
NORTH AYRSHIRE COUNCIL

28 September 2022

Planning Committee

Title: **Grouping of Trees adjacent to Wildcat Road and Summerlea Road, West Kilbride**

Purpose: To seek authority to serve a Provisional Tree Preservation Order to protect a group of trees at Wildcat Road and Summerlea Road, West Kilbride

Recommendation: That the Council serves notice of a Tree Preservation Order (TPO) under S.160 Town and Country Planning (Scotland) Act 1997 and undertakes consultation with all relevant stakeholders.

1. Executive Summary

- 1.1 This report highlights and responds to concerns raised by stakeholders regarding the importance of a grouping of trees on the northern side of Summerlea Road and on both sides of the footpath known as Wildcat Road or Wildcat Lane, West Kilbride.
- 1.2 It is considered that the trees meet the criteria for a Tree Preservation Order (TPO), and it is recommended that a TPO is served in the interests of protecting public amenity.

2. Background

- 2.1 Concerns have been raised from members of the public and a Local Member that trees located in West Kilbride are under threat from proposed development. Those concerned are of the opinion that the trees contribute significantly to public amenity. The trees are located on the northern side of Summerlea Road and on both sides of the footpath known as Wildcat Road or Wildcat Lane. Those who raised concerns requested that an assessment be carried out to determine whether the grouping of trees should be subject to formal protection by a TPO.
- 2.2 The Council as the Planning Authority has the power under S.160 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) to make an Order specifying any trees, groups of trees or woodlands in their district and providing for their preservation. The Council can exercise these powers providing it meets either or both of the following requirements:
 - (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.
- 2.3 It should be noted that under the legislation, a TPO cannot be served due to trees being at risk alone. The only two criteria in which a Planning Authority can create a

provision are the those stated above.

- 2.4 The legislation states that a TPO may, in particular, make provision—
- a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the planning authority, and for enabling that authority to give their consent subject to conditions;
 - b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2.5 The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 outlines the procedures in which Planning Authorities can exercise their powers. If the Council serves a TPO, it is required to be confirmed within 6 months of the date of that notice. Within this time, all interested parties such as Landowners, Occupiers and Lessees must be notified and given a deadline to respond to the notice of no less than 28 days. The notice is required to be advertised locally in the relevant newspapers that serve the area.
- 2.6 The six-month period would allow Council to consult with stakeholders and gain direction from Committee on whether to confirm the TPO (or amend it) and put it in place in perpetuity.
- 2.7 It should be noted that a TPO does not provide absolute protection to all the trees on the site. Protection through a TPO places a requirement to obtain permission to cut down, top, lop, uproot trees from the Council. Should the removal or any other works to trees be part of any future planning permission, that permission would then supersede the TPO. Should a TPO be created, however, then it would be a material consideration in the determination of any planning application to which any trees are to be impacted.
- 2.8 Following a preliminary assessment of the trees, it is considered that the trees add to the Local Landscape Character. To determine whether it is expedient to create a TPO, it was considered appropriate to gain independent expert advice. The advice was also an opportunity to gain a fuller understanding of the contribution of the trees to public amenity.

Independent Report on the Suitability of a Tree Preservation Order

- 2.9 Following a procurement process, Informed Tree Services was appointed to undertake an independent survey on the suitability of a TPO. The brief instructed the analysis to how (if at all) the grouping of trees meets the criteria listed under S.160 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.
- 2.10 The findings of the Independent Report separate the grouping of trees into two

segments, referred to as compartments. These are made up of:

- Compartment 1 (approx. area 0.15 ha) - located to the immediate north of Summerlea Road,
- Compartment 2 (approx. area 0.4 ha)- located on either side of the footpath referred to as Wildcat Road or Wildcat Lane

- 2.11 The survey allowed detailed analysis of the contribution each of these grouping of trees make as opposed to a general survey of the area. Each compartment has been subject to analysis and the Report makes recommendations as to whether they are worthy of a TPO. A map showing each compartment can be found in appendix 2, attached to this paper. It should be noted that the area shown in the independent report is different from that shown in Appendix 1 and 2. The area shown in Appendix 1 and 2 is the proposed boundary for the TPO.
- 2.12 The trees were appraised in the week beginning 29th of August 2022 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

- 2.13 The report scores the compartments as follows:
- Compartment 1: A TPO would be defensible
 - Compartment 2: Definitely merits a TPO
- 2.14 Reasons for these scores include that both compartments 1 & 2 are classed as having “high desirability for retention” and scored highly on the TEMPO evaluation Method for Preservation Orders. This report also highlights the positive aspects of the woodland as being that it provides wildlife habitat opportunities, sequester carbon, provide shade and shelter, provide privacy/screening and enhance the landscape. The woodland is described as an established landscape feature that is viewed by many residential properties within the West Kilbride area.
- 2.15 The report details that compartment 1 is mainly made up of middle-aged and even-aged belt of multi-stemmed sycamore which are likely to have reached their maximum height.
- 2.16 Compartment 2 is described as a mature broadleaved riparian woodland belt with a mixture of species including Norway Maple, Sycamore, Horse Chestnut, Silver Birch, and Turkey Oak to name a few (the full list is contained in the report).
- 2.17 It is acknowledged that the advice scores compartment 1 lower than compartment 2. This separation is helpful as it broadens the understanding of the grouping. It is

considered that in this instance, as the two compartments have relatively high scoring, they can be assessed as a whole and worthy of protection under a single Tree Protection Order.

