



Tree Consultancy Group

Arboriculture - Urban Forestry - Planning

SUMMARY OF ASSESSMENT PROCEDURE

FOR

REVIEW OF TREE PRESERVATION ORDER NO. 32

AT

PRINCES STREET

HAWICK

Ref: SBC/TPO32

13th August 2019



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1 INTRODUCTION

- 1.1 As part of our contract with Scottish Borders Council to review their Tree Preservation Orders (Ref: SBC/CPS/1235), we recommended that SBC Tree Preservation Order No. 32: 2005 *Princes Street, Hawick* be revised to include considerably fewer trees than were included in the original Order. In accordance with our recommendations, a revised Order, SBC TPO No.57 was subsequently made on 10th June 2019.
- 1.2 Objections have been raised to the making of the Order and questions asked about the assessment procedure used to justify trees' inclusion or omission. As the Order will have to be confirmed within 6 months taking all relevant matters into consideration, we have been asked to prepare a summary of our assessment procedure for consideration by the Council and objectors to the Order.

2 BACKGROUND

- 2.1 Planning authorities are advised to review Tree Preservation Orders (TPOs) periodically to ensure that they remain valid and useful, and Scottish Government Planning Circular 1: 2011 sets out the powers of Councils to vary and revoke Tree Preservation orders under the terms of the Town and Country Planning (Scotland) Act. To comply with this policy, a review of the Council's Orders is being carried out .

The purpose for the review is to:

- *To ensure that the Council's Tree Preservation Orders are accurate and representative of the trees and woodland amenity value they are deemed to protect.*
- *To update the TPO records to ensure that the schedule description of tree numbers, species, condition and corresponding plans are accurate, current and enforceable.*
- *To provide adequate detail to enable Scottish Borders Council to re-notify owners and neighbours of any varied, revoked or new Tree Preservation Orders.*
- *To provide recommendations on any action that might be required to improve the effectiveness and / or registration of an existing order. (A model order is available on the Scottish Government website following a review in 2013.)*

The reassessment of SBC TPO No.32 *Princes Street, Hawick* was undertaken as part of this review.

3 METHODOLOGY

- 3.1 A TPO review starts with a walkover assessment carried out from places to which the public have access, as the purpose of protecting trees by a TPO is primarily to preserve their visual amenity in the landscape. This process involves identifying the most significant trees and then considering the expediency of making them the subjects of a TPO. It should be borne in mind that TPOs are a burden on title to a property, so should only be considered where the trees have significant public benefit and there is some reason to believe they are at risk. Only in exceptional circumstances would it be appropriate to include trees under sound and responsible management. Such an exception may apply if the tree was a particularly fine specimen of a rare species, or the tree had particular historical significance. It can also be appropriate to use a TPO to protect trees which are at risk of damage due to development on adjacent sites, as roots and overhanging branches may be vulnerable to loss or severance under Common Law without the statutory protection an Order gives.

In such situations, the Order ensures that due regard is given to ensuring the tree's health when designing planning layouts.

- 3.2 In order to be able to decide which trees are suitable for inclusion in a TPO and which aren't, the use of some kind of system is recommended to ensure, as far as possible, that selection is carried out in a fair, consistent, objective, and repeatable manner. It helps the Council explain to landowners why their trees have been included in a TPO, and also helps to avoid including large numbers of low value trees within the TPO system which the Council then has to manage.
- 3.3 The most widely used appraisal system developed for this purpose is the *Tree Evaluation Method for Tree Preservation Orders - TEMPO*. It is an easy to use field guide to decision-making which also provides a written record of the process. It is presented as a single-page pro forma, and allocates scores to various relevant criteria. When these scores are added together, it gives a total figure which informs whether the tree merits protection by a TPO and, if so, whether the making of a TPO is justifiable (i.e. defensible). As with any such system, its efficacious use is predicated on the assessor having a thorough understanding and knowledge of the subject matter.
- 3.4 We used TEMPO in the assessment of the trees at Princes Street.

