



TREE PRESERVATION ORDER (1 of 2023) AT LAND AT THE KILN (KILN COTTAGE), QUARRRYBANK, COUSLAND AND LAND AT NORTHFIELD FARM, COUSLAND

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's approval to confirm a Tree Preservation Order (TPO) 1 of 2023 issued on 25 January 2023 for twelve individual trees (T1 – T12) and four groups of trees (G1 to G4) at land at The Kiln (Kiln Cottage), Quarrybank, Cousland. The report also seeks the Committee's approval to amend the TPO.

2 BACKGROUND

- 2.1 At its meeting of 10 January 2023 the Committee determined to issue a TPO regarding twelve individual trees (T1 – T12) and four groups of trees (G1 to G4) at land at The Kiln (Kiln Cottage), Quarrybank, Cousland.
- 2.2 The TPO was issued on the basis that a report regarding the confirmation of the TPO, once the owner of the land and other interested parties have had the opportunity to make comment, be reported to Committee for consideration. The following details of the case are set out in the 10 January 2023 Committee report attached as Appendix B:
- Site location and description;
 - Background and justification for issuing the TPO;
 - Details of the TPO proposal;
 - Location plan;
 - Local development context plan; and
 - Site photos
- 2.3 The TPO came into effect on 25 January 2023 and continues in force for six months (until 25 July 2023) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).
- 2.4 Following the service of the TPO the landowners were given the opportunity to make representation. Furthermore, in accordance with the Regulations, a notice was published in the Midlothian Advertiser and on the Council's website and the Tynewater Community Council (who informed the Cousland Village Hall Association) were also notified of the

decision to issue the Tree Preservation Order and invited to make a representation. In addition, a site notice was attached to nearby gates and fences in three locations advising of the TPO and the consultation process. Interested parties were given until 31 March 2023 to make representations, this was extended to 17 April 2023 for the property owner in response to a request from their agent. Legislation requires that a period of at least 28 days is made available for representation to be submitted to the Council following a decision to make a Tree Preservation Order.

- 2.4 One representation on behalf of the landowner and two representations from interested parties were received. The representations are attached as Appendix C.

3 REPRESENTATIONS

- 3.1 The Council received one representation objecting to the issuing of the TPO on behalf of the owners of land at The Kiln (Kiln Cottage), Quarrybank, Cousland. The representation included a tree survey report, the accompanying letter stated:

“On the 28th of March 2023 I carried out a visual tree assessment with the aid of an acoustic hammer and girthing tape, surveying all trees within the extent of TPO 1-2023. Many are of poor merit, have low amenity value and aesthetics and are not worth of preservation. T16 is a particularly nice specimen although wire is running through the lower stem. In summary I would like to propose a management plan going forward even if TPO 1-2023 is to be made....”

- 3.2 The tree health and safety and stability issues raised have since been the subject of a work to tree application (23/00256/WTT). The application requested permission to carry out tree safety and tree management works including felling of 17 individual trees for health and safety and structural reasons, pruning works and the removal of ash trees due to ash dieback disease. The work to tree application was granted on 25 April 2023 and conditioned replacement tree planting on site. As a consequence the proposed TPO plan, attached to this report as Appendix A, and schedules have to be updated to take into account the tree removals. Replacement planting has been conditioned through the work to tree application and will be protected by the TPO if confirmed by the Committee.
- 3.3 It is considered that the tree safety concerns raised in the tree survey report have been addressed by the work to tree application, leaving the remaining trees in the modified TPO to be confirmed should the Committee determine to do so. This ensures that the protected trees can continue to contribute to tree canopy cover and the landscape amenity of Cousland, whilst safety issues have been addressed. It is advised therefore that the above representation has been addressed and should not prevent the confirmation of the TPO.
- 3.4 The Council received two further representations. The first supported the issuing of the TPO and stated:

“I want to say I am glad to see the tree preservation order being put in place for trees at this site, as we have had woodpeckers and birds of prey utilising the trees on this piece of land and it would be sad to see any of them be taken down, especially since every tree counts in battling climate change and saving our natural environment.”

- 3.5 The second representation requested an amendment to the TPO land description to more accurately describe the TPO land parcels, and requested the TPO be modified in order to remove tree groups G3 and G4 from the TPO as these trees need regular work in order to allow farm vehicles and livestock access. The representation states:

“With reference to the above order and relative map, I would like to draw your attention to the group of trees marked as G4 and part of G3. These are not within the boundary of the land at Kiln, Quarrybank, Cousland, but are within the land at Northfield Farm, Cousland. There is a gated farm access road off the main road between G3 and G4 which is in constant use for farm vehicles and livestock to access fields on either side of the road.”

- 3.6 In response the TPO title can be modified to include the names of both land parcels within the TPO.
- 3.7 The work to tree application process for TPO trees makes provision for land owners, tenants and occupiers to continue to manage their trees through the submission of an application detailing the proposed pruning or felling works required; the submission is then considered by the Council and approved if the proposed works are acceptable. The application process allows the Council to balance the needs of landowners and occupiers and tree safety issues with the aim of retaining tree cover. The retention of tree groups G3 and G4 in the TPO will ensure that the management of the trees can take place whilst preserving overall tree cover on the approach to Cousland from the west.
- 3.8 The work to tree application 23/00256/WTT includes proposals to crown lift some trees within Group 3 and Group 4 to facilitate vehicle access, and removal of ash trees in these groups due to Ash Dieback. The application was approved subject to conditions, particularly requiring replacement planting of Hawthorn within these tree groups. It is possible that these tree works will resolve the access issues raised in this representation. Should it be necessary, the tenant or landowner, or a third party (such as a qualified arborist or arboricultural consultant) can submit a new work to tree application requesting permission to carry out further tree works. It is advised therefore that the concerns raised about the inclusion of Group 3 and Group 4 can be resolved through the normal work to tree application process, and should not prevent the confirmation of the TPO.
- 3.9 With regard the description of the land parcels covered by the TPO the representation states:

“With regards to the land ownership for tree Group 4 & part of Group 3 this is the same as the rest of the tree preservation order.... So in effect there are two land parcels, one being the Kiln, Quarrybank, and the other being Northfield Farm, Cousland. Therefore, to help me understand the situation better it would be really useful if you could clarify why Group 4 & part of Group 3 were included in the TPO initially when they are in different land parcels.”

