



**Development and Infrastructure Services**  
Director: Sandy Mactaggart

Blairvadach, Shandon, By Helensburgh G84 8ND  
Tel: (01436) 658882 or 658883

14<sup>th</sup> February 2013

Our Ref. : 11/00107/ENOTH2

Your Ref. :

Contact : David Moore  
Direct Line : (01436) 658916  
e-mail address: [david.moore@argyll-bute.gov.uk](mailto:david.moore@argyll-bute.gov.uk)

To : MARGERY RAY OSBORNE  
5 Templeton Mews  
51 John Street  
Helensburgh  
G84 8XN

And

THOMAS HENRY LUIGI PATERSON  
Cartref  
Back Road  
Clynder  
G84 0QQ

Dear Sir/Madam

**TREE REPLACEMENT NOTICE DATED 14.02.13 IN RESPECT OF REFERENCE NUMBER:  
11/00107/ENOTH2 REQUIRING THE REPLANTING OF TREES AT SUBJECTS LYING TO THE  
SOUTH OF CUMBERLAND AVENUE, HELENSBURGH, G84 8QG**

Following the withdrawal of Tree Replacement Notice **dated 12.02.13** by the Council, I enclose herewith Tree Replacement Notice **dated 14.02.13 which shall be founded upon by the Council.**

Yours faithfully

A handwritten signature in black ink that reads 'Angus J. Gilmore.' The signature is written in a cursive style.

Head of Planning and Regulatory Services

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY  
OR PROPERTY IN WHICH YOU HAVE AN INTEREST**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**TREE REPLACEMENT NOTICE**

**REFERENCE NUMBER: 11/00107/ENOTH2**

To: **MARGERY RAY OSBORNE**

5 Templeton Mews  
51 John Street  
Helensburgh  
G84 8XN

And

**THOMAS HENRY LUIGI PATERSON**

Cartref  
Back Road  
Clynder  
G84 0QQ

2. **THIS IS A FORMAL NOTICE** which is served by Argyll and Bute Council, having their head office at Kilmory, Lochgilphead, Argyll, a local authority constituted under the Local Government etc (Scotland) Act 1994 ("the Council"), and as such the Planning Authority for the area of Argyll and Bute in terms of the Town and Country Planning (Scotland) Act 1997 ("the Act"), under Section 168 of the Act because it appears to them that you have failed to comply with the duty placed upon you by section 167 of the Act, as owners of land, to replace trees removed, uprooted, or destroyed in contravention of a Tree Preservation Order by planting the same number of trees on or near the land on which the trees removed, uprooted or destroyed stood as soon as you reasonably could.

3. **THE LAND AFFECTED**

Those subjects lying to the south of Cumberland Avenue, Helensburgh, G84 8QG shown delineated in red on the plan labelled "Plan 1: Tree Replanting Plan" annexed hereto (hereinafter "the Plan") which subjects form part and portion of the subjects registered in the Land Register of Scotland under Title Number DMB84762 (which subjects are hereinafter referred to as "the Land Affected").

4. **BREACH OF PLANNING CONTROL ALLEGED**

The trees identified by the tag numbers listed in the Schedule 1 annexed hereto were located upon the Land Affected. The trees were removed, uprooted or destroyed on or around May to July Two Thousand and Eleven at which time a Tree Preservation Order being "The Argyll and Bute, Woodlands at Cumberland Avenue and Rhu Road Higher, Helensburgh Tree Preservation Order No 16/04" ("the Order") was in force in respect of the Land Affected. The Council did not consent to the removal, uprooting or destruction of the trees. The Council have not received notice in writing that operations to uproot or fell the trees listed in the said Schedule 1 were urgently necessary in the interest of safety, or necessary for the prevention or abatement of a nuisance, and the operations were not therefore authorised by virtue of section 160(6)(a) of the Act. You have failed to replace the trees, removed, uprooted or destroyed in contravention of the Order by planting the same number of trees on or near the land on which the trees removed, uprooted or destroyed stood as soon as you reasonably could in accordance with the duty placed upon you by

s167 of the Act. You have therefore failed to comply with the duty placed upon you by section 167 of the Act.

## 5 REASONS FOR ISSUING THIS NOTICE

The unauthorised removal, uprooting, or destruction of the trees has resulted in the loss of a valuable and attractive amenity woodland. The harm caused by the unauthorised works is considered serious and the harm to amenity so substantial as to justify the actions required.

## 6 WHAT YOU ARE REQUIRED TO DO

You are required to replace the trees removed, uprooted, or destroyed, by planting, in the Land Affected, the trees of the size and species listed in the **Schedule 1 - List of Trees to Be Replanted** annexed hereto at the location corresponding to the Tag Number shown on the Plan. All trees require to be planted in accordance with the requirements set out in the **Schedule 2 – Planting Requirements** annexed hereto.

