approximately Force 4, (Moderate Breeze)<sup>2</sup>.
- 4.2 Mature mixed woodland and single lines of mature roadside trees are present in close proximity to the A841.
- 4.3 The A841 was busy with vehicular traffic and pedestrians during my appraisal. I estimated approximately 10 vehicles per minute; or 600 per hour. The area adjacent to “Arran Aromatics” was well frequented by visitors. The pavement had a fairly constant stream of walkers heading north and south.
- 4.4 The three woodland compartments are described below. Please refer to appendix 1 for the location of each compartment.

### 4.4.1 Compartment 1:

- a) **Character Statement:** Mature mixed woodland with a high proportion of non-native species.
- b) **BS 5837 Retention Category:** B, “moderate desirability for retention”.
- c) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- d) **Age Class:** Mature.
- e) **Safe useful life expectancy (SULE):** 20-40 years
- f) **Species composition:**

*Abies procera* (Noble Fir)  
*Acer pseudoplatanus* (Sycamore)  
*Alnus glutinosa* (Common Alder)  
*Betula pendula* (Silver Birch)  
*Fagus sylvatica* (Beech)  
*Larix decidua* (European Larch)  
*Picea abies* (Norway Spruce)  
*Picea sitchensis* (Sitka Spruce)  
*Pseudotsuga menziesii* (Douglas Fir)  
*Quercus robur* (Pedunculate Oak)  
*Salix caprea* (Goat Willow)  
*Sorbus aucuparia* (Rowan)

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<sup>2</sup> Beaufort Scale (Met Office)

- g) Elevation:** approximately 9 metres above sea level.
- h) Aspect:** East facing slope,
- i) Terrain:** Rough and largely inaccessible with steep cliff faces.
- j) Drainage:** Open drain network appears to function adequately, though congested in places.
- k) Artefacts:** Derelict stone dyke forms eastern boundary (in part) adjacent to road.
- l) Access:** No paths or access roads present but turning circle/parking bay to north, north-east of cliffs.
- m) Neighbours:** Brodick Primary School to south. Public road to east. Further woodland to west, south-west.
- n) Vertical structure:** Varied; mature conifer plantation with developing broadleaved trees by roadside.
- o) Horizontal structure:** Varied; densely stocked to west (away from road) but history of wind-throw and thinning (felling) has created glades to eastern boundary.
- p) Shrub layer:** Dense *Rhododendron ponticum* (Rhododendron), *Rubus fruticosus* (Bramble) and scattered *Ulex europaeus* (Gorse). Some developing Beech, Sycamore, Birch and Goat Willow also; all concentrated in thinned area close to road – the TPO area.
- q) Field Layer:** *Juncus* species (Rushes), coarse grasses, *Urtica urens* and *U. dioica* (Nettles), *Chamerion angustifolium* (Rosebay Willowherb) and *Lonicera* species (Honey Suckle).
- r) General Observations:** Woodland to north-west is prone to further wind-throw. Some large specimen conifers. With one large dead specimen (tree number 4) that should be felled/reduced. At mid-length a parking lay-by (turning area) is found with a stand of mature Larch arising high above a cliff face. The Larch display severe leans and a history of wind-throw. To the north-west of the parking area the TPO protects really only one mature to late-mature Beech (tree 13) (found at N00679, S36788); given that most trees along this edge have been felled in the past. Now mostly *Rhododendron* and Birch plus Sycamore regeneration. To the south, the TPO does protect some large Douglas Fir and Spruce but they display far from optimised canopy structures.

Please refer to appendix 6, picture 1 for a view of the woodland from the south; taken at location: N00991, S36601.



#### 4.4.2 **Compartment 2:**

- a) **Character Statement:** Mature mixed woodland with large roadside specimen trees.
- b) **BS 5837 Retention Category:** A, “high desirability for retention”.
- c) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- d) **Age Class:** Mature.
- e) **SULE:** 40+ years.
- f) **Species composition:**

*Castanea sativa* (Sweet Chestnut)  
*Fraxinus excelsior* (Common Ash)  
*Larix x eurolepis* (Hybrid Larch)  
*Pinus sylvestris* (Scots Pine)  
*Prunus avium* (Gean)  
*Tilia x europaea* (Common Lime)  
*Ulmus glabra* (Wych Elm)  
Beech  
Douglas Fir  
Norway Spruce  
Pedunculate Oak  
Silver Birch  
Sitka Spruce  
Sycamore

- g) **Elevation:** approximately 6 metres above sea level.
- h) **Aspect:** No particular aspect, fairly level site.
- i) **Terrain:** Generally smooth terrain.
- j) **Drainage:** No drain network observed but no particular signs of water-logging.  
Glenrosa Water dissects woodland to south.
- k) **Artefacts:** Road bridge. Metal palisade fencing.
- l) **Access:** Private access road to north after Rosa Bridge. Private access road to Strabane on south side of road.
- m) **Neighbours:** Public pavement, public road and lodge house by Rosa Bridge.
- n) **Vertical structure:** Most trees display final, or near final, height. Woodland block to south-east of road after bridge is supplemented by stand of younger Sycamore, creating a lower canopy.