- 2.18 The report references the current application for residential development of the site and suggests that the current proposed development has an impact on the suitability of creating a TPO. It is considered that while the proposed development may impact the expediency of creating the order, the proposal should assess the trees on their own merit within their existing context.
- 2.19 It should be noted (see Para. 2.7) that if planning permission is granted, the permission would supersede any TPO created and does not mean that affected trees will be safeguarded in perpetuity. Should a TPO be created, anyone seeking to do works on any protected tree would then be required to seek the Council's permission.
- 2.20 The report also suggests that a TPO may not be required if any future planning consent is subject to carefully worded planning conditions. It is considered that this is not a desirable option.
- 2.21 An additional consideration is the existence of a core path on Wildcat Road. While not a key characteristic of the Core Path, trees can provide shelter and variety to the Core Path network, adding to the amenity value of the Path and therefore adding to the wider public interest.
- 2.22 At the time of assessment, there was little information regarding the historical or cultural significance of the trees. There is some anecdotal information regarding the use of Wildcat Road as a path is of historical and cultural significance but not attributing solely to the trees. Therefore, less attention was afforded to this criterion as part of the overall assessment as to the suitability of a Tree Protection Order.
- 2.23 Taking all the above into consideration, it is considered that the grouping of trees meets the criteria contained within S.160 of the Town and Country Planning (Scotland) Act 1997, insofar as (a) that it is expedient in the interests of amenity to make that provision.
- 2.24 Full details of the independent report with scoring can be found in Background Paper 1 of this report.

3.0 Proposals

- 3.1 It is proposed that the Council serves notice of a Tree Preservation Order in line with the recommendations of the independent report for both Compartments 1 and 2 as a single TPO with woodland classification.
- 3.2 It is proposed that the Council advertise the provisional TPO in local newspaper(s) and seek the views of stakeholders. Within 6 months of this notice, the Council will consider views expressed from stakeholders and make a recommendation to the Planning Committee on whether to confirm or amend the Order.

4 Implications/Socio-economic Duty

Financial

4.1 Costs associated with making can be met from existing budgets.

Human Resources

4.2 None.

Legal

4.3 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.

Equality/Socio-economic

4.4 Assessments carried out highlight the impact on public amenity.

Climate Change and Carbon

4.5 Trees and other green infrastructure contribute positively to the areas ambition to reduce its contribution to climate change.

Key Priorities

4.6 The proposed TPO has the potential to contribute to the Council Plan's Inspiring Place Key Outcome. Trees and other green infrastructure contribute to the creation of welcoming, vibrant and attractive places. Trees can also help capture carbon emissions and reduce local pollution which would otherwise be released into the atmosphere.

Community Wealth Building

4.7 None.

Consultation

5.1 Consultation is required with landowners, occupiers and lessees and published in a local paper with at least 28 days given for response.

JAMES MILLER
CHIEF PLANNING OFFICER

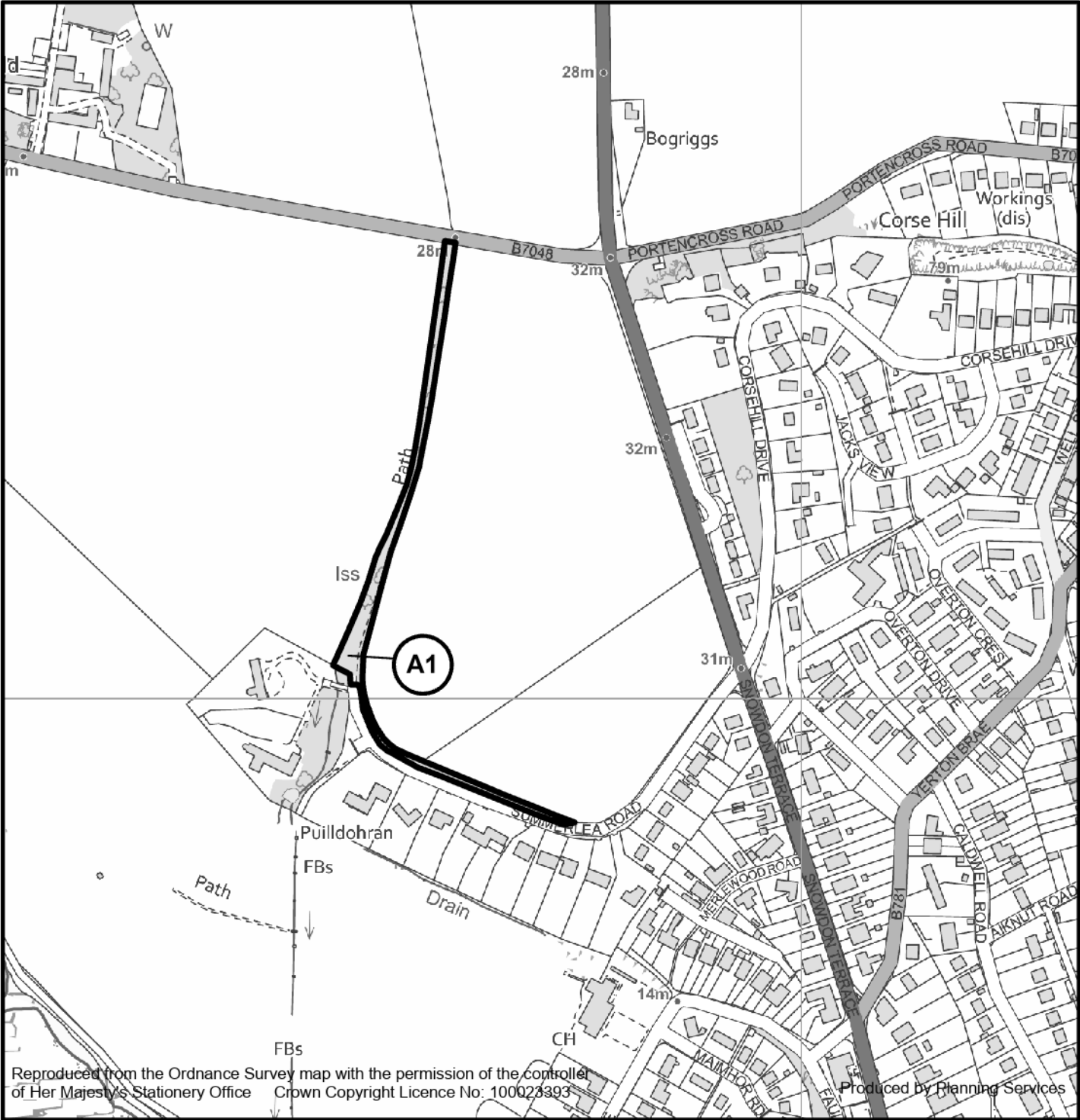
For further information please contact Thom Ledingham, Planning Officer on 01294 324 623