**All replanting works required by this notice must not commence on site before the 1 October 2013 and should be completed before 15 November 2013.**

## 7 WHEN THIS NOTICE TAKES EFFECT

**This notice takes effect on 15 March 2013**, subject to section 169(7) of the Act which provides that where an appeal is made to the Scottish Government before the date this notice takes effect that this notice shall be of no effect pending the final determination or the withdrawal of the appeal.

## 8. YOUR RIGHT OF APPEAL

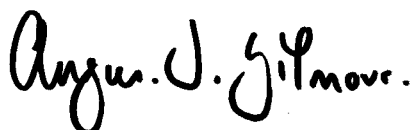
You can appeal against this notice; however your appeal must be received, or posted in time to be received by the Scottish Ministers before **15 March 2013**.

**Schedule 3** annexed hereto contains information regarding your rights of appeal. **PLEASE READ IT CAREFULLY.**

## 9. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice it will take effect on **15 March 2013**, and you must then ensure that its requirements are complied with by 15 November 2013. Should you fail to comply with the provisions of this notice by 15 November 2013, or within such extended period as the Council may allow, the Council may enter the Land Affected and plant the trees specified in this notice and recover from the person who is the then owner or lessee of the Land Affected any expenses reasonably incurred by them in doing so

**Dated: 14<sup>th</sup> February 2013**



Head of Planning and Regulatory Services  
Kilmory  
Lochgilphead

On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.

## **TREE REPLACEMENT NOTICE**

### **SCHEDULE 3**

## **EXPLANATORY NOTE FOR THOSE IN RECEIPT OF A TREE REPLACEMENT NOTICE**

### **Relevant Legislation**

Copies of sections 160, and sections 167 to 170 of the Act are attached hereto. You will wish to note in particular the points referred to below.

### **Right of Appeal**

If you wish to appeal against this notice, you should give written notice of the appeal to the Scottish Ministers at The Directorate for Planning and Environment Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR which written notice of appeal must be received, or posted in time to be received, by the Scottish Ministers before 15<sup>th</sup> March 2013. The Scottish Ministers have no power to consider an appeal lodged out of time.

If you lodge an appeal, the Tree Replacement Notice will be suspended and will not take effect unless the appeal is withdrawn or dismissed.

### **Penalties for Non-Compliance with a Tree Replacement Notice**

If, within the period specified in a Tree Replacement Notice, or within such extended period as the planning authority may allow, any trees which are required to be planted have not been planted, the planning authority may enter the land and plant those trees and may recover from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in doing so. In computing the amount of expenses which may be recovered by them a planning authority may include in that amount such proportion of their administrative expenses as seem to them to be appropriate.

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

### SECTIONS 160, 167-171

#### *Tree preservation orders*

Power to make tree preservation orders.

**160.** - (1) If it appears to a planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their district, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

(2) An order under subsection (1) is in this Act referred to as a "tree preservation order".

(3) A tree preservation order 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 this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.

(4) The provisions referred to in subsection (3)(c) are-

(a) the provisions of Part III relating to planning permission and to applications for planning permission, except sections 32, 34, 35, 36(2) and (3), 38, 58 to 62, 69 and 70 and Schedules 6 and 7, and section 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,

(b) sections 88 to 92, 94 and 95 (except so far as they relate to purchase notices served in consequence of such orders as are mentioned in section 88(1)(b) or (c)), and

(c) section 263.

(5) A tree preservation order may be made so as to apply, in relation to trees to be planted pursuant to any such conditions as are mentioned in section 159(a), as from the time when those trees are planted.

(6) 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
- (c) it is in compliance with any obligation imposed by or under an Act of Parliament,

so long as, where paragraph (a) or (b) applies, notice in writing of the proposed operations is given to the planning authority as soon as practicable after the operations become necessary.

(7) This section shall have effect subject to-

- (a) section 39(2) of the Housing and Planning Act 1986 (saving for effect of section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal), and
- (b) section 15 of the Forestry Act 1967 (licences under that Act to fell trees comprised in a tree preservation order).

*Consequences of tree removal etc.*

Replacement of trees.

**167.** - (1) If any tree in respect of which a tree preservation order is for the time being in force-

- (a) is removed, uprooted or destroyed in contravention of the order, or
- (b) except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its felling or uprooting is authorised only by virtue of section 160(6)(a),

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) The duty imposed by subsection (1) does not apply to an owner if on application by him the planning authority dispense with it.