- o) Horizontal structure:** Densely stocked woodland belt to north of road and single row of roadside trees to south, with low Beech hedge also.
- p) Shrub layer:** Limited understory within woodland contains *Sambucus nigra* (Elderberry), *Crataegus monogyna* (Hawthorn), *Ilex aquifolium* (Holly), Rhododendron and Bramble. Beech hedge runs along southern side of road.
- q) Field Layer:** Limited field layer with Nettles, *Pteridium aquilinum* (Bracken) and *Hedera helix* (Ivy).
- r) General Observations:** Compartment starts with large specimen Scots Pine trees to the south of the road, by a hair-pin bend. Then healthy well stocked and established broadleaved woodland to the north side of the road, after Rosa Bridge. A line of single mature broadleaved trees runs the full length of the road on the south side, with a low Beech hedge understory. Slightly deeper woodland belt (but still shallow) on the north side of the road. One large dead Sycamore but weighted away from road and posing little concern. Large dead Scots Pine on east side of road should be removed; located at N01015, S37078 and tagged 1478. Several trees have been topped and/or pruned in the past with well developed re-growth. As would be expected most trees display canopies weighted over the road, due to light availability.

Please refer to appendix 6, picture 2 for a view of the woodland from the south; taken at location: N00557, S36840.

Please refer to appendix 6, picture 4 for an image of the dead Scots Pine (tree 1478).

Cont...

#### 4.4.3 **Compartment 3:**

- a) **Character Statement:** Mature mixed woodland.
- b) **BS 5837 Retention Category:** A, “high desirability for retention”.
- c) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- d) **Age Class:** Mature.
- e) **SULE:** 40+ years.
- f) **Species composition:**

*Abies alba* (European Silver Fir)  
*Acer platanoides* (Norway Maple)  
*Aesculus hippocastanum* (Horse Chestnut)  
*Chamaecyparis lawsoniana* (Lawson Cypress)  
*Cupressus leylandii* (Leyland Cypress)  
*Fagus sylvatica* ‘Purpurea’ (Copper Beech)  
*Quercus cerris* (Turkey Oak)  
*Rhus typhina* (Staghorn Sumac)  
*Sorbus aria* (Whitebeam)  
Beech  
Common Ash  
Common Lime  
European Larch  
Gean  
Pedunculate Oak  
Scots Pine  
Sitka Spruce  
Sycamore  
Wych Elm

- g) **Elevation:** approximately 6 metres above sea level
- h) **Aspect:** Very gentle south facing slope.
- i) **Terrain:** Generally smooth but with dense undergrowth in many places. Short, steep roadside slopes to north of compartment.
- j) **Drainage:** No drainage network noted. But no signs of water-logging, to west of road. Woodland to north, and on east side of road, is becoming water-logged due to run-off from road, resulting in shallow root-plates.
- k) **Artefacts:** Stock fence to western boundary of woodland.
- l) **Access:** Access road at mid-length to west. No path network within woodland.

- m) Neighbours:** Public road (A841), public pavement to west of road. Businesses and visitor attractions to east of road at mid-length. Bus stance to west at mid-length. One private residence to west after access road. Pasture to far west. Further woodland to east.
- n) Vertical structure:** Mature mixed woodland with even-age structure. So, uniform canopy height with little lower canopy. But scattered shrub layer with (mainly) Holly and Rhododendron.
- o) Horizontal structure:** Densely stocked woodland to south-west and north-east extremes. Very few open areas.
- p) Shrub layer:** Consists of Rhododendron, Holly, Hawthorn, Bramble and regenerating Goat Willow & Elm.
- q) Field Layer:** Coarse grasses, Ivy, Nettles and dense stands of *Reynoutria japonica* (syn. *Fallopia japonica*) (Japanese Knotweed). Knotweed is found to south of compartment, on both sides of road. Knotweed has, mostly, been treated but this does not ensure control. A small clump of Bamboo is also present to the south-east.
- r) General Observations:** Mature mixed woodland to west of road with areas of dense Rhododendron shrubs, plus Japanese Knotweed. To east is a narrow band of trees and woodland edge trees fragmented by business centre/visitor centre. One part-blown Sycamore to west side and just south of bridge at N01098 S37503 which leans towards road. Four specimen Common Lime arise to west of “Arran Aromatics” and appear to be included within TPO area. Japanese Knotweed is being actively sprayed/controlled. Epicormic shoots and low level limbs obstruct pavement to west of road, in several places. One private garden at mid-length to western side of road, with *Berberis*, *Ligustrum*, *Cotoneaster*, etc within garden. Run-off/excess water from road is drained into woodland to north-east. This results in water-logged soils and mature trees with shallow roots.