Background Papers

**1 - REPORT ON THE SUITABILITY OF A TREE PRESERVATION ORDER RELATING TO:
SUMMERLEA ROAD & WILDCAT ROAD, WEST KILBRIDE. KA23 9HP.**

TREE PRESERVATION ORDER Summerlea Road and Wildcat Road

APPENDIX 1

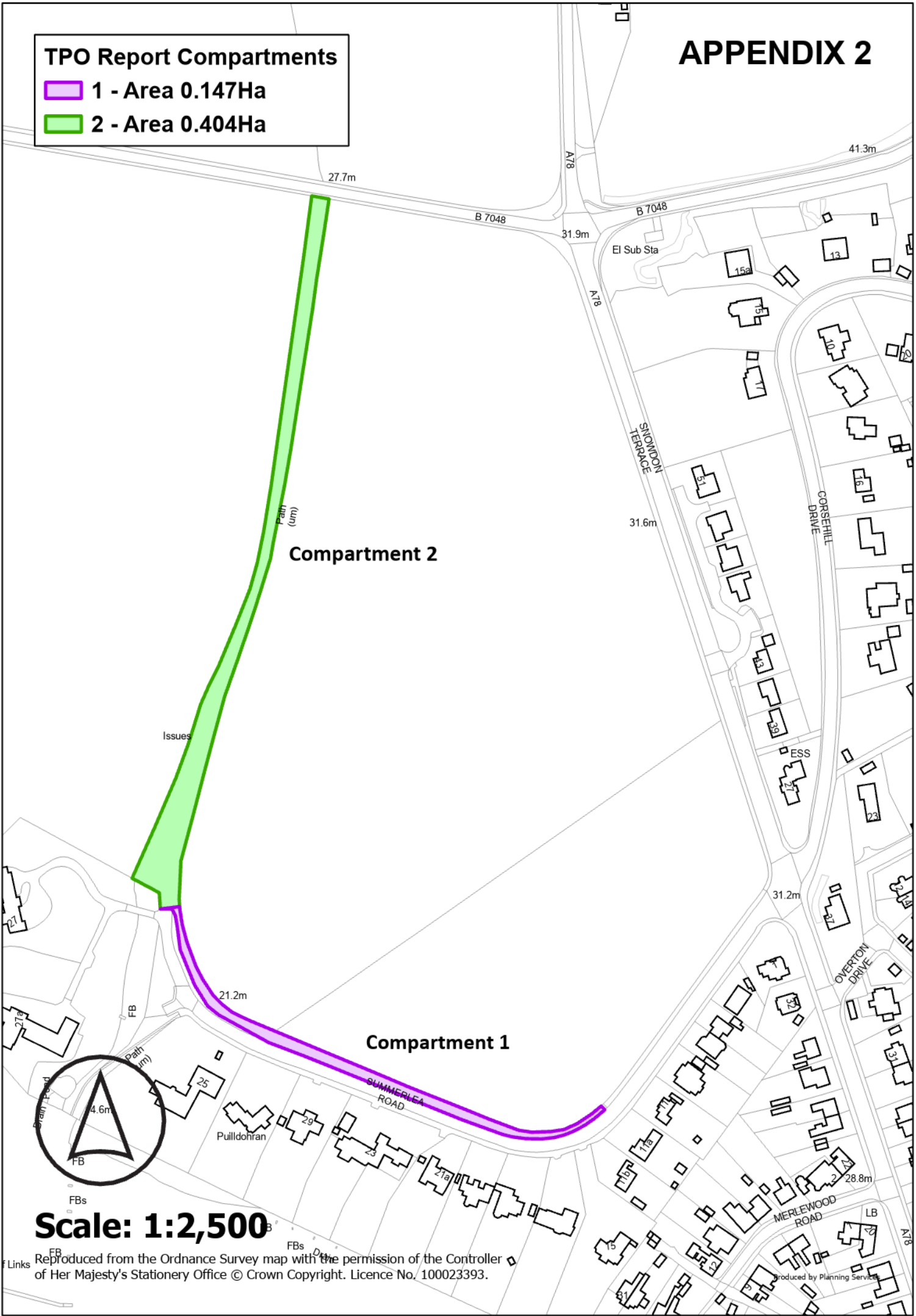


Address:	Summerlea Road & Wildcat Road West Kilbride	 <p>Scale: 1:5000</p>
Grid Ref:	NS 1966.4811	
Area:	A1 - 0.551Ha	
Description:	Mainly mixed deciduous mature trees	

APPENDIX 2

TPO Report Compartments

- 1 - Area 0.147Ha
- 2 - Area 0.404Ha



Scale: 1:2,500

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**REPORT ON THE SUITABILITY
OF A TREE PRESERVATION ORDER
RELATING TO:
SUMMERLEA ROAD & WILDCAT ROAD,
WEST KILBRIDE.
KA23 9HP.**

Ref: NAC/TPO/03.09.22

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3rd of September 2022.

