

To: Planning and Climate Change Policy Board

On: 23 August 2022

Report by: Chief Executive

Heading: Tree Preservation Order Requests

1. Summary

- 1.1 This report seeks to provide an update to the Tree Preservation Order (TPO) requests which were agreed at the meeting of the Planning and Climate Change Board in June 2022.
 - 1.2 In addition, this report also seeks to respond to requests to apply a TPO designation to sites in Erskine, Paisley and Renfrew.
 - 1.3 The report also details requests for TPO designations which will be considered in due course and reported back with recommendations to future meetings of the Planning and Climate Change Board
 - 1.4 The requests submitted are considered in line with the relevant legislation, namely, Section 160 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, and within the procedures set out in the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2011.
 - 1.5 The report recommends that a tree preservation order is made in relation to two of the sites proposed.
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2. Recommendations

- 2.1 It is recommended that the Board:
 - (i) Confirm the tree preservation orders in respect of the sites known as Sandieland Wood and Erskine Hotel Wood and agree that Officers make the orders public and register them with the Land Registry for Scotland.

- (ii) Approve the need for a tree preservation order at site known as Old Lane SINC and agree that officers proceed to prepare the order, serve it on relevant parties and make the order available to the public and seek representations.
 - (iii) Agree that tree preservation order designation should not apply to the sites at Kings Inch Road, Renfrew, and UWS Thornly Park Campus for the reasons outlined in the report.
 - (iv) Note that consideration and assessment of the sites at woodland at Kirklandneuk Park, Renfrew, Dykebar Hospital, a site located to the south of Caplethill Road and site in Houston will be undertaken and the findings and recommendations presented at a future meeting of the Planning and Climate Change Board.
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3. TPO Requests Previously Considered

- 3.1. At the meeting of the Planning and Climate Change Board in June 2022, it was agreed that TPO designations would be placed on the following two sites:
 - Sandielands Wood, Inchinnan; and
 - Erskine Hotel Wood, located between the A726 and the Mutha Hotel.
- 3.2. In line with the Renfrewshire Planning and Development Tree Policy 2022 and the relevant legislation relating to Tree Preservation Orders, Officers have, with regard to the two aforementioned sites, undertaken the following:
 - Prepared the relevant orders and made them available online for review;
 - Served the order on relevant parties including landowners;
 - Published a public notice in the local press advising of the order; and
 - Provided an opportunity for comments to be made by any interested party in relation to either of the orders.
- 3.3. The 28 day consultation period has now ended with no comments being received in relation to either of the orders in question.
- 3.4. It should however be noted that one comment was received in advance of the order being published and noted comments in relation to the Erskine Hotel Wood site as follows:
 - The woodland in question is not located within the grounds of the Muthu Glasgow River Hotel, the land holding of the hotel is adjacent;
 - Part of the site is designated as a Site of Importance for Nature Conservation (SINC);
 - The majority of the site can be described as mature broadleaved woodland however the area outwith the SINC is early mature plantation dating from around 25 years ago;
 - The conclusion that the woodland is in good/fair condition is open to challenge;
 - Should a TPO designation be made repeated applications for treeworks are likely as a result of ash being impacted by ash dieback disease, elms being reinfected with Dutch elm disease and horse chestnut causing concerns as a result of infection by bleeding canker; and
 - The plantation woodland is not 50-80 years old.

- 3.5. The above comments are noted and help to provide clarity to the site in question and as such a response to the points noted above is detailed below, in the same order as originally outlined:
- It is accepted that the woodland in question is located with the grounds of the Muthu Glasgow River Hotel and is located in the land holding adjacent to the hotel;
 - It is accepted that part of the site proposed as a TPO is designated as a Site of Importance for Nature Conservation (SINC);
 - It is noted that the site comprises mature broadleaved woodland which is dominated by sycamore and ash but which has a variety of other tree species in the canopy. In addition other areas have become colonised over recent decades by ash and willow;
 - It is considered that the woodland fits the category as *'unmanaged – good/fair condition'*;
 - It is accepted that treeworks applications will be required to enable the future management of the trees in question;
 - It is accepted that not all trees are 50-80 years old given that the site also includes areas which have been colonised by trees more recently. It is considered that most of the canopy trees in question fall into the age range of around 50-80 years old.
- 3.6. Taking all of the above into consideration it is considered that the comments do not alter the previous recommendation to apply a TPO designation to the site known as the Erskine Hotel Wood.
- 3.7. The Board are therefore asked to confirm the TPO designations in relation to the following sites:
- Sandielands Wood, Inchinnan; and
 - Erskine Hotel Wood, located between the A726 and the Muthu Hotel.
- 3.8. Should the Board confirm the TPO designations, the confirmed orders will be made available to the public and recorded in the Land Register of Scotland