(3) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees-

- (a) on or near the land on which the trees removed, uprooted or destroyed stood, or
- (b) on such other land as may be agreed between the planning authority and the owner of the land,

and in such places as may be designated by the planning authority.

(4) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(5) The duty imposed by subsection (1) on the owner of any land shall attach to the person who is from time to time the owner of the land.

Enforcement of duties as to replacement of trees.

**168.** - (1) If it appears to the planning authority that-

- (a) the provisions of section 167, or
- (b) any conditions of a consent given under a tree preservation order which require the replacement of trees,

are not complied with in the case of any tree or trees, the authority may serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

(2) A notice under subsection (1) may be served by a planning authority only within 2 years from the date on which the failure to comply with those provisions or conditions came to the knowledge of the authority.

(3) A notice under subsection (1) shall specify a period at the end of which it is to take effect, being a period of not less than 28 days beginning with the date of service of the notice.

(4) The duty imposed by section 167(1) may only be enforced as provided by this section and not otherwise.

Appeal against section 168 notice.

**169.** - (1) A person on whom a notice under section 168(1) is served may appeal to the Secretary of State against the notice on any of the following grounds-

- (a) that the provisions of section 167 or, as the case may be, the conditions mentioned in section 168(1)(b) are not applicable or have been complied with;
- (b) that in all the circumstances of the case the duty imposed by section 167 should be dispensed with in relation to any tree;
- (c) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;
- (d) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- (e) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.

(2) An appeal under subsection (1) may be made either by giving written notice to the Secretary of State before the end of the period specified in accordance with section 168(3), or by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before the end of that period.

(3) A person who gives notice under subsection (2) shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed under subsection (4), a statement in writing-

- (a) specifying the grounds on which he is appealing against the notice under section 168(1), and

(b) giving such further information as may be so prescribed.

(4) The Secretary of State may prescribe the procedure to be followed on appeals under this section, and (without prejudice to the generality of the foregoing provisions of this subsection) in so prescribing-

(a) may specify the time within which an appellant is to submit a statement under subsection (3) and the matters on which information is to be given in such a statement;

(b) may require the planning authority to submit, within such time as may be specified, a statement indicating the submissions which they propose to put forward on the appeal;

(c) may specify the matters to be included in such a statement;

(d) may require the authority or the appellant to give such notice of an appeal under this section as may be specified to such persons as may be specified;

(e) may require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be specified, a copy of the notice and a list of the persons on whom the notice has been served.

(5) The Secretary of State may-

(a) dismiss an appeal if the appellant fails to comply with subsection (3) within the time prescribed under subsection (4)(a), and

(b) allow an appeal and quash the notice under section 168(1) if the planning authority fail to comply with any requirement imposed by virtue of paragraph (b), (c) or (e) of subsection (4).

(6) Subject to subsection (5), the Secretary of State shall, if either the planning authority or the appellant so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by him for the purpose.

(7) Where such an appeal is brought, the notice under section 168(1) shall be of no effect pending the final determination or the withdrawal of the appeal.

(8) On such an appeal the Secretary of State may-

(a) correct any defect, error or misdescription in the notice under section 168(1), or

(b) vary its terms,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the planning authority.

(9) On the determination of such an appeal the Secretary of State shall give directions for giving effect to the determination including, where appropriate, directions for quashing the notice under section 168(1).

(10) Schedule 4 applies to appeals under this section.



Execution and cost of works required by section 168 notice.

**170.** - (1) If, within the period specified in a notice under section 168(1) for compliance with it, or within such extended period as the planning authority may allow, any trees which are required to be planted by a notice under that section have not been planted, the planning authority may-

(a) enter the land and plant those trees, and

(b) recover from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in doing so.

(2) If the person mentioned in subsection (1)(b) was entitled to appeal to the Secretary of State but did not do so, he shall not be entitled in proceedings under that subsection to dispute the validity of the action taken in accordance with the notice by the planning authority.

(3) In computing the amount of the expenses which may be recovered by them under subsection (1), a planning authority may include in that amount such proportion of their administrative expenses as seems to them to be appropriate.

(4) Where a notice under section 168(1) has been served-

(a) any expenses incurred by the owner, lessee or occupier of any land for the purpose of complying with the notice, and

(b) any sums paid by the owner or lessee of any land under subsection (1) in respect of expenses incurred by the planning authority in planting trees required by such a notice to be planted,

shall be recoverable from the person responsible for the cutting down, destruction or removal of the original tree or trees.

(5) If on a complaint by the owner of any land it appears to the sheriff that the occupier of the land is preventing the owner from carrying out work required to be carried out by a notice under section 168(1), the sheriff may by warrant authorise the owner to go on to the land and carry out the work.