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1 INTRODUCTION & INSTRUCTIONS

- 1.1 Following communications received from Mr. Thom Ledingham, of North Ayrshire Council, during June 2022, a quotation to carry out an evaluation of the appropriateness of a tree preservation order (TPO) was provided. The quotation was accepted – official order number received on 22nd of July 2022.
- 1.2 Mr. Ledingham forwarded a site plan which clarified the area to be evaluated.¹
- 1.3 Mr. Ledingham also forwarded a plan of a nearby proposed residential development.² Please refer to annex 1.
- 1.4 It was agreed that Mr. Chris Simpson, of Informed Tree Services Ltd, would carry out an objective appraisal of the appropriateness of the TPO using the nationally recognised system “Tree evaluation method for preservation orders” (TEMPO) (Forbes-Laird J. 2006).
- 1.5 The appraisal was carried out on the 2nd of September 2022, with the aim of assessing the appropriateness of creating TPO.
- 1.6 The author also applied the “Visual amenity valuation of trees and woodlands – The Helliwell system 2008” (Helliwell R. 2008) to give a comparative “amenity” value to the woodland. The Helliwell System provides a financial value but is applied here purely to give a comparative amenity value.

¹ Potential TPO Map (JPEG)

² PH-SST-V-01 Rev V-Development Layout

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 potential 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.

Signed: *chris simpson*

Date: 3rd of September 2022.

3 EXECUTIVE SUMMARY

- 3.1 North Ayrshire Council had been petitioned to apply a TPO to an area of woodland adjacent to Wildcat Road and Summerlea Road, West Kilbride, by Councillor Todd Ferguson, during July 2022.
- 3.2 Mr. Chris Simpson, of Informed Tree Services Ltd, was commissioned to objectively appraise the appropriateness of applying a TPO to the area of woodland. The appraisal was carried out on the 2nd of September 2022.
- 3.3 The “Tree Evaluation Method for Preservation Orders - 2006” (TEMPO) was adopted.
- 3.4 The TPO area displayed two distinct compartments and so each compartment has been evaluated individually. Results as follow:
- 3.5 Compartment 1: *“A TPO would be defensible”*.
- 3.6 Compartment 2: *“Definitely merits a TPO”*.
- 3.7 The “Visual amenity valuation of trees and woodlands – The Helliwell system” (2008) was also applied. The woodland (collectively) scored 243 points. Indicating a woodland of moderate to high amenity value.
- 3.8 If detailed planning consent is granted for a proposed residential development, to the immediate north and east of the compartments, then a woodland category TPO should be applied to each compartment.
- 3.9 The TPO plan should be scaled at 1:1’250.
- 3.10 The TPO should then be confirmed and registered.
- 3.11 If planning consent is not granted, then it would not be expedient to create a TPO.
- 3.12 The trees found within compartment 1 & 2 could be afforded comparable protection, as that by a TPO, by carefully worded planning conditions – assuming planning consent is granted.

4 **INVESTIGATION FINDINGS**

- 4.1 The woodland appraisal was carried out in clear, bright, dry and warm conditions. The wind speed was approximately Force 2, (Light Breeze)³.
- 4.2 The woodland displays two distinct areas, referred to as compartments. Compartment 1 is found to the immediate north of Summerlea Road, a quiet residential, unclassified, public carriageway. It is bordered to the immediate north by agricultural pasture.
- 4.3 Compartment 2 is found to the west of a public right-of-way, referred to as Wildcat Road, or Wildcat Lane. It is bordered to the west by a narrow stream, then arable fields. Agricultural pasture is found to the east. The B7048, Portencross Road, is found to the north. A residential garden, with further mature woodland, is found to the south.
- 4.4 Compartment 1, being directly to the north of properties off Summerlea Road, is readily viewed by local residents and by those inhabitants of a residential area of West Kilbride, to the distant north-east, mainly Corsehill Drive.
- 4.5 Compartment 2 is readily viewed by the residents of Corsehill Drive, etc., to the distant east. It borders a public path and so is viewed by those using this route, and by those traveling along Portencross Road.
- 4.6 The two distinct woodland compartments are described below. Please refer to appendix 1 for the location of each compartment.

4.6.1 **Compartment 1:**

- a) **Character Statement:** Middle-aged and even-aged belt of multi-stemmed sycamore.
- b) **Location:** Centre of compartment is found at, X/Y Co-ordinates 219628 – 647972, National Grid Reference NS1962847972, Latitude/Longitude 55.69158, -4.87118. Please refer to appendix 1.
- c) **Size:** Approximately 0.23 hectares.
- d) **BS 5837 Retention Category:** A, “high desirability for retention”.
- e) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- f) **Age Class:** Middle-aged.
- g) **Safe useful life expectancy (SULE):** 40+ years

³ Beaufort Scale (Met Office)

h) Species composition:

Acer pseudoplatanus (sycamore)

i) Elevation: approximately 10 metres above mean sea level.

j) Aspect: Arises from moderate south, south-west, facing embankment.

k) Terrain: Relatively smooth.

l) Drainage: No drain network observed. No signs of waterlogging observed.

m) Artefacts: Lampposts. Stock fence along northern boundary.

n) Access: Readily accessed from Summerlea Road. But no path network present.

o) Neighbours: Summerlea Road to the immediate south. Agricultural land to the north.