- 3.10 The TPO title can be amended to reference both land parcels namely land at The Kiln, Quarrybank and also land at Northfield Farm, Cousland.
- 3.11 In response to the consultation process and the approved works to trees application reference it is proposed to amend the TPO as follows:
- The TPO title is amended to read: Land at The Kiln, Quarrybank and land at Northfield Farm, Cousland;
 - The number of individual trees listed in the TPO at Schedule 1 is reduced from twelve to eight due to some tree safety works, consented through work to tree application 23/00256/WTT. The works have included permission for felling of a number of mature trees on site, some of which were numbered individually in the original TPO and some of which were part of the tree groups G1 to G4. The permission also covers removal of all Ash trees in Groups 3 and 4;
 - The TPO Schedules will be updated to remove reference to the individual trees removed, and to remove reference to the Ash trees in Groups 3 and 4 owing to the removal of Ash due to Ash dieback; and
 - The TPO plan is amended to illustrate the reduction in individual trees.

4 PLANNING ISSUES

- 4.1 The individual trees identified in the TPO (subject to amendment) are worthy of protection on their own merits, as individual trees characteristic of their pastoral setting. Tree Groups G1 and G2 are worthy of protection as tree groups related to The Kiln/Northfield Farm and farm buildings; and Tree Groups G3 and G4 appear to be self-seeded groups marking the former quarry location and therefore providing a link to the site's historic and cultural importance to the village, whilst also contributing to the woodland setting on the approach to Cousland from the west.
- 4.2 The individual trees and tree groups feature in views from the north and on the approach to Cousland from the west. They are also widely visible from the dwellings on the northern side of Cousland at Beech Grove. They add to the setting and amenity of the area and help to integrate the more recent development at Beech Grove into the village as a whole, giving a sense of containment to the village.
- 4.3 The tree groups in particular contribute to the local biodiversity green network, providing connections and canopy cover between Cousland and the nearby Bellyford Burn corridor, which runs in a west to east direction to the north of the site at approximately 240 metres from the sites boundary.

- 4.4 The trees form part of the landscape character of the area and contribute to the local green network. The issuing of a TPO will be an important tool in protecting the trees aiding in the preservation of local amenity, biodiversity and habitat connectivity.
- 4.5 During the consultation period following the issuing of the TPO a work to tree application (23/00256/WTT) was submitted by the landowner proposing tree works within the TPO area. The work to tree application was based on a tree survey report carried out by a qualified arboricultural consultant company and identified some recommended tree works based on health and safety and stability issues. The application requested the felling of 17 individual trees, trees T1, T2 T8 and T10 as numbered on the original TPO plan and a number of trees within Tree Groups 1 and 2, some tree pruning works and removal of ash trees within Groups 3 and Group 4 due to Ash Dieback. The application was approved with conditions, in particular the provision of replacement planting.
- 4.6 The confirming of the TPO (with modification as set out in this report) will be an important tool in perpetuating canopy cover in the area in order to address the climate emergency, protecting the trees for their amenity and place functions and preserving local biodiversity and habitat connectivity.

5 PROCEDURES

- 5.1 The provision for issuing a Tree Preservation Order is set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. A planning authority may make a Tree Preservation Order if it appears to them to be “expedient in the interest of amenity and/or that the trees, groups of trees or woodlands are of cultural or historic significance” (Scottish Government Planning Circular 1/2011: Tree Preservation Orders). The TPO subject of this report has been made on amenity grounds.
- 5.2 The TPO will continue to remain in effect to the end of the six month period (ending 25 July 2023). If the local planning authority wishes the TPO to stay in effect beyond the six months it must ‘confirm’ the order.
- 5.3 To ‘confirm’ the Order the LPA must register the TPO in the Land Registry of Scotland, place a copy on its own TPO register and notify Scottish Forestry (previously the Forestry Commission Scotland), interested persons and any person who has made a representation (in this case no representations were received).