(6) A planning authority taking steps under subsection (1) may sell any materials removed by them from the land unless those materials are claimed by the owner within 3 days of their removal by the planning authority.

(7) Where such materials have been sold the planning authority shall pay the owner the proceeds of the sale after deducting any expenses recoverable by them from him.

(8) Where a planning authority seek under subsection (1) to recover any expenses from a person on the basis that he is the owner of any land, and such person proves that-

(a) he is receiving the rent in respect of that land merely as trustee, tutor, curator, factor or agent of some other person, and

(b) he has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands on behalf of that other person.

(9) A planning authority who by reason of subsection (8) have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.

(10) Any person who wilfully obstructs a person acting in the exercise of the power conferred by subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Penalties for non-compliance with tree preservation order.

**171.** - (1) If any person, in contravention of a tree preservation order-

- (a) cuts down, uproots or wilfully destroys a tree, or
- (b) wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it,

he shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable-

- (a) on summary conviction to a fine not exceeding £20,000, and
- (b) on conviction on indictment, to a fine.

(3) In determining the amount of any fine to be imposed on a person convicted of an offence under subsection (1), the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

(4) If any person contravenes the provisions of a tree preservation order otherwise than as mentioned in subsection (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

<b>Schedule 1 - List of Trees to be replanted</b>			
<b>Tag Numbers</b>	<b>Species</b>	<b>Size of Tree to be Planted</b>	<b>Unauthorised Felling</b>
2	Flowering Cherry	Whip 175cm to 200cm	Y
3	Rowan	Whip 175cm to 200cm	Y
4	Flowering cherry	Whip 175cm to 200cm	Y
8	Common Sycamore	Whip 175cm to 200cm	Y
10	Flowering cherry	Whip 175cm to 200cm	Y
21	Common Sycamore	Whip 175cm to 200cm	Y
26	Common Sycamore	Whip 175cm to 200cm	Y
27	Common Sycamore	Whip 175cm to 200cm	Y
45	Common Ash	Whip 175cm to 200cm	Y
47	Common Beech	Whip 175cm to 200cm	Y
48	Oak spp	Whip 175cm to 200cm	Y
69	Common Elder	Whip 175cm to 200cm	Y
79	Common Ash	Whip 175cm to 200cm	Y
80	Silver Birch	Whip 175cm to 200cm	Y
85	Common Elder	Whip 175cm to 200cm	Y
87	Silver Birch	Whip 175cm to 200cm	Y
88	Common Ash	Whip 175cm to 200cm	Y
90	OaK spp	Whip 175cm to 200cm	Y
95	Common Sycamore	Whip 175cm to 200cm	Y
97	Common Sycamore	Whip 175cm to 200cm	Y
98	Common Sycamore	Whip 175cm to 200cm	Y
103	Common Sycamore	Whip 175cm to 200cm	Y
104	Common Sycamore	Whip 175cm to 200cm	Y
105	Rowan	Whip 175cm to 200cm	Y
107	Oak spp	Whip 175cm to 200cm	Y
108	Common sycamore	Whip 175cm to 200cm	Y
110	Holly spp	Whip 175cm to 200cm	Y
122	Common Sycamore	Whip 175cm to 200cm	Y
126	Lawson Cypress	Whip 175cm to 200cm	Y
127	Lawson Cypress	Whip 175cm to 200cm	Y
128	Lawson Cypress	Whip 175cm to 200cm	Y
129	Lawson Cypress	Whip 175cm to 200cm	Y
130	Lawson Cypress	Whip 175cm to 200cm	Y
131	Lawson Cypress	Whip 175cm to 200cm	Y
132	Lawson Cypress	Whip 175cm to 200cm	Y
133	Lawson Cypress	Whip 175cm to 200cm	Y
134	Lawson Cypress	Whip 175cm to 200cm	Y
137	Lawson Cypress	Whip 175cm to 200cm	Y
143	Lawson Cypress	Whip 175cm to 200cm	Y
144	Lawson Cypress	Whip 175cm to 200cm	Y
145	Lawson Cypress	Whip 175cm to 200cm	Y
153	Lawson Cypress	Whip 175cm to 200cm	Y
154	Lawson Cypress	Whip 175cm to 200cm	Y
155	Lawson Cypress	Whip 175cm to 200cm	Y
156	Lawson Cypress	Whip 175cm to 200cm	Y
157	Lawson Cypress	Whip 175cm to 200cm	Y
159	Lawson Cypress	Whip 175cm to 200cm	Y
164	Lawson Cypress	Whip 175cm to 200cm	Y

