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**TREE PRESERVATION ORDER AT ST CLAIR ROAD, ARDRISHAIG (TPO ref. 09/10)**

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**1. SUMMARY**

- 1.1 This report seeks confirmation of a provisional Tree Preservation Order in respect of trees growing on land at St. Clair Road, Ardrishaig within land principally / or entirely owned by British Waterways recognised as the former garden lands of the former Canal House, more latterly known as the Bridge House, having regard to a representation received in respect of the provisional Order (reference 09/10).

**2. RECOMMENDATION**

It is recommended, having regard to an assessment of the representation received that the Order still be confirmed. Additionally, it is also recommended that upon the confirmation of the Order an advisory letter, as mentioned in the body of this report, be sent to the owners.

**3. DETAILS OF TREE PRESERVATION ORDER 09/10 – ST.CLAIR ROAD,  
ARDRISHAIG AND ASSESSMENT OF REPRESENTATIONS RECEIVED**

- 3.1 A Provisional Woodland Tree Preservation Order was made in September 2010 following committee authorisation.
- 3.2 The tree cover within the site of the provisional order comprises a feature stand of evergreen pines and Douglas Fir. The site also includes a number of sycamore and single stem self-seeded sycamore.

Whilst none of the trees within the site are in really good individual condition, the wooded nature of the area does contribute significantly to the area, providing a green '*lung*' which benefits the overall amenity and character of this part of the village. In particular it contributes not only to the amenity of the immediate locality but also to the character of the village as appreciated from across the loch, given that there are not many green '*lungs*' within the village.

The site is not presently well managed by the owners, being infested with Japanese knotweed. The site would benefit from the removal of 'invasive non native species' (INNS) such as the Japanese knotweed, and the better management of the woodland. Whilst the serving of a Tree Preservation Order would not of course not in itself guarantee such an outcome, it will secure the retention of the woodland for the benefit of the village.

- 3.3 A representation has been received to the Provisional Order from Mr. Kenneth Rowan of neighbouring 'Pineview', St. Clair Road.
- 3.3 His objection relates to publicly safety, being concerned about the potential of shedding limbs falling into the highway or upon property. He mentions that the site includes Douglas Fir which he states are potentially very dangerous in strong winds when limbs are prone to snap, especially at the top of the tree from which they can be blown some distance before hitting whatever happens to be in the way. He offers the example of a whole tree falling from within this site previously, crashing across the road and destroying walls on both sides. He asks that if the Council continues to progress with the Order, that it should at least prior to confirmation, undertake an assessment of the health of these trees.
- 3.4 The Council's Grounds and Horticulture Officer has inspected the trees in the last few days. She acknowledges his point that the species, especially Douglas Fir and even healthy ones, can shed limbs. However, the responsibility for tree management and any public liability rests with the owner of the land
- 3.5 The value of the woodland to the amenity of the area is such that, notwithstanding the representation received, the Council should confirm the draft Tree Preservation Order. If the Order is confirmed, it should be made clear to the owners that this will not prevent them from commissioning a management plan for their trees, and seeking approval from this Council as relevant through the TPO procedures for the selective trimming limbs or even selective felling of trees through a phased programme linked to new tree planting of appropriate species thereby securing a more sustainable future for this area of woodland.

#### **4. CONCLUSION**

- 4.1 That the Order be confirmed, and that in conjunction with service, a letter be sent to the owners advocating the benefits in them preparing a phased tree management plan for their site.

#### **5 IMPLICATIONS**

Policy:	The proposed TPO is consistent with policies in the Council's development plan.
Financial:	None
Personnel:	None
Equal opportunities:	None
Legal :	None