

THE HIGHLAND COUNCIL
SOUTH PLANNING APPLICATIONS COMMITTEE

19 May 2015

Agenda Item	9.2
Report No	PLS 037/15

TREE PRESERVATION ORDER NO. 124, 2014
DRAGON'S TOOTH, BALLACHULISH

Report by Director of Development and Infrastructure

Summary

A Tree Preservation Order has been served on woodland and tree cover lying within and in association with the Dragon's Tooth Golf Course, Ballachulish. The Committee is invited to consider confirmation of the Order subject to modifications.

1. Background

- 1.1 A Tree Preservation Order was served on 19 December 2014 covering woodland and tree cover lying in association with the Dragon's Tooth Golf Course. A location map (Appendix 1) and copy of the Order map (Appendix 2) are attached.
- 1.2 The Order replaced a previous Order (No. 120, 2014) and as a result of the continuing consideration of a planning application (reference 14/00357/FUL) for camping pods. The application was approved by this Committee on 24 February 2015 and the subsequent confirmation from Scottish Government that the approval was not to be reviewed by Scottish Government in respect of the objection by SEPA. Please refer to item 7.1 of this Committee.
- 1.3 The serving of the Order was as a result of tree removal and impacts through ground works and surfacing related to the above development and the formation of car parking in association with a Garden Centre (reference 14/00637/FUL - Retrospective).
- 1.4 A Tree Preservation Order lasts for a period of six months then lapses if not confirmed.

2. Representations

- 2.1 One letter of objection has been received from Ossian Developments Ltd as the primary landowner of the TPO area. A copy of the letter is appended (Appendix 3).

3. Appraisal

- 3.1 The woodland and tree cover at Dragon's Tooth hold a strong form and landscape setting and relate, in part, to the 'designed' landscape of Ballachulish House (Category B Listing). The overall area holds a high visual prominence as well as being associated with a number of properties including the South Ballachulish Hotel. The golf course, garden centre, a range of outdoor activities and proposed

camping pods benefit from this landscape setting and are enjoyed by local and tourists as alike. The site lies within the Ben Nevis and Glencoe National Scenic Area.

3.2 Under the Tree Evaluation Method for Preservation Orders (TEMPO), the woodland and tree cover has been scored as “Definitely merits TPO”. The Council uses TEMPO as an independent method for assessing the need for Preservation Orders and is used by a wide range of Local Authorities for this task.

3.3 The extent of the TPO relates to the scale and cohesion of the landscape setting provided by the woodland and tree cover.

4. Response to Objection

4.1 Lack of Consultation

The Council is not required to give prior notification when serving a TPO. In this particular case the TPO was raised because of direct impacts on trees.

4.2 Scale

The scale of the TPO is considered to be appropriate. However, it is accepted that the TPO is too broadly defined and requires to be modified to more accurately reflect the tree cover. This will require the classification of woodland, tree groups and individual trees and will be undertaken in discussion with Ossian Developments Ltd.

4.3 Managed Estate

The existence of an active tree management policy is welcomed. The Council will be pleased to be directly involved (as with the previous owners of the golf course) in discussing on going management requirements, including replacement and new planting. It is recognised that the older planting is now in maturity and particular care is required in safety terms for those trees located directly in association to the golf course. The recent consent for the camping pods and the garden centre hold requirements for tree protection and landscaping.

4.4 Safety

The need to maintain a safe environment for golfers is fully recognised and, again, we would be pleased to work with the owner in achieving this outcome whilst maintaining amenity values. See 4.3 above also.

4.5 Commercial

The basis of the TPO is on amenity grounds. The commercial challenge of operating a golf course in this locality is recognised. The Council has supported further tourist related activities and provision on this site. A TPO brings a level of regulation but that is not viewed as being onerous, particularly if placed against an agreed tree management scheme.

4.6 Insurance

A TPO will not directly interfere with lines of management responsibility and therefore the provision for insurance cover. These responsibilities will continue to lie with the owner. The Council will fully take into account the issues of risk management in considering any application for consent under the TPO.

4.7 Stated Rationale

The aim of the TPO is to maintain the amenity value for the benefit of the wider community. In this regard the Council would be pleased to work with the owner in achieving this outcome and to look at possible funding options. We worked with the previous owners of the golf course on tree management issues.

4.8 In conclusion, it is considered that the woodland and tree cover is an important and long standing amenity feature of the wider area as well as to the setting and character of the golf course and the various properties. On going management is a key consideration and a TPO provides for that. The Council would be pleased to work with all owners but particularly with the golf course owner in securing longer term management.

Recommendation

Members are asked to confirm the Order subject to modification as set down in paragraph 4.2 of the report.