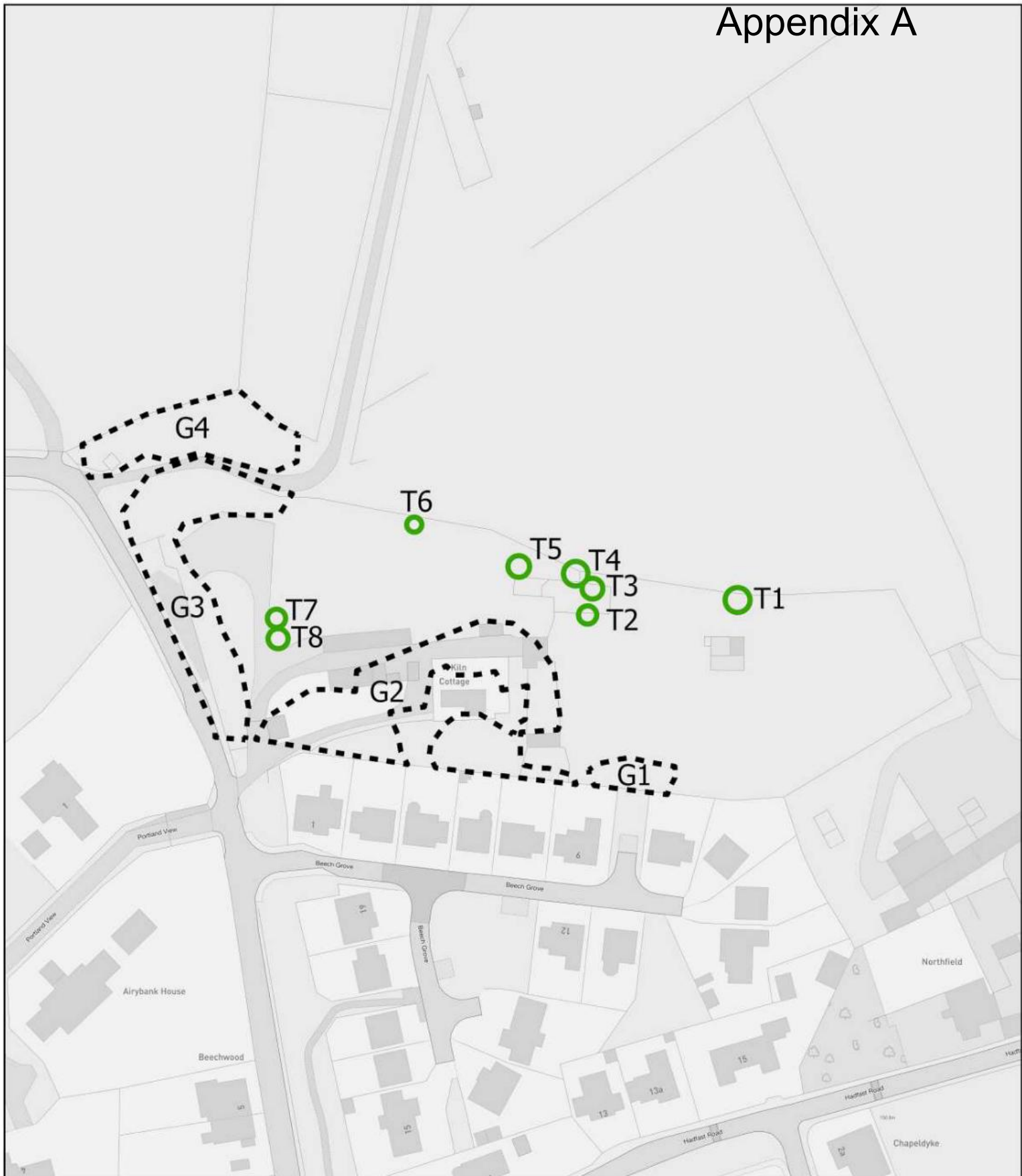
6 RECOMMENDATION

- 6.1 It is recommended that Committee:
- a) Confirm the Tree Preservation Order (1 of 2023) as modified for eight individual trees (T1 – T8) and four groups of trees (G1 to G4) at land at The Kiln, Quarrybank Cousland and land at Northfield Farm, Cousland; and
 - b) Instruct the Planning, Sustainable Growth and Investment Service Manager to carry out the necessary procedures, following confirmation and endorsement of a tree preservation order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 9 May 2023
Contact Person: Grant Ballantine
grant.ballantine@midlothian.gov.uk
Background Papers: January 2023 Committee Report (Appendix B)

Appendix A



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Land at The Kiln, Quarrybank, Cousland and Land at Northfield Farm, Cousland.

This is the plan relative to the Midlothian Council Tree Preservation Order No. 1 of 2023

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2022)

File No:

Scale: 1:1,500





Midlothian

PLANNING COMMITTEE
10 JANUARY 2023
ITEM NO

TREE PRESERVATION ORDER REGARDING TREES AT THE KILN (KILN COTTAGE), QUARRYBANK, COUSLAND

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's approval to issue a Tree Preservation Order (TPO) on twelve individual trees and four groups of trees located at The Kiln (Kiln Cottage), Quarrybank, Cousland.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located on the northern edge of Cousland, immediately adjacent to dwellings on Beech Grove Cousland.
- 2.2 The trees are located on pasture land, garden ground and amongst outbuildings at the property known as The Kiln or Kiln Cottage, Quarrybank, Cousland and on land immediately adjacent to the unnamed road running west from Cousland to the A6124.

3 BACKGROUND

- 3.1 A planning history search for the site identified that there have been no planning applications relating to the site.
- 3.2 Residential development on land to the west of the site at Airybank, comprising five dwellinghouses, is separate from the site by the unnamed road that leads to the A6124.
- 3.3 There have been a number of historic planning applications from 1993 to 2011 regarding land to the north of the site at the former Cousland Limeworks. The original applications related to the use of the land for the disposal of inert waste material and the restoration of the land for use as a horse-riding and training centre. Subsequent applications related to the extension of the landfill site and to extensions of time allowed for the infilling and restoration of the site. Further, applications supported the erection of an equestrian centre, manager's house, temporary caravan, equine pool, stables, hay store, indoor riding school, the erection of wind turbines and a change of use from agricultural land to an equestrian use to create gallops. The two turbines which were the

subject of applications 05/00145/FUL and 05/00462/FUL have since been dismantled and replaced with new turbines (applications 11/00401/DPP and 11/00402/DPP).