p) Vertical structure: Lacks vertical strata. Even aged and uniform stand approximately 12 metres tall.

q) Horizontal structure: Sizeable gaps in the canopy have formed to the eastern side. Becomes more densely stocked to the west.

r) Shrub layer: No shrub-layer present.

s) Field Layer: Consists only of coarse grasses.

t) General Observations: A stand of stored coppice sycamore. It appears that many of these multi-stemmed trees have been felled/reduced to near ground level in the distant past. The lower stems (stools) of some display advanced decay. Almost all of the sycamore stems are supporting dense ivy (*Hedera helix*). Low, squat, specimens have developed due to exposure to the prevailing wind. They have, likely, already reached their terminal height. All display normal vitality. All are host to the fungal pathogen tar-spot (*Rhytisma acerinum*) – though this disease of the foliage is of little arboricultural concern. Way-leave marker noted, indicating that underground utilities pass under the compartment.

Please refer to appendix 4, photographs 1 & 2 for a view of compartment 1 from the south and west.

4.6.2 **Compartment 2:**

- a) **Character Statement:** Mature broadleaved riparian woodland belt.
- b) **Location:** Centre of compartment is found at, X/Y Co-ordinates 219674 – 648227, National Grid Reference NS1967448227, Latitude/Longitude 55.69389, -4.87062. Please refer to appendix 1.
- c) **Size:** Approximately 0.64 hectares.
- d) **BS 5837 Retention Category:** A, “high desirability for retention”.
- e) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- f) **Age Class:** Mature, to late-mature.
- g) **SULE:** 40+ years.
- h) **Species composition:**
 - Acer platanoides* (Norway maple)
 - Acer pseudoplatanus* (sycamore)
 - Aesculus hippocastanum* (horse chestnut)
 - Betula pendula* (silver birch)
 - Crataegus monogyna* (hawthorn)
 - Fagus sylvatica* (beech)
 - Fraxinus excelsior* (common ash)
 - Prunus avium* (gean)
 - Prunus domestica* (damson)
 - Quercus cerris* (Turkey oak)
 - Ulmus glabra* (wych elm)
- i) **Elevation:** approximately 10 metres above mean sea level.
- j) **Aspect:** Belt displays a gentle west facing slope, to its southern end, otherwise level.
- k) **Terrain:** Rough and inaccessible terrain.
- l) **Drainage:** Woodland is bordered by a main-drain/stream to its western boundary – a riparian woodland, therefore. No other drain network was noted. No signs of waterlogging were observed.
- m) **Artefacts:** Derelict stock fence to the eastern boundary.
- n) **Access:** An informal access route has been formed to the southern end of the woodland. Borders a public path but most of the woodland belt is inaccessible.

- o) Neighbours:** Public path to the immediate east, then agricultural pasture. Stream to the west, then arable fields. Portencross Road to the immediate north and a residential woodland garden is found to the immediate south.
- p) Vertical structure:** An exposed woodland belt with many trees having reached their terminal height by approximately 14 metres. Some have retrenched and are now lower. Varied vertical structure throughout.
- q) Horizontal structure:** Varied horizontal structure also, with sizeable gaps formed by previous tree losses, while other sections are densely stocked.
- r) Shrub layer:** Dense and varied understory is found within this woodland belt and consists of *Rubus fruticosus* (bramble), *Sambucus nigra* (elderberry), *Crataegus monogyna* (hawthorn), and *Prunus domestica* (damson). Making a valuable wildlife corridor.
- s) Field Layer:** Limited field layer with coarse grasses and *Urtica urens* (nettles).
- t) General Observations:** The diverse species composition, varied age-classes present combined with the varied vertical and horizontal structure suggests an old, perhaps ancient, woodland belt. Likely a remnant of a wider network of field-edge hedgerows. Consisting of mainly native broadleaved species, and bordered by a watercourse, this woodland affords great ecological benefits. The woodland belt is readily viewed by residents of the Corsehill Drive area of West Kilbride. It contains at least one completely dead sycamore specimen, though this poses little perceivable risk of harm while providing deadwood habitat for invertebrates etc. The common ash component is succumbing to the ill-effects of *Hymenoscyphus fraxineus* (ash die-back disease). Please refer to appendix 4, photograph 6. The more open sections, where trees have been removed, or have failed, are swamped by dense brambles. These woody shrubs provide their own ecological benefits but do suppress the development of replacement trees. The woodland displays no signs of recent active management but, unfortunately, someone have seen fit to fly-tip large volumes of green waste/garden waste into the southern end of the woodland. Depending on the ownership of the woodland, this may be an illegal activity and it certainly risks introducing diseases and invasive exotic plant species. Please refer to appendix 4, photograph 5.

Please refer to appendix 4, photograph 3 for a view of compartment 2, from the north.

- 4.7 It is understood that a planning proposal for a residential development has been submitted to North Ayrshire Council. And that the application is under consideration. A copy of the proposed development's layout was provided by Mr. Ledingham.⁴ While this report is not intended to be a "BS5837:2012 Trees in relation to design, demolition and construction – Recommendations" compliant document, it is clear that the proposal includes the construction of access roads, "pedestrian links", "SUDS" basin, and residential properties in close proximity to both woodland compartments. Indeed, it is clear the proposal would require the removal of some trees – particularly from compartment 1. Please refer to annex 1.
- 4.8 This proposal is mentioned because the creation of a TPO is appropriate when the planning authority feel *"that it is expedient in the interests of amenity to make that provision"*.⁵
- 4.9 The trees within compartments 1 & 2 would be subject to a higher probability of wilful damage and/or wilful destruction, whether that damage is authorised or unauthorised. For example, the mature trees found to the north of compartment 2 encroach significantly over the proposed development site. Please refer to appendix 4, photograph 4. Proposed access roads and paths, as currently planned, would certainly require the removal of a number of sycamore trees from compartment 1. And the proposed SUDS basin suggests an anticipated change in surface-water run-off, due to the impenetrable surfaces created. Changes in local soil moisture content and run-off of contaminated water often pose a significant risk to the long term retention of existing trees.
- 4.10 It is noted that the development proposal has not followed the recommended "design and construction process" as laid out in figure 1 of BS5837. If it had then the proposal would show the desirability for retention of each existing tree, and its default root protection area. The development would then be designed with these arboricultural matters in mind.
- 4.11 The "Tree Evaluation Method for Preservation Orders (TEMPO)" was applied to determine the appropriateness of a TPO. 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.