Please refer to appendix 6, picture 3 for a view of the woodland from the south; taken at location: N01064 S37129.

Please refer to appendix 6, pictures 5 & 6 for images of the water-logged woodland.

- 4.5 As mentioned in the descriptions above, three trees were noted that are unsuitable for retention. They are: tree number 4 a dead roadside Noble Fir; tree 1478 a dead roadside Scots Pine and; tree 1909 a part blown (uprooted) Sycamore that leans towards the road. Please refer to appendix 4 for further details.
- 4.6 The “Tree Evaluation Method for Preservation Orders (TEMPO)” was applied to the TPO area. TEMPO applies scores to amenity value, likely retention span, visibility, other factors and expediency. The final score can then be used to determine whether the TPO is merited, defensible or indefensible. A summary of each compartment’s score is listed below. Full details/workings may be viewed at appendix 2.

	Compartment 1	Compartment 2	Compartment 3
Factor	Score	Score	Score
Condition	3	3	3
Retention span	1	4	4
Relative public visibility	3	3	3
Other factors	1	4	4
Expediency	0	2	2
<b>Total</b>	<b>8</b>	<b>16</b>	<b>16</b>
<b>Decision</b>	<b>Does not merit TPO</b>	<b>Definitely merits TPO</b>	<b>Definitely merits TPO</b>

- 4.7 The Helliwell “Evaluation method for woodlands” was also applied to the TPO area. This method uses a range of scores (from 0.5 to 4) to calculate the amenity value of the woodland, over six criteria. I scored the woodland at 72 points. Points allocated as follows:

Factor	Points allocated
1) Size of woodland	3
2) Position in landscape	2
3) Viewing population	2
4) Presence of other trees and woodland in the vicinity	1
5) Composition and structure of woodland	2
6) Compatibility	3
<b>TOTAL (scores multiplied)</b>	<b>72</b>

- 4.8 The monetary value for woodland is £33.70 per point (until end of 2019). Making the amenity value of the TPO area £9’704.88 per hectare. This figure is only mentioned to allow comparison of another method for elevation of amenity value. At 72 points awarded, the TPO area is of moderate to high amenity value. The lowest possible score is 0.03125, with the highest being 3’072.

Please refer to appendix 3 for details and workings associated with the above calculation.

## **5 CONCLUSIONS**

- 5.1 The TPO area was broken down into three distinct compartments. Each compartment was elevated in its own right; as requested. Conclusions as follows:
- 5.2 Compartment 1 does not merit a TPO.
- 5.3 Compartment 2 definitely merits a TPO.
- 5.4 Compartment 3 definitely merits a TPO.
- 5.5 The existing TPO should be modified as follows:
  - 5.5.1 Compartment 1 should be removed.
  - 5.5.2 The TPO map should be redrawn at a scale of 1:2'500.
  - 5.5.3 The TPO should be of a "woodland" designation rather than an "area" designation.
  - 5.5.4 The TPO map should, therefore, highlight the protected woodland with a "continuous red line".
  - 5.5.5 Tree 13 (Beech) should have "individually specified" protection. Its location should be highlighted green on the TPO map.
  - 5.5.6 Four mature Common Lime trees, located outside "Arran Aromatics", should have "group" protection. Their location should be highlighted with a broken black line on the TPO map.
- 5.6 The TPO should then be confirmed and recorded with the appropriate Register of Sasines or registered with the Land Register of Scotland.
- 5.7 The TPO should be reviewed from "time to time". Once every five years is suggested.
- 5.8 Trees 4, 1478 & 1909 should be removed/made safe within 3 months. North Ayrshire Council should request that the owner(s) of these trees remove them within this timeframe. If the trees are not removed a "28 day notice" should be served.<sup>3</sup>
- 5.9 The overhanging foliage and limbs that obstruct the pavement along the A841 should be pruned to provide unrestricted pedestrian access, within 3 months.