- 3.4 The site which is the subject of the proposed TPO was historically a quarry as depicted in the ordnance survey (OS) six inch map from 1888 to 1913. Historical maps from between 1885 to 1914 also show the site as being part woodland. The 1937 to 1961 OS map of the site still shows the quarry but now also includes a cottage in the location of Kiln Cottage and by the time of the 1944 to 1971 OS map the quarried area is located further north of the site, with buildings in the area around Kiln Cottage and tree cover to the south of the cottage.
- 3.5 In the more recent past the site has been in use for agricultural purposes and in part forming garden ground for Kiln Cottage. The former quarry area closest to the road remains disused and vegetated with self-seeded woodland. Kiln Cottage appears to be currently empty and the agricultural buildings on the site appear disused and derelict. At the time of two site visits in early 2022 and late summer 2022 the land appears not to be in use for grazing or any other agricultural use.

4 PROPOSAL

- 4.1 It is proposed to issue a Tree Preservation Order (TPO) covering twelve individual trees and four tree groups as shown on the attached location plan, in the attached photographs and as described below:
- 4.2 As a whole the individual trees proposed for protection are a diverse mix of broadleaf and conifer species, many of which are mature or semi-mature ranging from the native trees found within the fields, through to the more diverse species of trees within the garden ground of the cottage which includes a line of prominent Larch and mature Beech trees as well as other garden trees.
- 4.3 There are some Ash trees amongst the individual trees proposed and within some of the groups. Within the woodland groups, there are some signs of Ash Dieback disease, whereas the individual trees proposed within the order were not showing advanced signs when last inspected. In particular, the two large mature Ash trees within the fields are significant in size and age, and as is consistent with Ash Dieback progression, are not suffering from the disease to the extent that younger trees may. It is acknowledged however that should a TPO be issued the condition of any Ash trees will require to be reviewed.
- 4.4 Tree Group 1 comprises a mature group of Larch, Scots Pine, Oak and Hawthorn within the field on the southern edge of the site directly to the north of Beech Grove. This group of trees helps to define the character and setting and amenity of the adjacent dwellings on Beech Grove.

- 4.5 Tree Group 2 comprises a mix of broadleaf and conifer species located along the southern site boundary with Beech Grove and in the area around the cottage on the site known as The Kiln or Kiln Cottage and amongst the outbuildings. This accounts for the varied species and ages of the trees in the group, some of which are mature, whilst others are semi-mature and younger. The trees in the group provide the setting for the cottage as well as contribute to the setting for the village of Cousland by defining the northern edge of the settlement. This group includes of Larch, Beech, Scots Pine, Lime, Cypress, Oak, Rowan, Malus, Prunus, Holly.
- 4.6 Tree Groups 3 and 4 define the edge of the road leading away from Cousland to the A6124. These groups appear to be self-seeded on the remains of the former quarry. The species in these two groups include Ash, Sycamore and Hawthorn. These groups are important in visually defining the road on the approach to the village, and along with the other trees in the proposed TPO contribute to green network connections locally.

5 PROCEDURES

- 5.1 The provision for issuing a Tree Preservation Order is set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. A planning authority may make a TPO if it appears to them to be “expedient in the interest of amenity and/or that the trees, groups of trees or woodlands are of cultural or historic significance” (Scottish Government Planning Circular 1/2011: Tree Preservation Orders).
- 5.2 Following the service of a TPO the owner of the land and other interested parties have the opportunity to make representation. However there is no right of appeal against a Tree Preservation Order.
- 5.3 The TPO shall be in effect for six months, during which time representations from the owner of the land and other interested parties will be considered. If the local planning authority wishes the TPO to stay in effect beyond the six months it must ‘*confirm*’ the order.

6 PLANNING ISSUES

- 6.1 The site’s disused and partially derelict state has increased the prospect that the land may be sold or redeveloped, which in turn could threaten the existence of the identified trees. Trees T1 to T12 are worthy of protection on their own merits, as individual trees characteristic of their pastoral setting. Tree Groups G1 and G2 are worthy of protection as tree groups related to The Kiln/Kiln Cottage and farm buildings; and Tree Groups G3 and G4 appear to be self-seeded groups marking the former quarry location and therefore providing a link to the site’s historic

and cultural importance to the village, whilst also contributing to the woodland setting on the approach to Cousland from the west.