4. TPO Requests

- 4.1. A number of other requests for tree preservation orders to be designated have been received and to date three of the sites requested have been considered and assessed, where appropriate.
- 4.2. The sites in question are as follows:
- Old Lane SINC, Erskine;
 - Kings Inch Road, Renfrew; and
 - UWS Thornly Park Campus, Paisley.
- 4.3. In light of the above, the requests have been considered and a recommendation provided in respect of whether a TPO should be made.

5. TPO Considerations

Old Lane SINC

- 5.1. The Old Lane SINC is located to the north east of Kilpatrick Drive and Kilpatrick Avenue, Erskine and is located between the road and the riverside path following the River Clyde. The woodland in question is detailed in Appendix 1.
- 5.2. The woodland comprises a series of generally linear bands of deciduous trees, planted in the early 1990s to provide part of the landscape and pedestrian access framework for an extensive planned business park on the south side of the River Clyde in Erskine.
- 5.3. The canopy has now reached a height of about 10m, and the best developed trees have a girth (diameter at breast height) of about 30cm. A mixture of mainly native and fast-growing tree species were selected for the main plantings within the landscape strips, with non-native deciduous trees used as boundary features – Grey Alder (*Alnus incana*) along prominent pedestrian paths leading down to the Clyde Walkway and a striking avenue of Hornbeam (*Carpinus betulus*) along the now blocked-off extension of Kilpatrick Drive.
- 5.4. The body plantings were established within rabbit-proof fencing about 1m high, and this barrier remains largely intact. The main species within these areas are Ash (25% of the canopy), Silver Birch (25%), Grey Willow (25%) and Goat Willow (10%). A variety of other woody species are present, e.g. Broom, Blackthorn, Wych Elm (self-sown), Hazel (planted around the edges of the tree belts), Elder, Hawthorn, Rowan, Hybrid Black Poplar, Downy Birch, Pedunculate Oak (appearing as self-sown juvenile trees, Guelder Rose (planted around the edges of the tree belts).
- 5.5. The assessment of the site notes that the original planting concentrated on fast-growing tree species to provide the desired screening effect. These species are, however, relatively short-lived so thought needs to be given to long term management of the woodland to ensure succession to woodland dominated by non-pioneer tree species.
- 5.6. In addition, the assessment noted that ash trees were showing clear signs of Ash Dieback Disease, with juvenile stock already being killed by the infection. The ash trees, currently making up about a quarter of the canopy, can be expected to succumb in due course, so replacement actions need to be planned as a priority.
- 5.7. The woodland is mapped as Lowland Mixed Deciduous Woodland on the Scottish Forestry Native Woodland Survey of Scotland.
- 5.8. Taking into account all of the above, and notwithstanding the recent origin of the woodland, it is recommended that the site in question justifies a TPO designation in the interests of amenity of the local area.

Kings Inch Road, Renfrew

- 5.9. This site is located on land north of Paterson Park Allotments, Kings Inch Road, Renfrew. The site in question is detailed in Appendix 2.
- 5.10. The linear site previously comprised woodland of mainly hybrid poplar trees mixed in with other canopy trees including sycamore, silver birch, goat willow, ash, wych elm with the same species regenerating in the understorey along with typical scrub species like elder and hawthorn.
- 5.11. The woodland in question was removed by the landowner in 2021 and as such the ground is now covered with a layer of shredded wood and bark with stumps protruding.
- 5.12. Recognising that the site comprised of fast growing species, following assessment, none of the stumps suggested the trees in question were in excess of 50 years old. It is thought that up until at least World War 2 the site had been occupied by a railway siding. It is considered that the trees, now removed, likely became established on the low railway embankment, perhaps when Kings Inch Drive was first constructed following the demolition and clearance of the Braehead Power Station in the 1980s.
- 5.13. Given the current condition of the site, it is considered that the criteria required for promoting a TPO designation have not been satisfied. would be legally indefensible.
- 5.14. In light of all of the above, it is considered that a TPO designation should not be applied to the site at Kings Inch Road.