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<sup>3</sup> Roads (Scotland) Act 1984

## **6 OPINION**

- 6.1 A tree preservation order is a tool that should be used sparingly. They are appropriate only when the trees provide clear amenity benefits and are perceived to be under threat.
- 6.2 So, the trees need to provide tangible and/or intangible benefits to the public. The trees within the TPO area north of Brodick do provide benefits. They enhance the landscape and provide a mature established and natural feel. In general they are worthy of retention.
- 6.3 Compartments 2 & 3 are definitely in keeping with woodland that may be worthy of protection. However, compartment 1 is the edge of a commercial plantation. Here most trees within the TPO area have already been removed and woodland to south, south-west of the narrow protected area is suffering from sporadic wind-throw. I don't feel this area (compartment 1) is worthy of protection.
- 6.4 The results produced here are meant to guide the client to a decision only. But given the clear difference in scores for compartment 1, compared with compartments 2 & 3, I feel most would agree with the recommendation to protect compartments 2 & 3 but not compartment 1.
- 6.5 For a TPO to be appropriate it should be expedient to apply one. This is to say, there should be some reason for the planning authority to consider them at risk. I am not aware of the reason why the trees within the TPO area are deemed to be at risk. I did note that they had been painted with numbers and some with crosses. This only suggests, to me, that someone had surveyed the trees and identified some trees for removal. This would be in keeping with the land owner acting in a prudent manner. I hope that if the TPO is confirmed the planning authority will permit identified remedial work to these roadside trees, on receipt of future "applications to work". It is reasonable to predict that tree surgery and or tree removals will be required, from time to time, to meet a duty of care.
- 6.6 Arran is not a heavily populated area. However, the island does receive significant numbers of visitors – especially in the summer months. These trees are readily viewed by many of the visitors, given their proximity to the main road. So they are readily viewed by many but only in passing. The trees form the established view of a, relatively, small number of residents. Given their rural setting they don't screen any unsightly buildings or areas. If they were removed the view of attractive surrounding countryside would be increased.
- 6.7 Having driven most of Arran, at one time or another, I note that much of the island is devoid of trees and that the woodland present is mostly formed of commercial exotic monocultures; mainly Sitka Spruce. The area around Brodick, however, has a significant proportion of its land mass allocated to mixed woodland. Brodick Castle with its mature woodland and specimen conifers is just to the north of the TPO area. The trees within the TPO area are in keeping with the local landscape and enhance the experience of visitors and the day-to-day lives of residents alike.

## 7 **REFERENCES**

- |   |   |
|---|---|
| FORBES-LAIRD. J. (2006)   | Tree Evaluation Method For<br>Preservation Orders – Guidance Note<br>For Users.           |
| DUNSTER. J.A (2017)<br>International Society of Arboriculture   | Tree Risk Assessment Manual (second<br>edition).  |
| HELLIWELL. R. (2008)<br>Arboricultural Association              | Principles of tree hazard assessment<br>and management.                                   |
| SCOTTISH GOVERNMENT (2011)                                      | Scottish Planning Series. Planning<br>Circular 1 2011. Tree Preservation<br>Orders.       |
| BRITISH STANDARD INSTITUTE (2012)<br>BSI, 2 Park Street, London | BS 5837 “Trees in relation to design,<br>demolition & construction -<br>Recommendations”. |