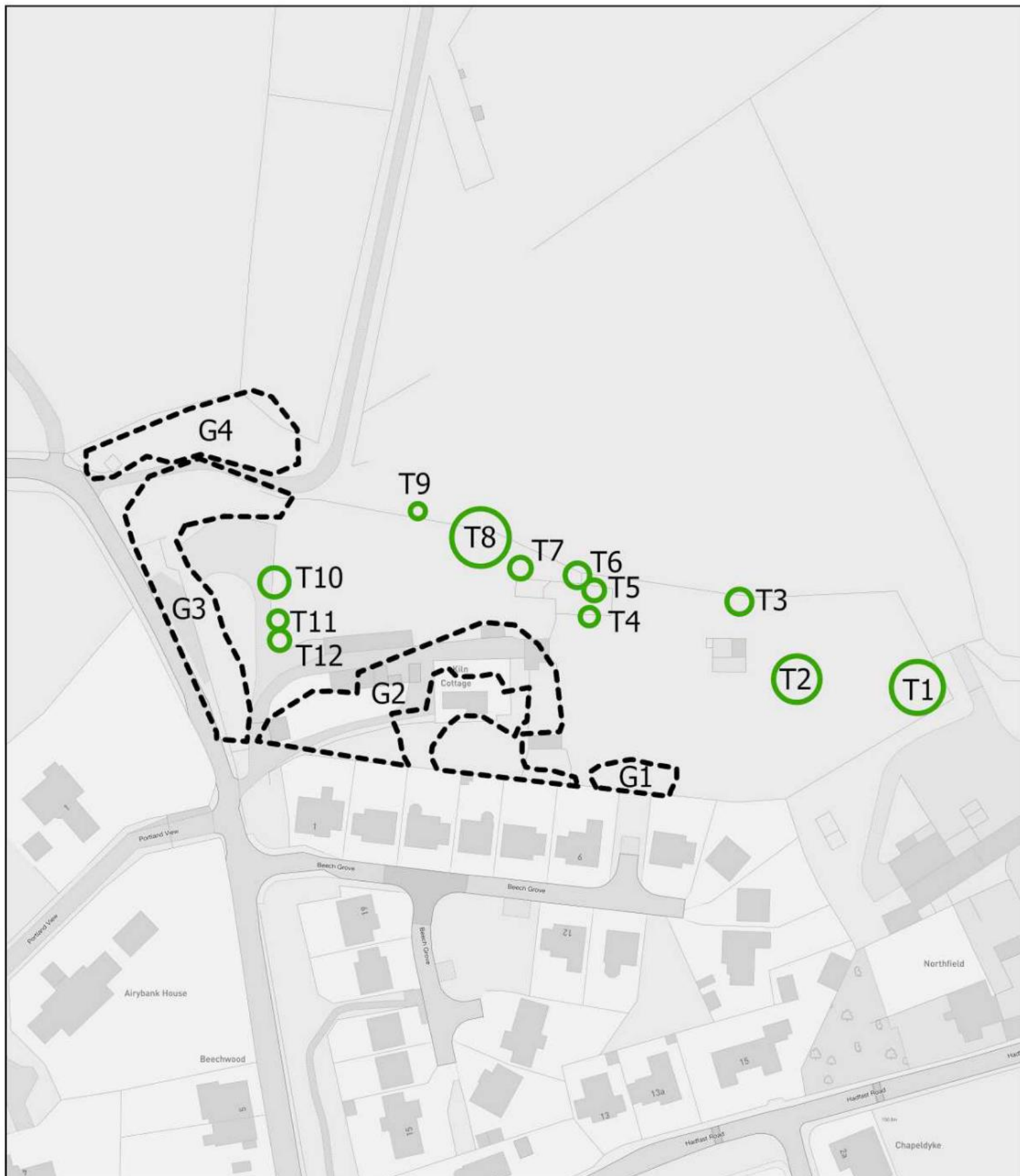
- 6.2 The individual trees and tree groups feature in views from the north and on the approach to Cousland from the west. They are also widely visible from the dwellings on the northern side of Cousland at Beech Grove. They add to the setting and amenity of the area and help to integrate the more recent development at Beech Grove into the village as a whole, giving a sense of containment to the village.
- 6.3 The tree groups in particular contribute to the local biodiversity green network, providing connections and canopy cover between Cousland and the nearby Bellyford Burn corridor, which runs in a west to east direction to the north of the site at approximately 240 metres from the sites boundary.
- 6.4 The trees form part of the landscape character of the area and contribute to the local green network. The issuing of a TPO will be an important tool in protecting the trees aiding in the preservation of local amenity, biodiversity and habitat connectivity.

7 RECOMMENDATION

- 7.1 It is recommended that the Committee:
 - a) Agrees to the issuing of a TPO to protect the identified trees at The Kiln, Quarrybank, Cousland; and
 - b) Agree to receive a further report to consider confirming the TPO once the owner(s) of the land and other interested parties have had the opportunity to make comment.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 20 December 2022
Contact Person: Grant Ballantine
grant.ballantine@midlothian.gov.uk
Background Papers: Site location plan and site photographs



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

The Kiln (Kiln Cottage), Quarrybank, Cousland Proposed Tree Preservation Order 1 of 2023

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

File No:

Scale:1:1,500



Proposed Tree Preservation Order at: The Kiln, Quarrybank, Cousland

Site Photos: Dates 28th March 2022 and 18th August 2022

Individual Trees

T2 Ash with T1 Ash in background, looking East



T8 (with T7-T5 in background), looking North-East



T10,11,12 (with G3 and G4 in the background), looking North



Tree Groups

G1 with G2 in background, looking West



G1 looking South-East with Beech Grove to the rear



G2 looking East



G2 looking South, including Kiln Cottage



G3 (with G4 in background). Looking North from the site entrance gate



G3 and G4 viewed from the road to Cousland, looking East



Site Wide Views: Looking West across the site with T2 in the foreground and groups G2 in the background





Forest Direct Ltd
— Forestry Consultants —

Forest Direct Ltd

31/03/2023

To whom it may concern,

Please find attached my findings in the form of a report, I have several concerns regarding the trees situated within the proposed TPO (TPO1-2023) area at Kiln Cottage Cousland.

On the 28TH of March 2023 I carried out a visual tree assessment with the aid of an acoustic hammer and girthing tape, surveying all trees within the extent of TPO 1-2023. Many are of poor merit, have low amenity value and aesthetics and are not worth of preservation. T16 is a particularly nice specimen although wire is running through the lower stem.

In summary I would like to propose a management plan going forward even if TPO 1 -2023 is to be made, all supporting data and information can be found in appendix A and E of the report.

All beech apart from T16 are to be removed due to various stages of decay throughout the lower stem, due to their size and location they pose significant risk to both property and life.

The Larches and Leylandii should be removed, all are in decline and some are causing structural damage to both existing buildings and boundary walls and not worthy of preservation.

Ash trees-26,28 33,34 are all removed due to their high level of Ash die back, and alternative species are planted as replacements.

Groups 3 and 4 - as stated in the council's report these are self-seeded hedge rows and trees compromising predominantly of Ash, Sycamore and Hawthorn.