UWS Thornly Park Campus

- 5.15. The third TPO request relates to trees which are located within UWS Thornly Park Campus. The site in question is detailed in Appendix 3.
- 5.16. It is significant to note that following an appeal to DPEA, planning permission was recently granted in relation to the site for the erection of a residential development comprising 179 units with associated access, landscaping and ancillary works.
- 5.17. As a result of the recent issue of planning permission by DPEA, officers have obtained external legal advice in relation to the potential functioning of a TPO on a site where planning permission has been granted for development.
- 5.18. It is considered that applying a TPO designation to the site at UWS Thornly Park would have no notable effect in regard to preservation of trees and carry significant legal risks.
- 5.19. The legislation granting the ability to make a TPO specifies that any TPO made cannot prevent work on or removal of trees where this is authorised by planning permission. Any TPO made at this site would therefore have no effect in regard to trees that are scheduled to be removed or altered in terms of the plans approved by the Reporter.

- 5.20. It is also noted that in considering the appeal in question, the Reporter had regard to the loss of trees and the related habitats and was satisfied that the matter could be dealt with by appropriate conditions. A condition was in fact attached to the planning permission by the Reporter requiring a landscaping scheme to be approved by the planning authority before any development commences. There has not been any significant change to conditions at the site since the Reporter granted permission. There is therefore no justification for adding a TPO to the restriction already placed on landscaping by this condition.
- 5.21. There is therefore no basis upon which a TPO could be made at this site. Proceeding to make one would leave the Council open to a legal challenge, potentially liable for significant compensation and would carry significant reputation risk.
- 5.22. For the reasons outlined above it is recommended that that a TPO designation is not applied to the site at UWS Thornly Park Campus.
- 5.23. Notwithstanding the above, the TPO request in relation to Thornly Park also relates to a site located to the south of Caplethill Road which does not form part of the site subject to planning permission. In this regard it should be noted that this site will be considered and assessed in due course and will be reported to the Planning and Climate Change Policy Board at a future meeting.

6. Other TPO Requests

- 6.1. In addition to the requests outlined and assessed above, the following requests for TPO designations have also been received:
- Woodland at Kirklandneuk Park, Renfrew
 - Dykebar Hospital Grounds
 - Site in Houston
 - Site located to the south of Caplethill Road

7. Next Steps

- 7.1. The TPO orders in respect of the sites at Sandieland Wood and Erskine Hotel Wood are confirmed, made public and registered with the Land Registry for Scotland.
- 7.2. A TPO is prepared in respect of the woodland at Old Lane SINC. Thereafter the order will be served on the respective landowners and made available to the public for comment.
- 7.3. Following a period of public consultation, the TPO will be returned to Board to take account of any comments received and to confirm, or otherwise the order.

- 7.4. Assessments will be undertaken in relation to the sites at Woodland at Kirklandneuk Park, Renfrew. Dykebar Hospital, site located to the south of Caplethill Road and site in Houston.
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Implications of the Report