Cont...

⁴ PH-SST-V-01 Rev V-Development Layout (PDF)

⁵ Town & Country Planning (Scotland) Act 1997. Section 110 1A (a)

	Compartment 1	Compartment 2
Factor	Score	Score
Condition	3	3
Retention span	4	4
Relative public visibility	3	4
Other factors	1	3
Expediency	3	3
Total	14	17
Decision	TPO defensible	Definitely merits TPO

- 4.12 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 243 points. Points allocated as follows:

Factor	Points allocated
1) Size of woodland	1.5
2) Position in landscape	2
3) Viewing population	3
4) Presence of other trees and woodland in the vicinity	3
5) Composition and structure of woodland	3
6) Compatibility	3
TOTAL (scores multiplied)	243

- 4.13 The monetary value for woodland is £171.87 per point (until the end of 2022). Making the amenity value of the woodland, £41'764.41. This figure is only mentioned to allow comparison of another method for the evaluation of amenity value. At 243 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 RECOMMENDATIONS

- 5.1 The potential TPO area was broken down into two distinct compartments. Each compartment was evaluated in its own right. Conclusions as follows:
- 5.2 Compartment 1, a TPO would be defensible.
- 5.3 Compartment 2 definitely merits a TPO.
- 5.4 If detailed planning consent is granted for the development as shown on the site plan provided, then a woodland TPO should be created and confirmed. Or carefully worded planning conditions should be applied that protect the trees within these two compartments.
- 5.5 The TPO map (a schedule 1) should be drawn at a scale of 1:1'250.
- 5.6 The TPO should be of a "woodland" designation.
- 5.7 The TPO map should, therefore, highlight the protected woodland with a "continuous red line".
- 5.8 The TPO should then be confirmed and recorded with the appropriate Register of Sasines or registered with the Land Register of Scotland.
- 5.9 The TPO should be reviewed from 'time to time'. Once every five years is suggested.
- 5.10 The ownership of the compartments should be determined. Assuming the woodland referred to as compartment 2 is not owned by local residents, then they (the residents of Summerlea Road) should be strongly advised to not tip waste into the woodland.
- 5.11 The proposer of the residential development should ensure that they carefully follow the staged "design and construction process" as laid out in figure 1 of BS5837, in future.
- 5.12 North Ayrshire Council should not consider/process planning proposals that have not followed the BS5837 "design and construction process".

6 **OPINION**

- 6.1 On arrival at Summerlea Road it quickly became apparent that the 'woodland' to be evaluated is formed by two distinct broadleaved belts. Therefore, I felt it appropriate to rate the two compartments separately.
- 6.2 Compartment 1 is a narrow belt of multi-stemmed sycamores that arise close to Summerlea Road and close to the proposed residential development.
- 6.3 Compartment 2 is somewhat more removed from the proposed development, being isolated from the field by a metaled path. Compartment 2 displays an impressive range of native, naturalised and exotic broadleaved tree species. The range of tree species, sizes and conditions, combined with the woodland's position adjacent to a historic road/route strongly suggests a woodland of great age.
- 6.4 The two compartments provide various socioeconomic benefits. They provide wildlife habitat opportunities, sequester carbon, provide shade and shelter, provide privacy/screening and enhance the landscape. These established landscape features are viewed by many residential properties within the West Kilbride area. As such, both compartments are worthy of retention.
- 6.5 So, the trees provide tangible and/or intangible benefits to the public – they have amenity value. They also have historic and cultural value, particularly compartment 2. But a TPO should only be applied when it is expedient to do so. This would suggest that their needs to be a reasonably perceivable threat to the long-term survival of the subject tree, or trees.
- 6.6 It is my experience that new residential properties, in close proximity to existing trees, does indeed, inevitably, result in predictable and continual pressures on those trees. Compartment 1 & compartment 2 are found to the immediate south and west of several of the proposed homes. They will cast significant shade over gardens and windows, especially in the evenings. This alone is likely to result in residents seeking tree reductions and removals. Several homes and gardens are planned in close proximity to existing canopies. Where these tree canopies encroach private property, the residents will be intitled to 'abate a nuisance', regardless of a TPO being in place, or not. And some trees are simply incompatible with the proposed development and will require removal. For these reasons it is reasonable to perceive a threat to the long term survival of at least some of the trees present.
- 6.7 It should be noted that retained trees, after detailed planning consent has been granted, may be protected by carefully worded planning conditions, rather than the creation of a TPO. And a TPO does not mean that planning consent cannot be provided, and selected trees approved for removal.

Cont...