I would like to propose remove all the Ash from within these groups and high prune the trees on the southern edge of 4 and northern edge of 3 to allow continued access for stock trucks and tractors as although situated out of my client's land holding the neighbouring farmer requires access at all times of the year for stock.

My client has no issues with replanting and maintaining native species once trees have been removed but on the basis that they can be relocated to somewhere more suitable to avoid having the same issues reoccurring in essence right tree right place.

If at all possible we would like to arrange a meeting on site with yourselves and my client to discuss this further.

If you have any further questions or queries, please don't hesitate to contact me.

[Redacted] FDS Sc BSC Hons

Operations Manager.

Forest Direct Ltd



TREE SURVEY REPORT FOR



Forest Direct Ltd



DATE 30/03/23



Contents

1. Introduction	2
Description and area.....	2
2. A defensible tree safety survey	2
Hazard classification.....	2
Frequency of inspection.....	3
Surveyor competency:	3
Limitations of tree survey	3
Zones of risk	4
3. Tree survey objectives and recommendations.....	4
Tree safety survey specification	4
Tree Description:	4
Status:	5
Action required:.....	5
4. Survey Method:	5
Survey data management.....	5
5. Summary, Recommendations and Budget costing	6
Future inspection and budget costs.....	6
6. APPENDICES:	7
Appendix A: Summary of Works Recommended	7
Appendix B: Maps.....	7
Appendix C: Protected species:.....	8
Appendix D: Specific issues identified during survey	9
Appendix E: Supporting Pictures	10



1. Introduction

Forest Direct Ltd (FDL) was instructed to carry out a tree safety survey and produce an associated report for [REDACTED] for the purposes of this report is referred to as **Kiln Cottage**. The survey will cover all trees located within the survey area and within falling distance of public highways, footpaths and buildings.

Description and area

Kiln Cottage is composed of several out buildings and small steading located in the village of Cousland. Following a Tree Preservation order being subjected on the land held by [REDACTED] Forest direct were asked to carry out a tree survey to find trees that posed a risk to the public/property and provide evidence for the removal of the tree preservation order.

2. A defensible tree safety survey

As the owner of a broad and varied population of trees across the estate, the landowner has a duty of care to ensure, as far as reasonably practicable, that trees within its ownership are unlikely to cause harm.

In practice this requires a balance between the interests of the owner of trees, those of the people that may be harmed by them and those of the general public. It is not possible to ensure complete and guaranteed safety unless no trees are present.

The basis of a defensible tree safety policy should include the following:

- An awareness of hazards, risks and legal obligations.
- Awareness of social, amenity and environmental values.
- The decision process and how it is implemented.
- Recording monitoring and feedback.

It is suggested that the aim for tree management across Kiln Cottage should include the following:

- To manage the tree population to maintain a reasonable balance between the landscape, biodiversity, economic and health benefits, that trees by their very presence provide, whilst ensuring, by sound management and practice, that the risk of harm to persons and property is minimised as far as is reasonably practical.

Hazard classification

Hazards are classified by the following criteria:

- Failure potential: how likely is it that the tree or part of the tree will fail?
- What is the size of the tree or part that is most likely to fail?
- Target rating: how likely the tree or part of the tree will hit something on failure and what is the relative value of any damage.

It should be noted that a hazard classification is predominantly a means of risk assessment for prioritisation of works and the hazard assessment will always be subjective. Although most trees may contain deadwood and defects, these are only assessed and recorded when considered significant as

part of the risk assessment carried out during the tree safety survey.

Frequency of inspection

It is unlikely that there are sufficient resources to inspect all trees on a daily or even an annual basis. Therefore, the frequency of inspection is determined by the following criteria:

- Tree surveyor competency and Zones of risk.

Surveyor competency:

Generally, there are three levels of competence which are detailed as follows:

- Level 3: Detailed survey by competent Arboriculturist or Forest Manager trained in tree hazard evaluation; to be carried out initially and at intervals according to the agreed “Zones of Risk”.
- Level 2: Survey to be carried out by trained contracting Arboriculturist whenever carrying out remedial works to trees. This will often include an aerial inspection when climbing to carry out such works and will include a written report allowing updating of the electronic tree database.
- Level 1: Survey to be carried out by in house staff or tree wardens trained to LANTRA Level 1: Basic Tree Inspection and/or Engineer level (as stated in the DoE Circular Roads 52/75 Inspection of Highway Trees) to identify and report trees which develop obvious defects in the time period between Level 2 or 3 surveys, including: the development of fungal fruiting bodies; dieback or death; structural failure (particularly following storms); lifting of root plates or increased leaning of trees; exudation from stems or branches or other.

Forest Direct’s Operations Manager, [REDACTED], holds the Lantra Tree Inspection qualification and has been carrying out arboriculture works and surveys for the past 13 years and is also an specialist advisor for the Scottish government.

Tree surveyor [REDACTED] holds the Lantra Tree Inspection qualification and has been carrying out arboriculture works and surveys for the past 4 years.

Limitations of tree survey

The findings and recommendations contained within this report are valid for a period of twelve months from the date of survey. Trees are living organisms and subject to change. Therefore, it is strongly recommended that some level of tree safety assessment is carried out on an annual basis. The recommendations relate to the site that exists at present and to the current level and pattern of usage. The degree of risk and hazard may alter as the site or its surroundings are developed or changed, and as such may require re-inspection and re-appraisal.

The level of risk associated with the assessed trees will vary with their condition and size but will also vary with the public usage and surroundings of their location. Zones are continually reviewed when monitoring inspections are carried out to ensure that any changes to existing zones or inclusion of new areas are carried out.

