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**TREE PRESERVATION ORDER AT CARSAIG, TAYVALLICH (TPO ref. 11/10)**

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**1. SUMMARY**

- 1.1 This report seeks confirmation of an amended provisional Tree Preservation Order in respect of trees growing on land at Carsaig on the landward side of the shore road within the extensive lands of 'Westwood' and 'Canna', having regard to representations received in respect of the provisional Order (reference 11/10).

**2. RECOMMENDATION**

It is recommended, having regard to an assessment of the representations received upon the Provisional Tree Preservation Order Ref 11/10, that

- a) the order be adjusted in relation to the boundary of the provisional Order as modified in this report and as identified in plan 1 attached and in relation to the protected specimens, and the management of certain trees within the area, as described and modified in section 4 of this report,
- b) the modified Order be now confirmed as the Carsaig Tree Preservation Order 11/10.

**3. DETAILS OF TREE PRESERVATION ORDER 11/10 - CARSAIG; AND  
ASSESSMENT OF REPRESENTATIONS RECEIVED**

- 3.1 The Provisional Order following Committee authorisation was first made in July 2010. The Order is a Woodland 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 they would be contained / well screened within the indigenous deciduous woodland which now well established on this small coastal hill within the settlement of Carsaig.
- 3.2 The tree cover within the site of the provisional order is of a scattered nature and consists of both indigenous and ornamental species. The ornamental species are growing within the concealed lower garden area to the east of 'Westwood' where they serve no particular purpose in relation to the wider landscape or the visual containment of the dwelling. Overall, the contribution to the quality of the landscape by the indigenous trees within this woodland, which consists of a typical coastal area mix of *Betula*, *Alnus* and *Fraxinus* with a few *Sorbus*, is greater than the value of each tree individually. Whilst these indigenous trees are growing within the curtilages of the two properties, much of their curtilages are managed as wild gardens, both

owners appearing to have a keen interest in managing the ground and trees in this way, which is welcomed as it retains a typical piece of rural coast woodland and enables the dwellings to be both contained and settled within their landscape.

3.3 Representations have been received to the Provisional Order from the two households, namely:

Iain & Mrs. Janet Paterson of Westwood, Carsaig;  
Mrs. Maureen Taylor of Canna, Carsaig.

3.3 Both parties, who actively manage their area of woodland in a positive way, welcome the Tree Preservation Order subject to adjustments to the draft order to exclude:

- (a) the defined areas of nurtured garden land in which the ornamental tree species grow;
- (b) defined areas close to property, and which do not contribute in any meaningful way to the screening effect of the native deciduous woodland; and which
- (c) allows the management of the height of tree growth within a defined area on the shoreward side of the dwelling-house known as 'Westwood' to enable retention of a view to the sea without any loss of landscape character.

3.4 These points are accepted, as they will not hinder the contribution of the most important part of the woodland both in relation to its overall merit, the containment / screening effect of the existing two properties, and its contribution to the wider landscape. Additionally, a modification in this way enables the owners to manage the trees growing particularly close to their property, without any involvement of the Planning Authority. The suggested modifications may be accepted without compromising the underlying purpose of the Order.

#### **4. PROPOSED MODIFICATION AND CONFIRMATION OF TREE PRESERVATION ORDER 11/10.**

4.1 The Order to be confirmed should provide for the following (by amendment of the plan and by way of wording of this Area Order):

- (a) exclusion from protection by the Order, as adjusted on the modified plan, the lower garden area of 'Westwood', some 20 - 30 metres wide, and the immediate garden grounds adjacent to 'Westwood';
- (b) exclusion from protection by the Order, within the wording of the text, any tree growing within 3 metres of 'Canna' and the garage of 'Westwood';
- (c) enabling within the infilled green area within the TPO area, as defined on the modified plan (being that area west and south west of the dwelling 'Westwood'), the crown height of any trees within that area being trimmed as necessary, to a minimum height above ground level of 5 metres without any authorisation from the Planning Authority;

(d) enabling within the entire area of the Order, the clearance of any scrub growth and *Rhododendron Ponticum*. without any authorisation from the Planning Authority

## **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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