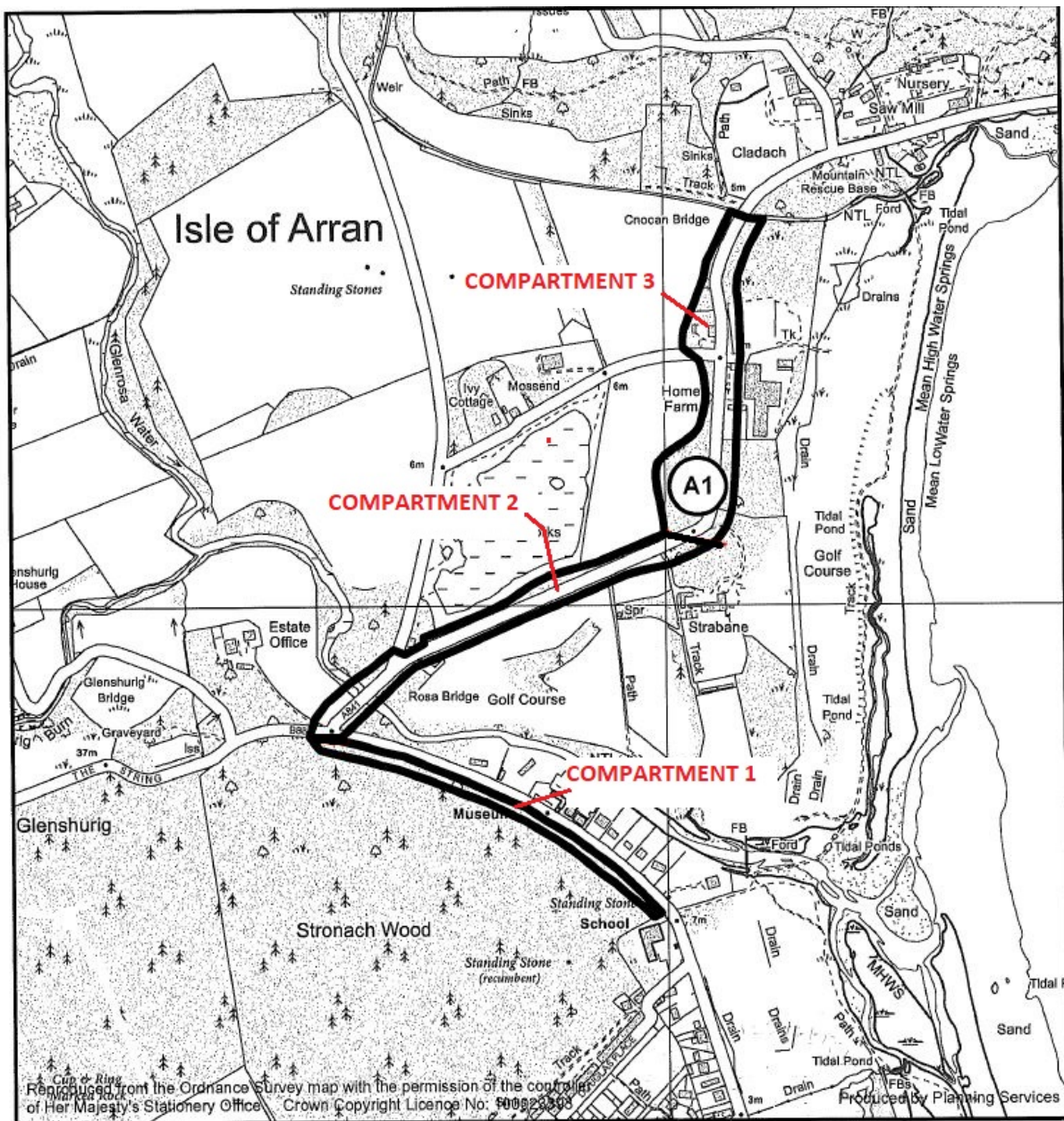


## **APPENDIX 1**

### **TPO COMPARTMENT PLAN<sup>4</sup>**

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<sup>4</sup> Plan taken from original TPO and not to scale.