Zones of risk

Zones of risk have been classified as Very High; High; Moderate and Low. In addition, an indication of the likely associated land-use is detailed in the table below:

Risk Zone Categories	Indication of detail
Very High Risk(A): Arterial road traffic routes; high use pedestrian pathways; Emergency facilities; Railway lines; Playgrounds & play areas; High priority trees in lower risk areas.	Level 1 survey: Six monthly and following storms. Level 2 survey: When remedial work is undertaken. Level 3 survey: 1 year or on request following Level 1 survey conclusions
High Risk: Main roads(B); Trees within the influencing distance of residential property; Schools (low use areas).	Level 1 survey: Six monthly and following storms. Level 2 survey: When remedial work is undertaken. Level 3 survey: 2 years or on request following Level 1 survey conclusions
Moderate Risk(C): Minor roads, public rights of way (including bridleways and footpaths); Residential parking areas; Woodlands.	Level 1 survey: Six monthly and following storms. Level 2 survey: When remedial work is undertaken. Level 3 survey: 2/3 years or on request following level one survey conclusions
Low Risk(D): Low use roads (farm and estate tracks and roads); other open spaces.	Level 1 survey: Six monthly and following storms. Level 2 survey: When remedial work is undertaken. Level 3 survey: 5 years or on request following level one survey conclusions

3. Tree survey objectives and recommendations

The objective of this survey is defined to be:

- Retain and ensure the long-term future of the trees within *Kiln cottage*.
- Ensure that the risk to the general public is minimised.
- Ensure that any liability claim is minimised.

Tree safety survey specification

The tree safety survey aims to achieve the above objectives by identifying the tree resource across the land parcel at Kiln Cottage and assessing their location and health.

The survey will identify any hazards and assess the level of risk to road users and the general public and propose a programme of remedial works to remove the hazards where possible and/or minimise the risks.

The survey will cover the following tree cover at Kiln Cottage:

- *Assess all trees located within the TPO area at Kiln cottage.*

The survey records the following information to build up an initial database of trees recommended for remedial tree surgery work or monitoring and the proposed timescale for the work.

Tree Description:

- Every tree that requires remedial work or monitoring will be given a unique reference number



Forest Direct Ltd

— Forestry Consultants —

and its location recorded.

- Species, height class, age class, vigour, zone of risk and date assessed will be recorded as appropriate.
- Tree location will be recorded on an associated plan.

Status:

The following information relating to the health of the tree and any hazards present may be recorded.

- The presence of deadwood (as a percentage).
- crown dieback (as a percentage).
- decayed trunk.
- wounds/cavities.
- fungal attack/decay.
- obstruction.
- dead.
- habitat potential.
- damaged/unstable roots.
- deformed leaves/buds.
- dangerous limbs/branches.
- continuing decline and vigour.

Action required:

Any recommended remedial work relating to the above hazards is recorded and detailed for the relevant individual tree or group of trees. This section also records the priority for any action on the basis that:

- Urgent (U): requires work as soon as possible.
- 6 months (6): suggest work within approximately 6 months of the survey;
- 12 months (12): suggest work within approximately 12 months of the survey;
- 18 months (18): suggests work within approximately 18 months of the survey;

Also assessed and recorded is:

- Estimated labour time and cost based on a 2- or 3-person tree surgery team.
- The frequency of required monitoring is also assessed and recorded.

4. Survey Method:

The tree safety survey method is based on a ground level visual assessment of all trees which are within falling distance of the *public highway, footpaths, situated within the area covered by the TPO and which are of significance in the context of reasonable tree safety management.*

The tree survey was carried out on foot by [REDACTED] on the 28th of March 2023

Trees recommended for remedial work or specific monitoring were assigned a unique reference number and their locations recorded on a map and precise geolocations.

Survey data management

The data collected has been entered into the FDL bespoke tree management database to produce a detailed report on proposed remedial work and a programme of monitoring inspections to achieve and maintaining the required level of risk management. In addition, the data is used to estimate the costs of the remedial work.



The tree safety survey report has been provided as a digital copy but a paper copy of the report can be provided if required.

5. Summary, Recommendations and Budget costing

The main objective is to retain and ensure the long-term future of the trees across the land holding at Kiln *cottage* whilst ensuring that the risk to the public and any potential liability claim is minimised.

Following a visual tree assessment, a database has been created of all trees that require remedial work or monitoring. The data generates a programme of work required to achieve a prudent level of risk management to be carried out and the recording of specific trees that require monitoring.

The remedial tree works recommended are fully detailed and appended to the report. A summary is set out in the table below with an estimated budget cost. It should be noted that the budget cost provided is a guide only and the actual cost will be dependent on receiving competitive quotes from suitable contractors.

Retention category	Number of trees	Total Days	Estimated Price
Urgent	1	1	
6 Months	6	15.5	
12 Months	3	3	
18 Months	10	9.5	
		Total Cost (exc VAT):	

Future inspection and budget costs

Future inspection frequencies and associated budget costs should be considered in the context of the risk management objectives and strategy for Oxenfoord Estate. Further assistance and budget costs can then be provided if required.

Monitor frequency (Months)	Number of trees
3	0
6	0
12	1



6. APPENDICES:

Appendix A: Summary of Works Recommended

Please see attached spreadsheet.

Appendix B: Maps

Please see attached.

- i) Locations of all trees recorded.
- ii) Locations of trees recommended for remedial work.
- iii) Locations of trees recommended for specific monitoring

Appendix C: Protected species:

Bats

Bats are a protected species under the European protected species legislation and neither they nor their roosts may be disturbed without authority from Nature Scot, Natural England or DEFRA.

It is quite possible that bat roosts are present in some of the older trees for which works are proposed, particularly those with multiple cavities and ivy.