165	Lawson Cypress	Whip 175cm to 200cm	Y
167	Lawson Cypress	Whip 175cm to 200cm	Y
168	Lawson Cypress	Whip 175cm to 200cm	Y
169	Lawson Cypress	Whip 175cm to 200cm	Y
171	Lawson Cypress	Whip 175cm to 200cm	Y
172	Lawson Cypress	Whip 175cm to 200cm	Y
173	Lawson Cypress	Whip 175cm to 200cm	Y
174	Lawson Cypress	Whip 175cm to 200cm	Y
175	Lawson Cypress	Whip 175cm to 200cm	Y
176	Lawson Cypress	Whip 175cm to 200cm	Y
179	Lawson Cypress	Whip 175cm to 200cm	Y
180	Lawson Cypress	Whip 175cm to 200cm	Y
181	Lawson Cypress	Whip 175cm to 200cm	Y
182	Fir spp	Whip 175cm to 200cm	Y
183	Lawson Cypress	Whip 175cm to 200cm	Y
184	Lawson Cypress	Whip 175cm to 200cm	Y
185	Lawson Cypress	Whip 175cm to 200cm	Y
186	Lawson Cypress	Whip 175cm to 200cm	Y
187	Lawson Cypress	Whip 175cm to 200cm	Y
188	Lawson Cypress	Whip 175cm to 200cm	Y
189	Lawson Cypress	Whip 175cm to 200cm	Y
190	Lawson Cypress	Whip 175cm to 200cm	Y
191	Common Sycamore	Whip 175cm to 200cm	Y
192	Lawson Cypress	Whip 175cm to 200cm	Y
193	Silver Birch	Whip 175cm to 200cm	Y
194	Lawson Cypress	Whip 175cm to 200cm	Y
195	Silver Birch	Whip 175cm to 200cm	Y
197	Lawson Cypress	Whip 175cm to 200cm	Y
198	Lawson Cypress	Whip 175cm to 200cm	Y
199	Lawson Cypress	Whip 175cm to 200cm	Y
200	Lawson Cypress	Whip 175cm to 200cm	Y
201	Silver Birch	Whip 175cm to 200cm	Y
202	Willow spp	Whip 175cm to 200cm	Y
203	Silver Birch	Whip 175cm to 200cm	Y
204	Lawson Cypress	Whip 175cm to 200cm	Y
205	Lawson Cypress	Whip 175cm to 200cm	Y
206	Fir spp	Whip 175cm to 200cm	Y
207	Lawson Cypress	Whip 175cm to 200cm	y
231	Hawthorn	Whip 175cm to 200cm	Y
232	Oak spp	Whip 175cm to 200cm	Y
233	Hawthorn	Whip 175cm to 200cm	Y
236	Hawthorn	Whip 175cm to 200cm	Y
240	Holly spp	Whip 175cm to 200cm	Y
276	Rowan	Whip 175cm to 200cm	Y
281	oak spp	Whip 175cm to 200cm	Y
296	Common Lime	Whip 175cm to 200cm	Y
297	Common Lime	Whip 175cm to 200cm	Y
312	Rowan	Whip 175cm to 200cm	Y
317	Common Beech	Whip 175cm to 200cm	Y
324	Crab Apple	Whip 175cm to 200cm	Y
325	Silver Birch	Whip 175cm to 200cm	Y

327	Hawthorn	Whip 175cm to 200cm	Y
329	Silver Birch	Whip 175cm to 200cm	Y
330	Cherry spp	Whip 175cm to 200cm	Y
349	Holly spp	Whip 175cm to 200cm	Y
350	Common Sycamore	Whip 175cm to 200cm	Y
351	Holly spp	Whip 175cm to 200cm	Y
352	Norway Maple	Whip 175cm to 200cm	Y
359	Holly spp	Whip 175cm to 200cm	Y
360	Cherry spp	Whip 175cm to 200cm	Y
367	Common Sycamore	Whip 175cm to 200cm	Y
371	Cherry spp	Whip 175cm to 200cm	Y

## **Schedule 2 – Planting Requirements**

All works are to be carried out by a competent contractor with relevant experience of undertaking tree replanting works. All works require to be carried out in accordance with good forestry practice.

### **A - THE TREES TO BE USED**

The trees to be planted to satisfy the requirements of this replanting notice, as set out in the **Schedule 1 - List of Trees to be replanted**, shall all be whips of an overall height between 175cm to 200cm from the ground as specified in the said Schedule 1.