Designation: Director of Development and Infrastructure

Date: 11 May 2015

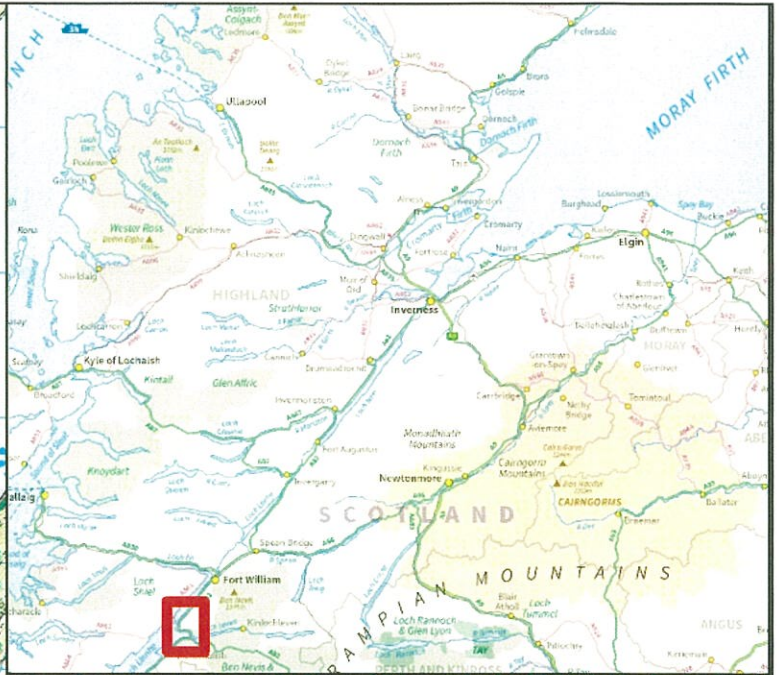
Author: Robert Patton, Principal Officer, Land



THE HIGHLAND COUNCIL
Planning & Development Service
TREE PRESERVATION ORDER No.HC124

Dragon's Tooth
Ballachulish

December 2014



Scale @ A4 1:50,000

0 500 1000 2000 3000 metres

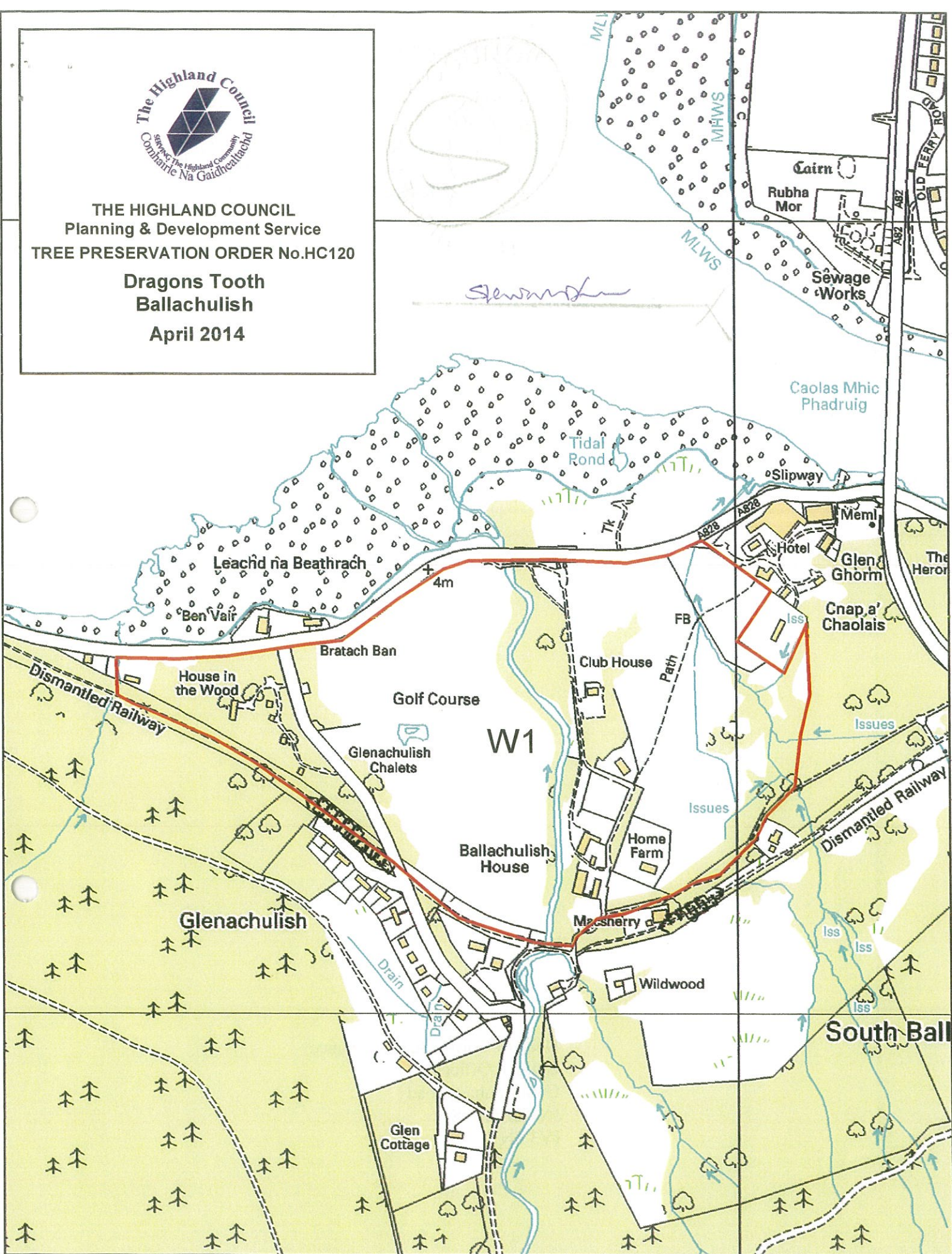
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THE HIGHLAND COUNCIL
Planning & Development Service
TREE PRESERVATION ORDER No.HC120