- 6.8 A local planning authority has a challenging role in an instance such as this. The amenity, cultural and historic value of the woodland must be balanced with the authority's responsibility to encourage suitable proposals for the much needed expansion of suitable housing. In this instance I feel all trees within the two compartments could easily be retained, with some slight adjustments of the proposed development's footprint.
- 6.9 It should be noted that if the proposed development is not granted detailed planning consent, then it would likely no longer be expedient to apply a TPO, as there would be no increased threat to the trees' survival.
- 6.10 If a TPO is applied, it should be of a 'woodland' classification. This category of TPO best protects trees, of all sizes and ages, in the longer term.

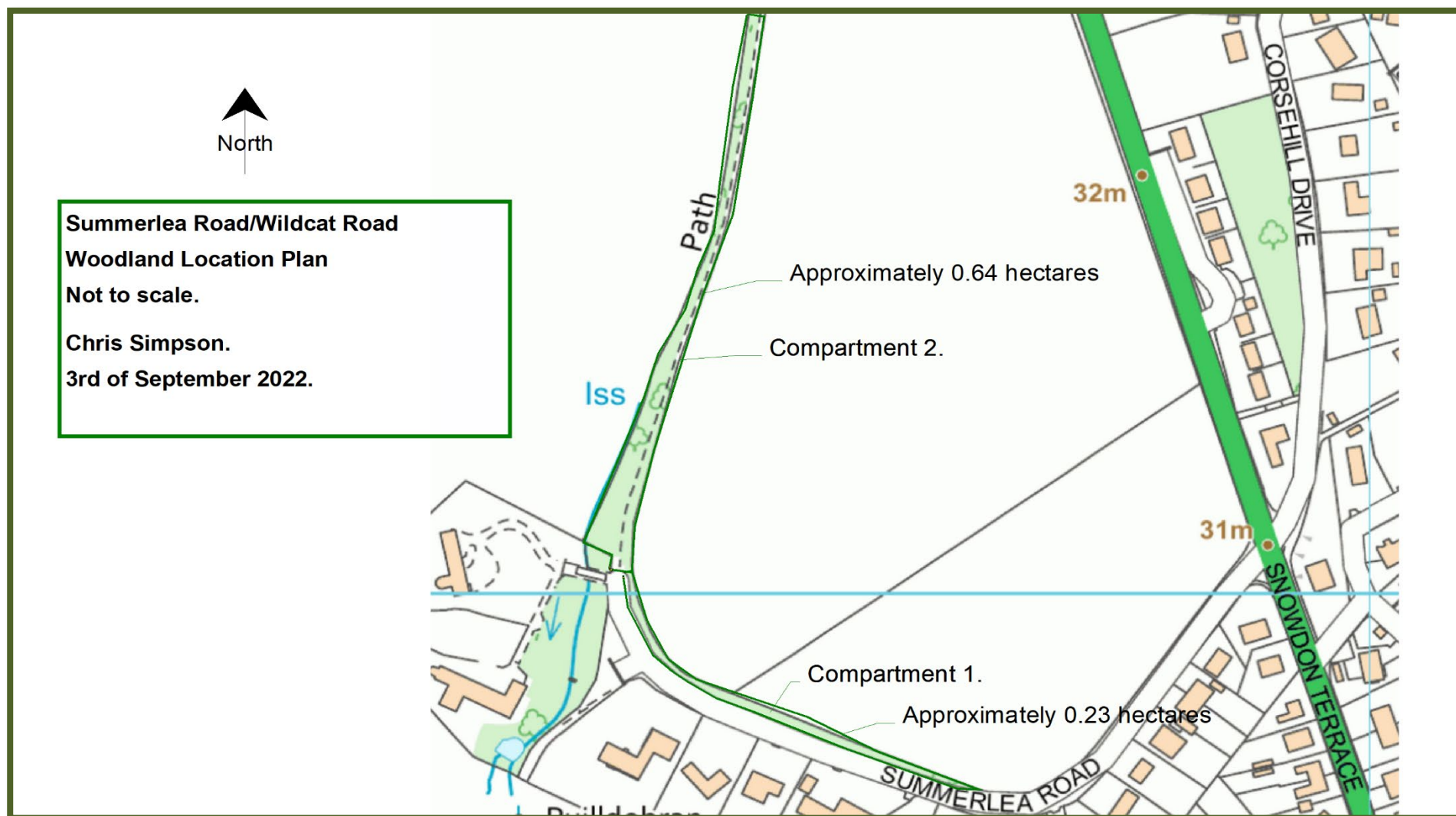
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APPENDIX 1

LOCATION PLAN⁶

⁶ Plan not to scale.



APPENDIX 2

TEMPO FORMS

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

Date of inspection: 2nd of September 2022

Surveyor: Chris Simpson

TPO Ref: No order had been applied at the time of inspection.

Compartment Number: Compartment 1

Owner: Unknown (by author)

Location: "West Kilbride, North Ayrshire. KA23 9HP. Woodland belt found to the immediate north of Summerlea Road then running south to north, to the B7048".

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 ⁷	Unsuitable

SCORE: 3

NOTES: This southern belt arises to the immediate north of Summerlea Road. A narrow belt on a south-facing embankment dominated by young multi-stemmed sycamore. Readily viewed by residents to the south and by residents of the wider West Kilbride area, to the distant north-east. A useful screen.

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 ⁸	Unsuitable
0) Dying/dangerous ⁹	Unsuitable

SCORE: 4 (running total = 7)

NOTES: This woodland belt is formed entirely by sycamore specimens. This disease resistant naturalised species can reasonably be anticipated to survive another 40 to 100 years.

⁷ Relates to existing context and is intended to apply to severe irremediable defects only

⁸ 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.

⁹ 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 = 10)

NOTES: The belt of relatively squat sycamore specimens are readily viewed by residents of Summerlea Road and by the residents of properties found to the north-east, as well as road-users and walkers.