### **B- THE SOURCING AND HANDLING OF THE TREES**

#### 1) SELECTION OF TREES

All trees to be planted as specified in **(A)** above require to be in a good healthy condition, free from disease, or other observable defects which could restrict their normally expected future growth characteristics in accordance with the requirements contained in Sections 3 and 4 of Part 1 of the British Standard for Nursery Stock – Specification for Trees and Shrubs BS 3936, 1992 as published by the BSI (“BS 3936”) which are set out below:

#### *“3. Root System*

*3.1 The root system shall be alive and healthily balanced in relation to the whole plant and in a condition conducive to successful transplanting and establishment. Plants other than seedlings shall have been regularly transplanted, potted-on or undercut.*

#### *4. Condition*

*4.1 When inspected visually, plants shall be alive, free from obvious pests and disease and shall not be mechanically damaged or show signs of nutrient deficiency or toxicity.*

*4.2 Plants shall have been hardened off, that is, able to withstand normal weather conditions in the eventual planting positions without special protection beyond that accorded regularly to the species*

*4.3 The root ball and the compost in a container shall be visibly free from perennial weeds*

*4.4 Plants shall have been protected from mechanical damage and adverse conditions such as waterlogging, frost, heat, exposure to drying winds or unsuitable storage conditions. If packaged, the packaging shall protect the plants, especially from mechanical damage and drying.”*

## 2 - TREES RESERVED AT SUPPLIER'S PREMISES

- I. Types/ Species: All trees.
- II. Pre-delivery inspection: The Contractor shall arrange a visit to a nursery or nurseries with an officer of Argyll and Bute Council to agree those trees that are to be selected and reserved.
- III. Labelling: All trees reserved for planting under the replanting notice shall be identified.

## 3 - PLANT HANDLING, STORAGE AND TRANSPORT

Trees should be supplied packaged in accordance with the recommendations of BS 3936. .

- I. Frost: Protect plants from frost.
- II. Handling: Handle plants with care. Protect from mechanical damage and do not subject to shock, e.g. by dropping from a vehicle.
- III. Plant packaging: Coextruded polyethylene bags with black interior and white exterior.
- IV. Packaging of bulk quantities: Pallets or bins sealed with polyethylene and shrink wrapped.

## C - REQUIRED GROUND/SITE PREPARATION BEFORE PLANTING

### 1 - GENERAL

The subsoil and topsoil in which the trees are to be planted shall require to have a good physical structure, be friable, retentive of moisture, and well drained. Where this is lacking, or the ground is heavily compacted, cultivation over the whole area should be undertaken. A weed free spot of a minimum diameter of one metre shall be provided around every individual tree planting area and this area must be clear of debris or materials which could impact upon the plant health or growth.

### 2 - PLANTING LOCATIONS TO BE CLEARED OF DEBRIS OR OTHER MATERIALS AND VEGETATION

Long grass and weeds should be cut and removed from the site. Hedges and all plants other than existing trees should be cleared and should be removed from the site if burning is not permitted. Remaining large roots should be grubbed out. All existing debris from the felling of trees or other materials which could impact on the health and successful establishment of the replanted tree should be cleared from the areas of land subject to replanting. Reference should be made to BS 3998:2010 Tree Work. Recommendations as published by the BSI for recommendations regarding the clearance of any tree stumps not already cleared.

### 3- SURPLUS MATERIAL

Subsoil, stones, debris, wrapping material, canes, ties, temporary labelling, rubbish, prunings and other arisings shall require to be removed from the land subject to the replanting requirement.

#### 4 - GENERAL FERTILISER TO AMELIORATE NITROGEN DEFICIENCY

Fertiliser shall be utilised as follows;

- I. Locations: All planting areas.
- II. Manufacturer: Contractor's choice.
- III. Product reference: Contractor's choice.
- IV. Application: Spread evenly.
- V. Timing: Immediately before cultivation.
- VI. Rate: as manufacturer's recommendations.
- VII. Do not use peat or products containing peat

#### 5 – CULTIVATION

Planting areas shall be cultivated as follows;

- I. Compacted topsoil: Break up to full depth.
  - II. Cultivation: Loosen, aerate and break up soil into particles of 2-8 mm.
  - III. Depth: 450 mm.
  - IV. Timing: Within a few days before planting.
  - V. Weather and ground conditions: Suitably dry.
  - VI. Surface: Leave regular and even. Undesirable material brought to the surface: Remove visible weeds, roots and large stones with any dimension exceeding 50 mm.
- :

#### D - THE PLANTING OF THE TREES

All trees are to be planted according to the methodology set out below:

- I. Spacing at 6m centres and 3m away from canopy of and existing mature trees at the approximate locations set out in the Plan.
- II. Excavations for tree pits to facilitate proper planting require to be at least twice the diameter of the root spread, and 1.5 times the depth of the roots of the stock to be planted. The bottom and sides of the excavations require be forked up i.e. broken up with a fork to break up subsoil to allow easier access for roots to develop out into soil.
- III. Excavated subsoil requires to be removed from the Land Affected and requires to be replaced with topsoil, planting compost or other suitable material. The excavation referred to at (ii) above should be forked to break up the sub-soil growing medium.
- IV. Trees require to be planted at the original root collar soil depth. The soil mark on the stem is an indication of this and it should be maintained on the finished level, allowing for settling of the soil after planting.