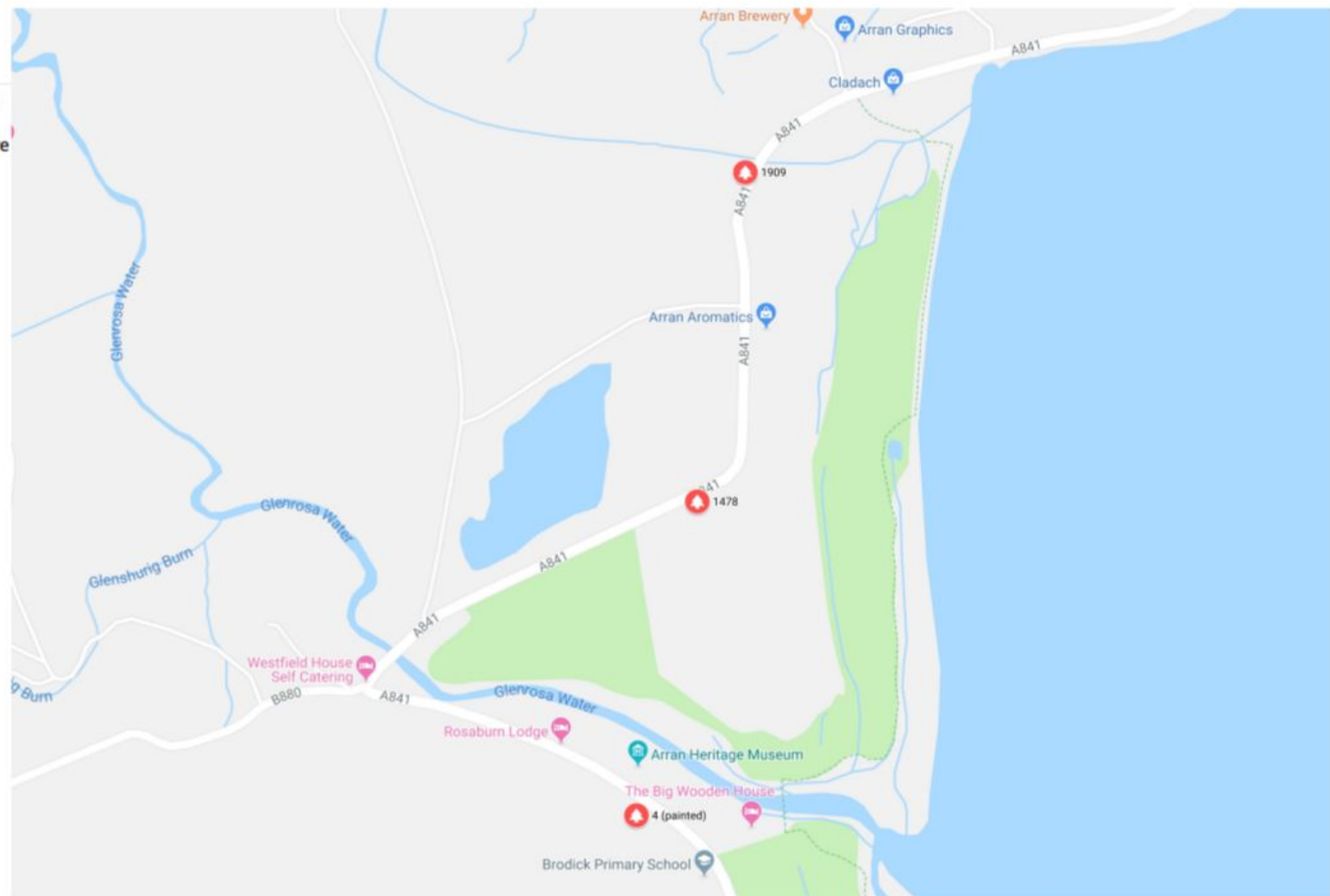
## **APPENDIX 2**

### **TREES FOR REMOVAL PLAN**

## Arran TPO

Trees for removal  
All items

Location of trees for removal.  
Created by Informed Tree  
Services Ltd for North Ayrshire  
Council. 7th August 2019.



### **APPENDIX 3**

#### **SCHEDULE OF TREES FOR REMOVAL**

Ref No.	Species Botanical (Common)	Height (m)	Crown spread (m) N-S E-W	Dia @ 1.5 M (mm)	Age Class	Vigour	Condition/Notes	Management Recommendations	Urgency Rating	Likelihood of Failure	Likelihood of Impacting Target	Likelihood of Failure and Impact	Consequences	Overall Risk Rating	Safe Useful Life Expectancy (assuming remedial work is completed) (years)	Re-Inspection Frequency	X Co-Ordinates	Y- Co-Ordinates
4 (painted)	<i>Abies procera</i> (Noble fir)	23	4-2 3-3	750	M	L	<b>Very Poor.</b> Standing deadwood within falling distance of public road.	Remove to ground level. OR reduce to 3 metre monolith.	High	imminent	medium	likely	severe	high	0	N/A	n00679	s36788
1478	<i>Pinus sylvestris</i> (Scots Pine)	24	4-2 1-5	660	M	L	<b>Very Poor.</b> Standing deadwood with bias towards road.	Remove to ground level. OR reduce to 3 metre monolith.	High	imminent	medium	likely	severe	high	0	N/A	n01015	s37078
1909	<i>Acer pseudoplatanus</i> (Sycamore)	17	5-0 0-0	410	MA	L	<b>Very Poor.</b> Part blown (uprooted) specimen rests on canopy of neighbouring roadside tree. Somewhat sparse canopy with one hanger above pavement.	Sever root- plate and make safe (remove to ground level).	High	imminent	medium	likely	severe	high	0	N/A	n01098	s37503

## **APPENDIX 4**

### **TEMPO FORMS**

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

**Date of inspection:** 5<sup>th</sup> August 2019  
**Surveyor:** Chris Simpson  
**TPO Ref:** A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran – Tree preservation Order 2019

**Compartment Number:** Compartment 1  
**Owner:** Unknown (by author)  
**Location:** “Brodick primary School to the junction of B880 String Road incorporating the northern perimeter of Stronach Wood to the south of A841”

### **Part 1: Amenity assessment**

#### **a) Condition & suitability for TPO**

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead	Unsuitable
0) Dying/dangerous <sup>5</sup>	Unsuitable

**SCORE :** 3

**NOTES:** The northern edge of Stronach Wood has suffered from wind-blow in the past and has been thinned out. The area covered by the TPO is the very northern extremity where the remaining trees are now exposed to higher (than previously experienced) wind loading. The few trees protected by the TPO display generally less than favourable canopy structure and pronounced leans. Tree 13 being an exception. Further storm damage is reasonably predictable.

#### **b) Retention span (in years) & suitability for TPO**

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10 <sup>6</sup>	Unsuitable
0) Dying/dangerous <sup>7</sup>	Unsuitable

**SCORE :** 1 (running total = 4)

**NOTES:** Once woodland has lost its wind-firm edge, progressive wind-throw can reasonably be expected. The safe useful life expectancy of these roadside trees is reduced due to previous management and wind-throw.

<sup>5</sup> Relates to existing context and is intended to apply to severe irremediable defects only.