4 TREE SURVEY

- 4.1 TPO No.32 was made in 2005 and included most of the trees growing at that time in the area between Princes Street and Commercial Road.
- 4.2 The first stage of the review was a walk-over assessment carried out in November 2017, viewing the trees from public places to determine which trees still existed, what condition they were in, and what contribution they made to the visual amenity of the locality.
- 4.3 This initial assessment found that many trees included in the TPO no longer existed, mainly due to development, and that the quality and value of the remaining trees was highly variable. It was also apparent that there was no foreseeable threat to many of the trees identified as being visually significant and in good condition, as the sites on which they grow are under responsible management.
- 4.4 The sites were considered as follows:
- The trees at Wilton Old Churchyard are highly significant in the local landscape. However, as they are under Council control (SBC Site Ref.HAWI064) there is no risk of unauthorised felling so no need for inclusion in a revised order.
 - The group of sycamores and Norway maples growing along the western side of the newly-developed ALDI supermarket site on Commercial Road appear to be in satisfactory condition. As the development works there are now complete, there is no further perceived threat to the trees. As the site lies within the Hawick Conservation Area, the trees are in effect protected anyway, so there is no need to include them in a revised Order.
 - There are numerous highly significant trees at No. 23 Princes Street (Haig House). Access to the property was required to appraise these more fully, and an accompanied site visit was arranged with the owner, Mrs Mackie. This took place on 21st December 2017, and confirmed that there were many trees worthy of inclusion in a revised Order. During the meeting, Mrs Mackie said that

she was considering selling the property, and the matter of a possible future threat to the trees and the expediency of protecting them by inclusion in a revised Order was discussed.

- The large mature Horse chestnut growing within the vacant site on Commercial Road immediately to the south-west of ALDI was assessed and appeared to be in acceptable condition for its maturity. As it had very high visual amenity value and local historical value, it was considered to be highly suitable for inclusion in a revised Order.
- The only significant trees at No.25 Princes Street are a mature beech and a group of yews. The beech stands close to the house and significant decay was visible from outside the property. It was therefore discounted as not being in good enough condition to justify inclusion in an Order. The yews appeared to be in satisfactory condition and could potentially justify inclusion in a revised Order.
- The dense group of mature and semi-mature ash and sycamore growing between No. 25 Princes Street and the Sainsbury's Filling Station were visually assessed from the Filling Station. Although a few individuals were assessed as having future development potential, many were noted to have significant defects.
- The large ash and sycamores within No.27 Princes Street may have been significant when TPO No. 32 was originally made, but they have since been subjected to major disfiguring reduction works and are no longer worthy of protection.
- Due to development, many trees included in the original Order no longer exist. The trees formerly growing on the bank between 'Stepside' and the Sainsbury's site were mostly sycamores, but these have all been felled. The stumps are regenerating vigorously, but they are no longer worthy of inclusion in an Order.
- The open-space at Wilton Path are highly significant in the local landscape and were included in the original TPO. However, as they are under Council control (SBC Site Ref.HAWI042) there is no risk of unauthorised felling so no need for inclusion in a revised order.

No other significant trees were identified.

- 4.5 Following this initial appraisal, the findings and our recommendations were discussed with Mr Simon Wilkinson (Tree Officer at SBC), and it was agreed that a closer assessment of those trees considered to be most suitable be carried out using the TEMPO system.
- 4.6 A second visit was made to No.23 Princes Street (Haig House) on 28th March 2019. Twelve individual trees at the property scored 12 points or more under the TEMPO system, and as such were assessed as meriting inclusion in a revised Order. Two groups of Lawson cypresses on the property boundary which form evergreen screens between the properties on Commercial Road and Haig House and its garden were also included. These have been unsympathetically reduced in height and a couple killed by the subsequent removal of the remaining lateral branches overhanging the boundary. However, their overall condition was considered to be satisfactory, and as they provide valuable screening to Haig House which it is desirable to maintain, and they are foreseeably threatened by the imminent development of the adjacent site, the surviving component trees scored sufficient points in the expediency assessment part of TEMPO to justify their collective inclusion in a revised Order.

- 4.7 The large mature Horse chestnut growing within the vacant site on Commercial Road immediately to the south-west of ALDI scored 15 points, making it highly suitable for inclusion in a revised Order.
- 4.8 The yews at No.25 Princes Street were assessed collectively under the TEMPO system. However, their relatively limited individual visibility and lack of perceived threat meant that they scored insufficient points to justify inclusion in a revised Order.
- 4.9 The dense group of mature and semi-mature ash and sycamore growing between No. 25 Princes Street and the Sainsbury's Filling Station were assessed collectively under the TEMPO system but scored insufficient points to justify inclusion in a revised Order.

5 Recommendations

- 5.1 We subsequently recommended that a revised Order was appropriate, but that only the 12 individual trees and 2 groups identified at No.23 Princes Street (Haig House), and the mature Horse chestnut at the vacant site on Commercial Road south of ALDI were worthy of statutory protection by a Tree Preservation Order.

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13th August 2019