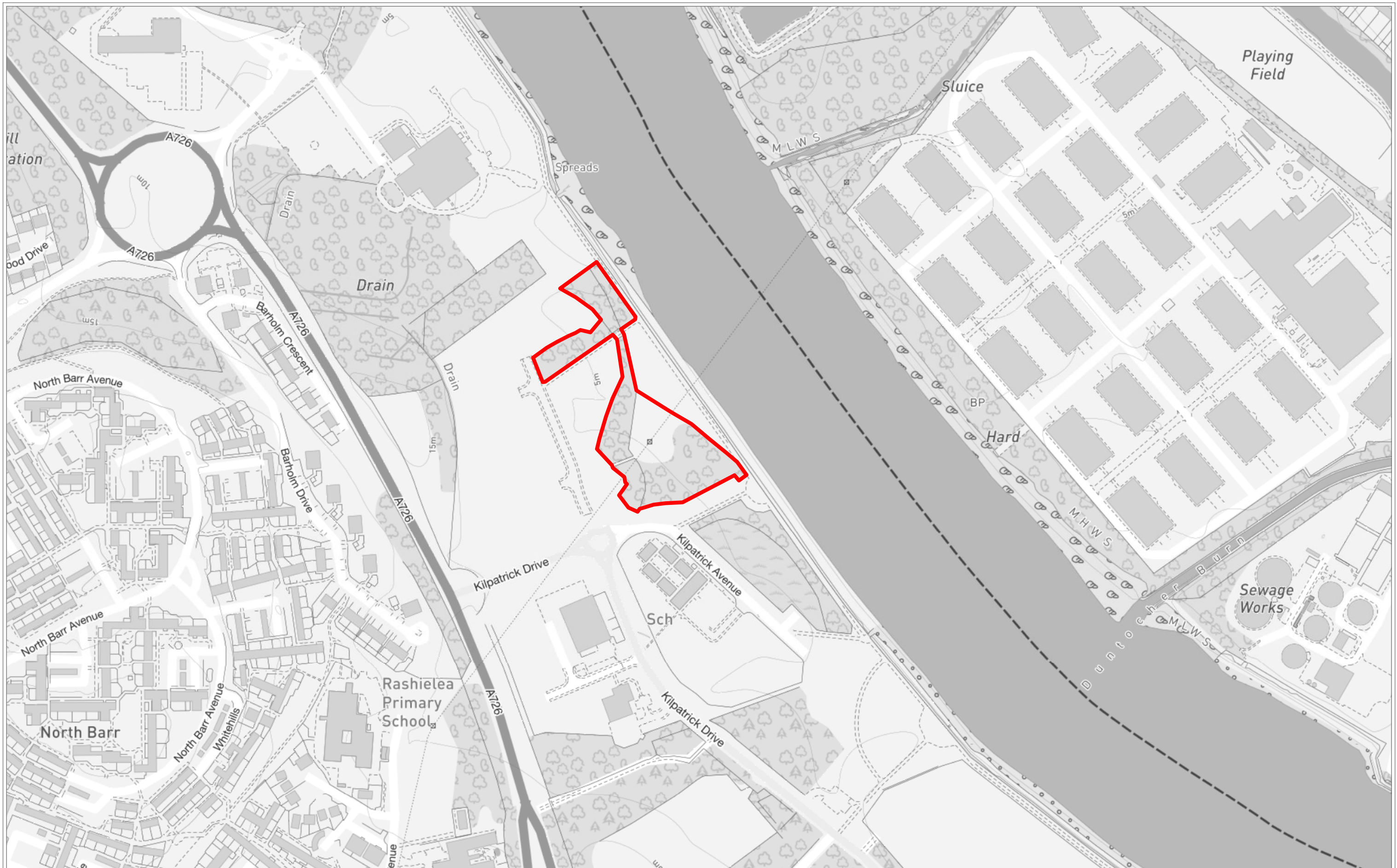
1. **Financial** – None.
 2. **HR & Organisational Development** – None.
 3. **Community/Council Planning** – None
 4. **Legal** – The recommendations in the report would require for two separate tree preservation orders to be made in relation to the sites in question. Should the orders be confirmed they would require to be lodged with the Land Register of Scotland.
 5. **Property/Assets** - None
 6. **Information Technology** - None
 7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 8. **Health & Safety** - None
 9. **Procurement** - None
 10. **Risk** - None
 11. **Privacy Impact** – None
 12. **COSLA Policy Position** - None.