<sup>6</sup> Includes trees which are an existing or near future nuisance, including those clearly outgrowing their current context, or which are significantly negating the potential of trees of better quality.

<sup>7</sup> Relates to existing context and is intended to apply to severe irremediable defects only.



**c) Relative public visibility & suitability for TPO (consider realistic potential for future visibility with changed land use)**

- 5) Very large trees with some visibility, or prominent large trees. Highly suitable
- 4) Large trees, or medium trees clearly visible to the public. Suitable
- 3) Medium trees, or large trees with limited view only. Suitable
- 2) Young, small, or medium/large trees visible only with difficulty. Barely suitable
- 1) Trees not visible to the public, regardless of size. Probably unsuitable

**SCORE : 3 (running total = 7)**

**NOTES:** remaining trees, within the TPO area, are now only readily viewed by users of the A841, pedestrians and the limited number of residents to the north of the road.

**d) Other factors (trees must have accrued 7 or more points (with no zero score) to qualify)**

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

**SCORE : 1 (running total = 8)**

**NOTES:** Other than tree 13, the remaining trees within this thinned/blown woodland edge do not display particularly attractive or optimised form.

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**Part 2: Expediency assessment** (Trees must have accrued 9 or more points to qualify)

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**SCORE : Not applicable**

**NOTES:** Compartment doesn't score high enough to qualify for an "expediency assessment" – required to score 2 points or more in section (d), above.

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**Part 3: Decision guide**

Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO

**ADD SCORES FOR TOTAL : 8**

**DECISION: Compartment 1 does not merit a TPO.**

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

**Date of inspection:** 5<sup>th</sup> August 2019  
**Surveyor:** Chris Simpson  
**TPO Ref:** A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran – Tree preservation Order 2019

**Compartment Number:** Compartment 2  
**Owner:** Unknown (by author)  
**Location:** “A841 incorporating roadside trees forming an avenue and public footpath past Rosa Bridge woodland with golf course to the south and on to the bend in the road just north of Strabane”

### **Part 1: Amenity assessment**

#### **a) Condition & suitability for TPO**

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead	Unsuitable
0) Dying/dangerous	Unsuitable

**SCORE :** 3

**NOTES:** Most of this compartment consists of a narrow line of large mature roadside trees. They display signs of previous management and some structural defects such as cavities, deadwood, failed limbs etc.

#### **b) Retention span (in years) & suitability for TPO**

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10	Unsuitable
0) Dying/dangerous	Unsuitable

**SCORE :** 4 (running total = 7)

**NOTES:** Other than severe weather events it is likely that these trees would persist, in a satisfactory condition, for at least 40 years.

**c) Relative public visibility & suitability for TPO (consider realistic potential for future visibility with changed land use)**

- 5) Very large trees with some visibility, or prominent large trees. Highly suitable
- 4) Large trees, or medium trees clearly visible to the public. Suitable
- 3) Medium trees, or large trees with limited view only. Suitable
- 2) Young, small, or medium/large trees visible only with difficulty. Barely suitable
- 1) Trees not visible to the public, regardless of size. Probably unsuitable

**SCORE : 3 (running total = 10)**

**NOTES:** These trees are only readily viewed by users of the A841 and those using the golf course.

**d) Other factors (trees must have accrued 7 or more points (with no zero score) to qualify)**

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

**SCORE : 4 (running total = 14)**

**NOTES:** The trees form a cohesive arboricultural feature that occupies both sides of the A841.

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**Part 2: Expediency assessment** (Trees must have accrued 9 or more points to qualify)

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**SCORE : 2 (running total = 16)**

**NOTES:** It is possible that the trees are at risk because some have been marked with numbers and some with crosses, suggesting they have been considered for removal.

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**Part 3: Decision guide**

Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO

**ADD SCORES FOR TOTAL: 16**

**DECISION: Definitely merits confirmation of TPO.**

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

**Date of inspection:** 5<sup>th</sup> August 2019  
**Surveyor:** Chris Simpson  
**TPO Ref:** A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran – Tree preservation Order 2019

**Compartment Number:** Compartment 3  
**Owner:** Unknown (by author)  
**Location:** “A841 passing Home Farm with mature woodland and road side trees to Cnocan Bridge”

### **Part 1: Amenity assessment**

#### **a) Condition & suitability for TPO**

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead	Unsuitable
0) Dying/dangerous	Unsuitable

**SCORE : 3**

**NOTES:** The roadside population has experienced remedial work in the past; trees have been topped and heavily pruned previously. It is likely that future remedial work will be required to meet a duty of care. Most trees, however, display favourable structural and physiological condition.

