
TREE PRESERVATION ORDER AT LOCHGAIR (TPO ref. 04/10)

1. SUMMARY

- 1.1 This report seeks confirmation of an amended provisional Tree Preservation Order in respect of trees growing on land at Lochgair east of the War Memorial within the extensive grounds of 'Caberfeidhe' and 'Tigh na Tobar', having regard to representations received in respect of the provisional Order (reference 04/10).

2. RECOMMENDATION

It is recommended, having regard to an assessment of the representations received in respect of Provisional Tree Preservation Order Ref 04/10, that:

- a) the order be adjusted in relation to the protected specimens, and areas of exclusion close to buildings, as described and modified in section 4 of this report, and that
- b) the modified Order be now confirmed as the Lochgair Tree Preservation Order 04/10.

**3. DETAILS OF TREE PRESERVATION ORDER 04/10 : LOCHGAIR
AND ASSESSMENT OF REPRESENTATIONS RECEIVED**

- 3.1 The Provisional Order following Committee authorisation was first made in July 2010. The Order is an Area Tree Preservation Order. The purpose of this Order was first conceived when planning permission was first given for the present dwelling houses in order to ensure that the area of trees on the small hill within their rear curtilages would not become subject to further development pressures, in recognition of the contribution which those trees give to this part of the setting of Lochgair.
- 3.2 There are a number of trees on this site ranging from older broadleaves in need of some crown work to remove dead wood, a number of conifers that are likely to have been planted to create quick growing screening, some ornamental garden trees and self seeded willows and other scrub trees.
- 3.3 Representations were received to the Provisional Order from two households, namely:

Mrs. H. J. McCartan of 'Tigh na Tobar', Lochgair, and
Mrs. A Norwell of 'Caberfeidhe', Lochgair

- 3.4 Both parties are agreeable to the TPO in principle, but have concerns about their management liabilities and would like to see adjustments to the provisional order so as to exclude : (a) the numerous conifer trees particularly found in the western section of the area and (b) those deciduous trees growing within 8 metres of their dwelling-houses/ garages.
- 3.5 Having examined the height, health, age and maturity of the conifer specimens in question it is evident that they offer little merit both within the site and in the context of providing a setting to parts of Lochgair and that they pose a potential danger to property. The larger indigenous broadleaves are, however, good specimens and generally worthy of continued TPO protection, being of merit both within the site and in terms of their contribution to the setting of part of the village.
- 3.6 In order to safeguard the dwelling houses and to allow for maintenance and improvement to their garden areas and associated work close to the houses involved, it is recommended that the description within the Order should provide an exception within those parts of the site which are within 8 metres from the existing houses and garages. The trees within this proposed exclusion area are also ornamental and recently planted and do not offer any wider contribution to the setting of the village. Additionally it is also advised that for this site those saplings of any species less than 100mm in diameter should be excluded.

4 PROPOSED MODIFICATION AND CONFIRMATION OF TREE PRESERVATION ORDER 04/10.

- 4.1 The Order to be confirmed should provide for the following (by way of wording of this Area Order):
- (a) exclusion from protection by the Order, of all coniferous specimens ;
 - (b) exclusion from protection by the Order, of all specimens growing within 8 metres of the existing dwellings/garages
 - (c) exclusion from protection by the Order, of all saplings, irrespective of species, where they are less than 100mm in diameter.

5.0 IMPLICATIONS

Policy : The proposed TPO's are consistent with policies in the Council's development plan.

Financial : None

Personnel : None

Equal opportunities : None

Legal : None

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