Dragons Tooth
Ballachulish

April 2014



Scale @ A4 1:6,000

0 20 40 60 80 metres

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Roshinish House
Old Ferry Brae
Ballachulish
Argyll
PH49 4JX

28th April 2014

Objection to Tree Preservation Order HC120
Dragons Tooth Golf Course Ballachulish

We wish to make formal objection to the proposed order.

The points of objection are as follows:

Lack of Consultation. Highland Council has made no efforts whatsoever to consult with us, as the significant landowner and the organisation with primary responsibility for management of this woodland. This high-handed approach is not compatible with good practice, community relations and effective, long-term stewardship of the asset.

Scale. The proposed designation area is too large and *too broadly defined*. It includes a very wide range of tree types, and *fails to categorise* trees by significance (eg ancient, mature, modern). Further, the area appears to be drawn *arbitrarily*, without due and proper consideration of a range of key issues.

Managed Estate. The golf course has, for a number of years, operated a very active tree management policy. Trees are *planted continually* and existing trees stewarded in relation to their good management and the requirements of the game of golf. This occasionally means felling and routinely involves crown raising, crown reduction, topping and lopping. It relates to a constant consideration of player safety whilst moving about the course, sight lines, visibility etc. A significant part of managing a course is about the professional management of the trees on in, and a tree order makes this routine management unpractical.

Safety. Maintaining a safe environment for golfers is a primary concern. Routine tree management will, with such an order, require constant permissions from Highland Council. This bureaucracy is simply unworkable across an estate with so many hundreds of trees.

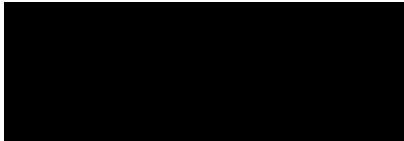
Commercial. No consideration appears to have been given to commercial/financial aspects. It is widely accepted that operating a golf course is a commercial challenge and that there is limited, if any, profit from this trade. As operators of this course, we invest a net £30k+ a year in the estate; the imposition of further regulation and control may well persuade us against the cash contribution and rather, let the area return to a natural, unmanaged state. This would have a significant impact on tourism, the local economy and the local amenity.

Insurance. Ossian Developments has prime responsibility for the safe operation of activities on the course, and our insurers rely on this clear line of control. A golf course is a high-risk environment, and management of trees is a key part of risk mitigation. A tree preservation order fundamentally interferes with the lines of responsibility and thus effective insurance and will, in our view, make golf impossible to insure. The golf course will then close.

Stated Rationale. “The Order will allow the council to maintain this feature and to encourage appropriate longer term management”. As owners of the site, *we have responsibility* to maintain the feature, and have been doing this pro-actively and at significant cost for a number of years. No evidence whatsoever is provided to identify any instance where we have acted without proper and professional care. Highland Council makes no investment in maintaining the feature and has no track record whatsoever in encouraging or supporting long term management. No practical help or support funding is offered. What will result is a bureaucratic formality which will hinder good woodland management, not support it.

We would suggest that consideration might be given to identifying the specific, *significant* trees on the estate, and shielding these within a preservation order.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Laurence McP Young
Director