#### **b) Retention span (in years) & suitability for TPO**

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10	Unsuitable
0) Dying/dangerous	Unsuitable

**SCORE : 4 (running total = 7)**

**NOTES:** Other than severe weather events it is likely that this woodland would persist, in a satisfactory condition, for at least 40 years.

**c) Relative public visibility & suitability for TPO (consider realistic potential for future visibility with changed land use)**

- 5) Very large trees with some visibility, or prominent large trees. Highly suitable
- 4) Large trees, or medium trees clearly visible to the public. Suitable
- 3) Medium trees, or large trees with limited view only. Suitable
- 2) Young, small, or medium/large trees visible only with difficulty. Barely suitable
- 1) Trees not visible to the public, regardless of size. Probably unsuitable

**SCORE : 3 (running total = 10)**

**NOTES:** These large, or medium sized trees, are viewed by users of the A841, visitors to the visitor attractions and industrial units opposite Home Farm. There are very few residential properties that view this woodland.

**d) Other factors (trees must have accrued 7 or more points (with no zero score) to qualify)**

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

**SCORE : 4 (running total = 14)**

**NOTES:** The trees form a cohesive arboricultural feature that occupies both sides of the A841.

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**Part 2: Expediency assessment** (Trees must have accrued 9 or more points to qualify)

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**SCORE : 2 (running total = 16)**

**NOTES:** It is possible that the trees are at risk because some have been marked with numbers and some with crosses, suggesting they have been considered for removal.

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**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-10  | Does not merit TPO    |
| 11-14 | TPO defensible        |
| 15+   | Definitely merits TPO |

**ADD SCORES FOR TOTAL : 16**

**DECISION: Definitely merits confirmation of TPO.**

## **APPENDIX 5**

### **HELLIWELL VALUATION SHEET**

**HELLIWELL 'EVALUATION METHOD FOR WOODLANDS'<sup>8</sup>**  
**CALCULATIONS RELATING TO TPO AREA**

FACTOR	POINTS					SCORES & NOTES
	0.5	1	2	3	4	
1. Size of woodland		Very small	Small	Medium	Large	According to TPO, protected woodland is 5.65 Ha so scores 3.
2. Position in landscape	Very secluded	Secluded	Visible but not prominent	prominent	Very Prominent	Non-prominent woodland so scores 2.
3. Viewing population	Very few	Few	Some	Many	Very many	Woodland only viewed by a few residents but by road users and pedestrians. Scores 2.
4. Presence of other trees and woodland in the vicinity	Surrounding area more than 75% wooded	Surrounding area more than 25% wooded	Surrounding area 5-25% wooded	Surrounding area 1-5% wooded	Surrounding area less than 1% wooded	Surrounding area with more than 25% woodland cover but less than 75%. So scores 1.
5. Composition and structure of the woodland	Plantation with geometric stripes, or visually degraded woodland	Even-aged young woodland	Mature or uneven-aged woodland or wood pasture	Mature or uneven-aged woodland or wood pasture with large or veteran trees		Mature woodland with some variety in age and height. So scores 2.
6. Compatibility	Only just acceptable	Acceptable	Moderately good	Good	Excellent	Woodland is compatible with surroundings. So scores 3.
<b>TOTAL</b>						<b>72</b>

<sup>8</sup> Full guidance notes relating to the scoring regime can be read in “Visual amenity valuation of trees and woodlands. The Helliwell System 2008”. Guidance note 4 from the Arboricultural Association.

## **APPENDIX 6**

### **SUPPORTING PHOTOGRAPHIC EVIDENCE**



## **Picture 1**



**Above: Compartment 1. The dead tree (tree 4) can be seen in the background. The open nature of the protected area can be seen here.**

**Picture 2**



**Above: Compartment 2, as seen from the south – the car is just approaching the Glenrosa Water bridge.**

**Picture 3**



**Above: Compartment 3, as seen from the south – treated Japanese Knotweed can be seen on both sides of the road.**



**Picture 4**



**Above: Tree 1478 is a dead roadside tree in compartment 2.**

**Picture 5**



**Above: Area of water-logging within woodland to north-east of compartment 3.**



**Picture 6**



**Above: A shallow rooted, part-blown, tree located within woodland to north-east of compartment 3.**

## **APPENDIX 7**

### **GLOSSARY OF TERMS**

## **Glossary of Arboricultural Terms:**

<b>Term</b>	<b>Explanation</b>
<b>Amenity value</b>	The tangible and intangible benefits afforded by trees to the public.
<b>Mixed woodland</b>	Woodland consists of a mixture of broadleaved and coniferous trees.
<b>Native</b>	Tree species native to the British Isles.
<b>Exotic</b>	Tree species introduced to the British Isles.
<b>Tree</b>	Any woody perennial that would normally be referred to as a tree.