 13. **Climate Risk** – The proposed site development briefs seek to ensure that any development coming forward is undertaken in a sustainable manner and aids the adaption required as a result of climate change.
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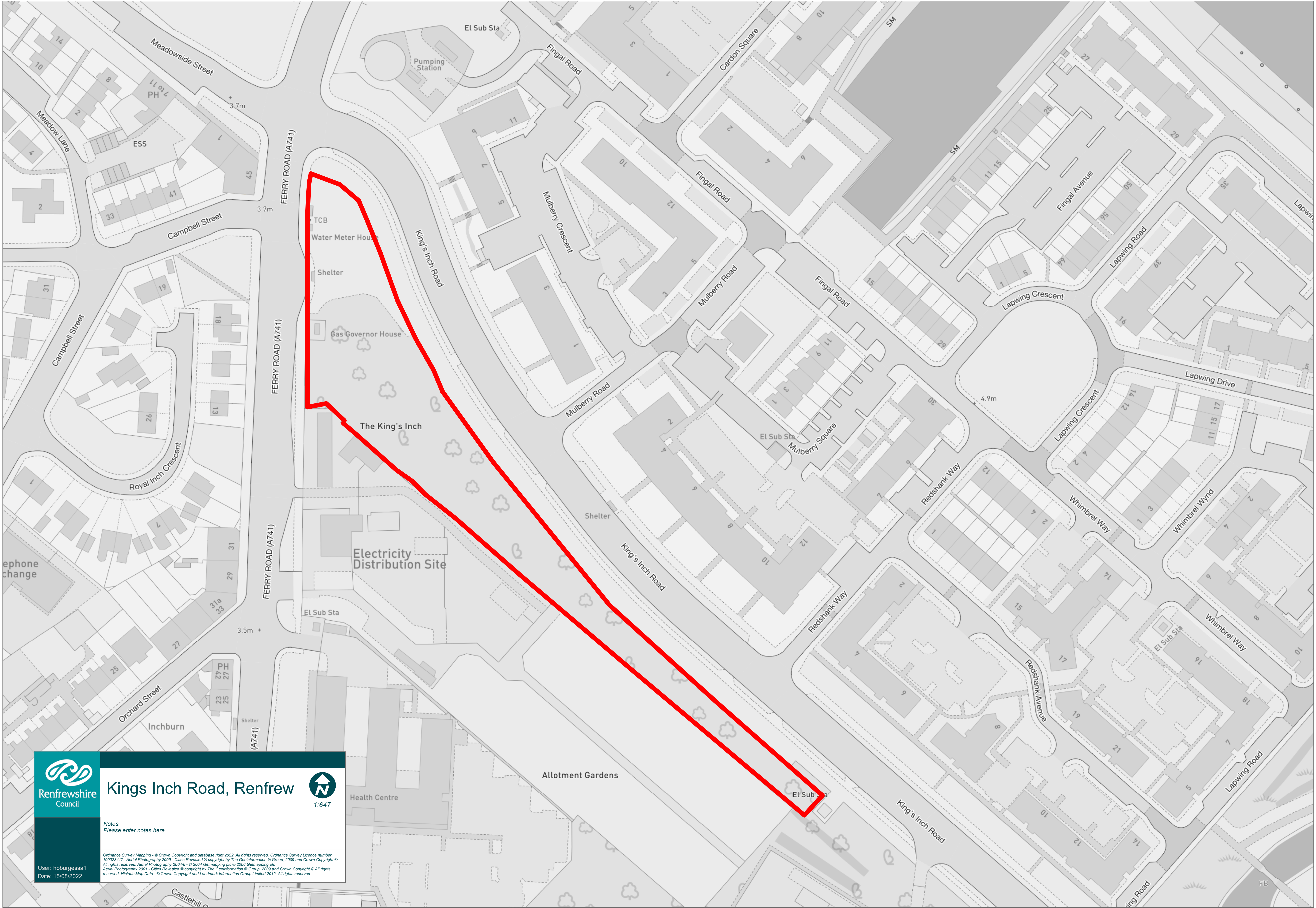
Appendix 1: Site Plan – Old Lane SINC

Appendix 2: Site Plan – Kings Inch Road, Renfrew

Appendix 3: Site Plan – UWS Thornly Park Campus

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Renfrewshire
Council

Kings Inch Road, Renfrew

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UWS - Thornly Park



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