- V. During back filling around the tree with a previously prepared mixture of topsoil and compost (3 parts topsoil to 1 part compost), the soil should be lightly firmed to ensure close contact with the roots; with large material successive layers of soil need to be firmed as back filling proceeds. Firming should be such as to ensure that the roots will be held secure in the soil and that the penetration of moisture will not be restricted.
- VI. Mulcher, should be spread within and around a 1m centre from the tree to conserve soil moisture and to minimize weed growth, this should consist of either sheet or granular materials such as ultra-violet stabilized polythene sheeting or bitumen felt, or 75 mm minimum of pea gravel or ground bark to suppress competing vegetation and increase the availability of water and nutrients to the tree.



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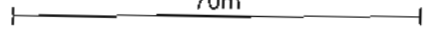
TITLE NUMBER

**DMB84762**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

70m



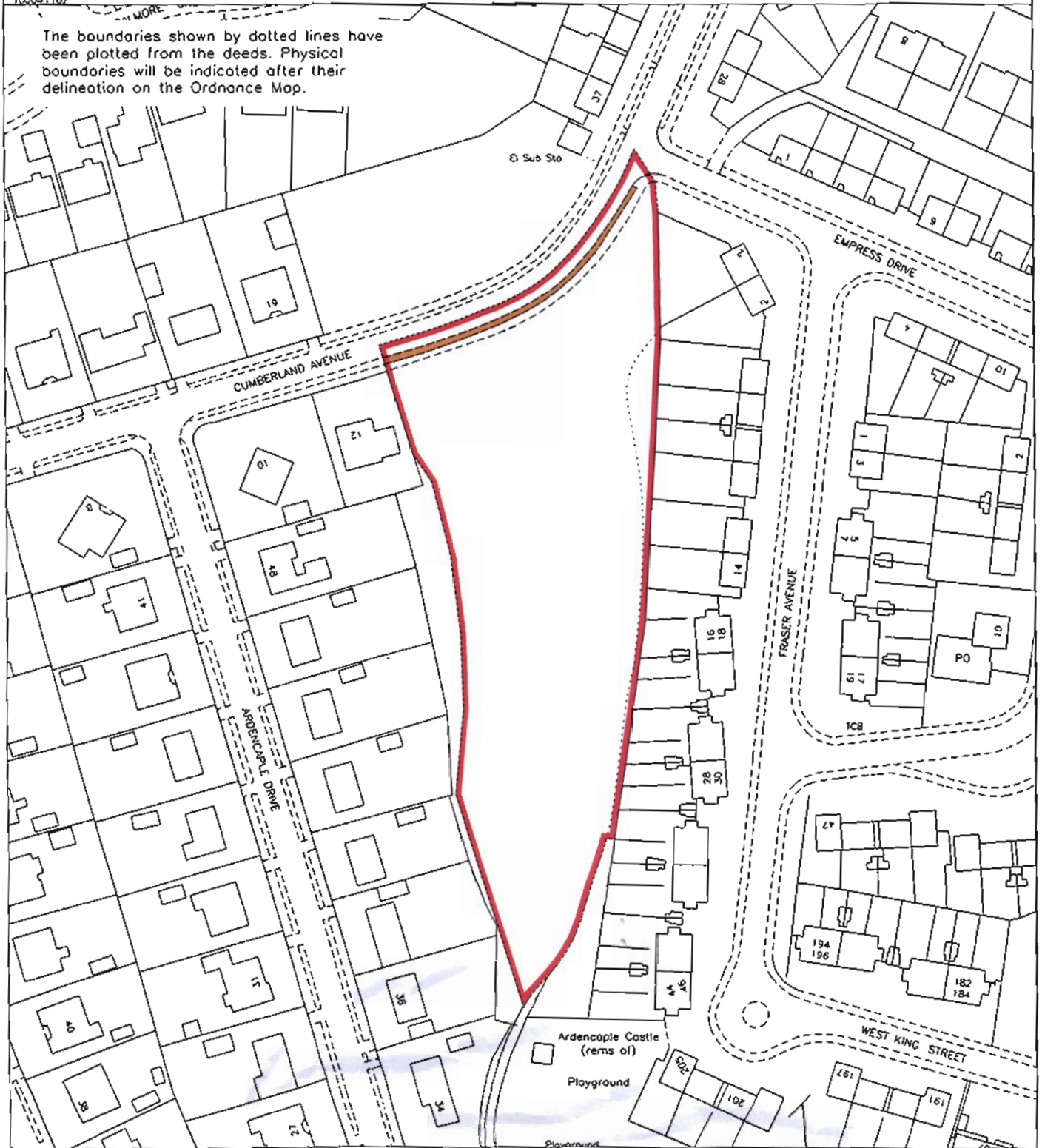
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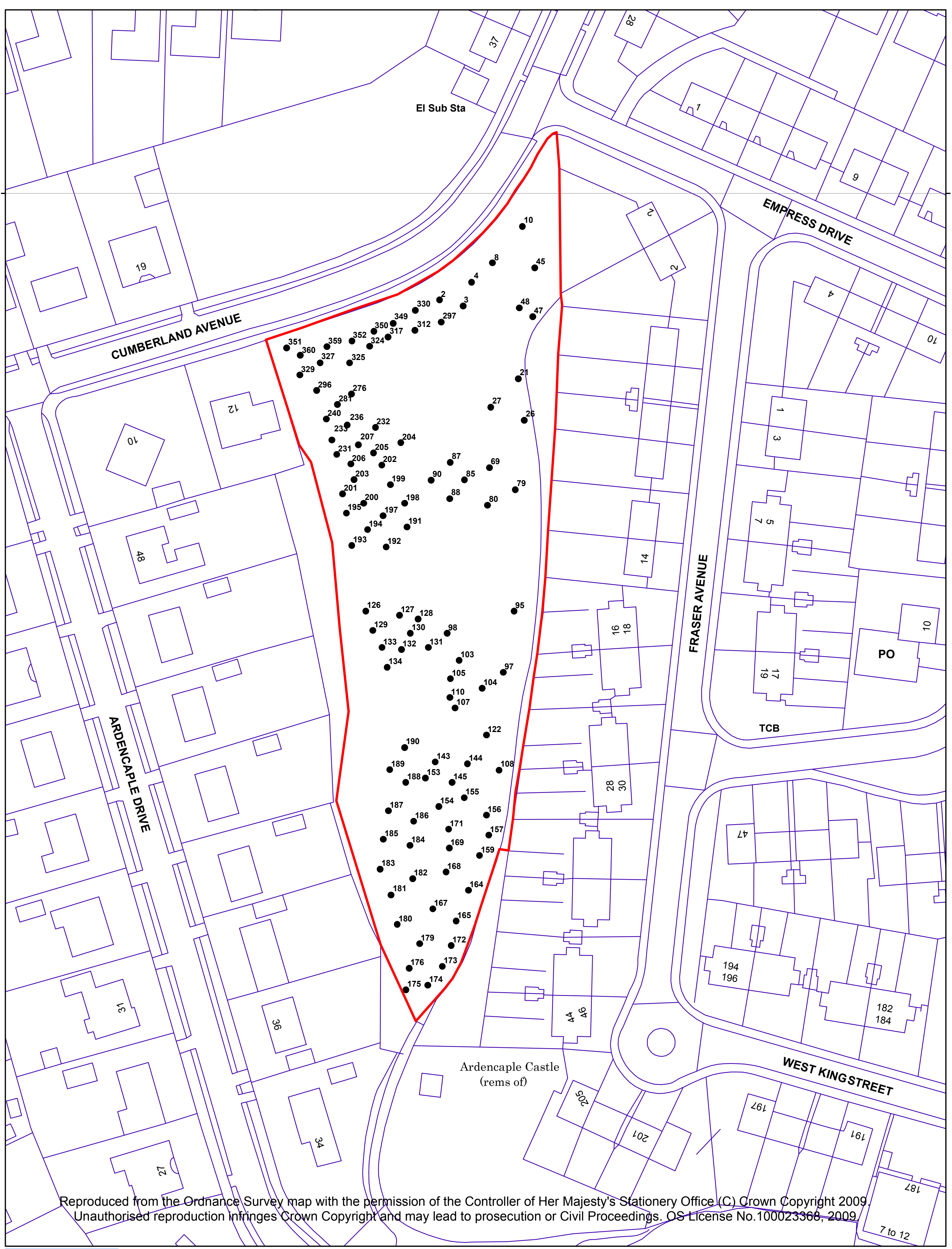
Survey Scale

1/1250

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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.





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# Plan 1: Tree Replanting Plan

\* Numbers refer to Schedule 1 "Listing of Tree Species" surveyed and tagged by Erskine Tree Surgeons report dated 19 May 2005.  
Date: 12.02.2013

Scale: 1:500