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 = 11)

NOTES: The young multi-stemmed, squat, sycamore trees have no other redeeming arboricultural features.

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: 3 (running total = 14)

NOTES: A planned residential development to the immediate north will inevitably lead to soil disturbance within the trees' predictable rooting area, alter soil moisture content and increase the probability of authorised, and unauthorised, pruning and felling.

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: 14

DECISION: A TPO for Compartment 1 would be defensible.

Cont...

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

Date of inspection: 2nd of September 2022

Surveyor: Chris Simpson

TPO Ref: No order had been applied at the time of inspection.

Compartment Number: Compartment 2

Owner: Unknown (by author)

Location: "West Kilbride, North Ayrshire. KA23 9HP. Woodland belt found to the immediate north of Summerlea Road then running south to north, to the B7048".

Part 1: Amenity assessment

e) Condition & suitability for TPO

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead	Unsuitable
0) Dying/dangerous ¹⁰	Unsuitable

SCORE: 3

NOTES: This western woodland belt arises to the immediate west of a public right-of-way. With arable fields to the east and west it is readily viewed by of the wider West Kilbride area, to the distant north-east.

f) 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 ¹¹	Unsuitable
0) Dying/dangerous ¹²	Unsuitable

SCORE: 4 (running total = 7)

NOTES: This woodland belt is formed by a variety of broadleaved species, including sycamore, common ash, Turkey oak, gean, silver birch, damson, hawthorn, horse chestnut and beech. It displays gaps in the canopy where older trees have failed or have been removed. These open areas are typically covered in dense bramble. The woodland belt displays a varied vertical structure – younger trees are found below the canopies of older trees, thus helping ensure continued canopy cover for a conservative estimate of 40 to 100 years.

¹⁰ Relates to existing context and is intended to apply to severe irremediable defects only

¹¹ 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.

¹² Relates to existing context and is intended to apply to severe irremediable defects only

g) 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: 4 (running total = 11)

NOTES: This woodland belt, despite being somewhat squat (exposed to the prevailing wind) contains some large diameter broadleaved specimens that combine to create a major landscape feature, viewed by residents of West Kilbride (to the north-east) and by road-users.

h) 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: 3 (running total = 14)

NOTES: This mature woodland belt is found along the edge of a historic right-of-way and contains several mature, to late-mature specimens – suggesting a woodland of great age. Formed by mainly native broadleaved species.

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: 3 (running total = 17)

Cont...

NOTES: A planned residential development to the immediate east will inevitably lead to soil disturbance within the trees' predictable rooting area, alter soil moisture content and increase the probability of authorised, and unauthorised, pruning and felling. It should be noted that the canopies several trees, to the north of this belt, display significant encroachment of the proposed development site.

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: 17

DECISION: **Compartment 2 definitely merits a TPO.**

APPENDIX 3

HELLIWELL VALUATION SHEET

HELLIWELL 'EVALUATION METHOD FOR WOODLANDS'¹³
CALCULATIONS RELATING TO TPO AREA

FACTOR	POINTS					SCORES & NOTES
	0.5	1	2	3	4	
1. Size of woodland		Very small	Small	Medium	Large	Compartment 1 is approximately 0.23 Ha. Compartment 2 is approximately 0.64 Ha. So, scores 1.5
2. Position in landscape	Very secluded	Secluded	Visible but not prominent	prominent	Very Prominent	Visible for more than 1 Kilometre. Non-prominent woodland so scores 2.
3. Viewing population	Very few	Few	Some	Many	Very many	Woodland viewed by 'many' residents and by road users and pedestrians. Scores 3.
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 no more than 5% woodland cover. So, scores 3.

¹³ 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.

HELLIWELL 'EVALUATION METHOD FOR WOODLANDS'¹⁴
CALCULATIONS RELATING TO TPO AREA

FACTOR	POINTS					SCORES & NOTES
	0.5	1	2	3	4	
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		Compartment 1 is even aged and middle-aged but compartment 2 is mature and un-even aged. So, scores 3.
6. Compatibility	Only just acceptable	Acceptable	Moderately good	Good	Excellent	Woodland is an established feature within an agricultural setting – good compatibility. So, scores 3.
TOTAL						243

¹⁴ 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

Photograph 1



Above: Compartment 1 as seen from the south. Note the properties in the distance, with an uninterrupted view of this woodland belt.

Photograph 2



Above: Compartment 1, as seen from the west. Note the distinct gap between the two compartments, created by the public footpath.

Photograph 3



Above: Compartment 2, as seen from the north. Note the fragmented nature of the woodland

Photograph 4



Above: The northern end of compartment 2. The canopies found here encroach over the field to the east, the proposed development site.

Photograph 5



Above: The southern end of compartment 2. Large volumes of green waste are being dumped within the woodland.

Picture 6



Above: The common ash trees found within compartment 2 are succumbing to the ill-effects of ash die-back disease.

APPENDIX 4

GLOSSARY OF TERMS

Glossary of Arboricultural Terms:

Term	Explanation
Amenity value	The tangible and intangible benefits afforded by trees to the public.
Coppice	Silvicultural technique where the tree is repeatedly cut-back to a stool.
Native	Tree species native to the British Isles.
Naturalised	Tree species introduced to the British Isles but now forming wild populations.
Riparian woodland	Woodland bordering aquatic features. Commonly accepted to increase the ecological value of a woodland.
Stool	Coppiced tree stump.
Stored coppice	Coppiced stems that are retained beyond a standard cycle of cutting.
Tree	Any woody perennial that would normally be referred to as a tree.

ANNEX 1

PROPOSED DEVELOPMENT LAYOUT