It will be essential for those carrying out works on the trees to be alert for the presence of bats and the need to contact the relevant body in advance of carrying out works to obtain a license if found.

Bat roost may be found in the following features:

- Woodpecker holes/cavities/hollow sections/splits and frost cracks.
- Within ivy/beneath loose bark and in dense epicormic growth.
- In bat or bird boxes.

The tree survey records a potential bat habitat which should be assessed before work is carried out. Please note that the record of potential bat habitat is not a conclusive survey or confirm the presence of bats.

It is desirable to retain bat roost features where no safety conflict exists. In general, trees should be inspected and assessed for potential bat roosts prior to tree surgery works commencing and following agreement on a programme of works with the contractor.

The following guidance should be referred to in all situations other than woodland:
Nature Scot/Natural England Guidance Note SIN010 Bats: European Protected Species.

General

Although it is illegal to knowingly (recklessly) disturb nesting wild birds, bats and badgers, protection legislation does not prevent normal operations that do not knowingly disturb protected species out with their normal breeding seasons.

Professional organisations are tending to proceed on the following basis:

- Undertake a survey in advance of work using a competent person or qualified ecological surveyor.
- Prepare an informal environmental risk assessment to show that known site sensitivities and appropriate mitigation have been considered.
- Record survey results and comments.
- Proceed with works but postponing those trees with known presence of protected species.

This recommendation would be overridden by works prescribed in an emergency or to preserve public health or safety. In these situations, it is prudent to record actions taken both written and digitally in case of future investigation and to seek independent legal advice.

Appendix D: Specific issues identified during survey.

The following issues should be addressed prior to commencement of any of the recommended tree surgery works detailed in this report.

Item	Issue Raised	Action Required/Taken
1	Tree Preservation Orders (TPOs)	Check with Local Authority Planning if trees with work proposed are designated with a TPO
2	Conservation Areas	Check with Local Authority Planning if trees with work proposed are designated within a Conservation Area
3	Scottish Forestry – Felling Permissions	The Forestry Act (1980) requires a licence to be obtained for the felling of timber exceeding five cubic metres (subject to specific exemptions).
4	Potential damage to habitats of protected species	Any contractors carrying out remedial work should be aware of the potential for nesting birds or bat roosts while working on the trees. Any such evidence should be passed to the works supervisor and work stopped immediately.



Appendix E: Supporting Pictures



T3



T5



Leylandii in G1



T6



T7



T8



T9



T10



T11



T12



T13



T 18



T19



T20



T21



T23

Ref:	Common name	Age class	Vigour	Height (m)	Crown radius (m)	Height of crown development (m)	Estimated remaining contribution (years)	Est BS Category	DBH (cm)	Tree protection radius (m)	Tree protection area (m2)	Zone of risk	Status	Action Required	Clarifying or Further Recommendations	Estimated days to complete job	Priority	Ongoing Monitoring Frequency	
1	Laylandi	Semi mature	Moderate Vigour	11	1	0.5	<25	C	124	14.88	695	High Risk (B)						Not required	
2	Laylandi	Semi mature	Moderate Vigour	9	0.5	3	<25	C	82	9.84	304	High Risk (B)						Not required	
3	Laylandi	Semi mature	In Decline	6	3	1.5	>10	U	180	21.6	1465	High Risk (B)	Remove	Remove due to multiple failed limbs		1	12 Months	Not required	
4	Laylandi	Young	Moderate Vigour	9	3	2.5	<20	C	75	9	254	High Risk (B)						Not required	
5	Laylandi	Semi mature	In Decline	8	7	0.5	>10	U	293	35.16	3882	High Risk (B)	Remove due to existing building being damaged by roots and multiple limb fracturing	Remove		2	18 Months	Not required	
6	Laylandi	Semi mature	In Decline	8	4	2.3	>10	u	100	12	452	High Risk (B)	Multiple failed leaders pruned back at some point with new leaders forming.	Reduce back to for one main leader or fell and supplementary replant with native species	Native replant	1	18 Months	Not required	
G1	Group of hollys,prunus,tulip and laylandi	Young/semi mature	Moderate Vigour	0.5-10	5-11		<20	C		0	0	Moderate Risk (C)						Not required	
7	Larch	Mature	Deep Decline	7	8	6	>5	U	160	19.2	1158	High Risk (B)	Lifting root plate, large wound with decay up stem with dull hollow notes when hit with acoustic hammer, previous limb failures.	Remove		1	6 Months	Not required	
8	Larch	Mature	Deep Decline	11	5	6	>10	U	170	20.4	1307	High Risk (B)	Lifting root plate causing structural damage to building previous snapped limbs hanging.	Remove		1	18 Months	Not required	
9	Larch	Mature	Deep Decline	10	8	6	>5	U	220	26.4	2188	High Risk (B)	Remove as soon as possible lifted root plate and tree within falling distance of dwelling	Remove			0	Not required	
10	Larch	Mature	In Decline	10	8	5	>10	u	180	21.6	1465	High Risk (B)	Bird or insect workings in upper stem. Close Proximity to existing builds causing minor damage	Remove and plant alternative in better location.	Native replant	1	18 Months	Not required	
11	Larch	Semi mature	In Decline	11	6	9	>10	u	125	15	707	High Risk (B)	Wire fence running through lower stem, causing structural damage to a wall.	Remove / replant appropriately		1	12 Months	Not required	
12	Larch	Mature	In Decline	11	5	8	<10	C	165	19.8	1231	High Risk (B)	Wire in lower stem. Crown snapped out with hanging branches	Remove wire and reduce crown		1	18 Months	Not required	
13	Beech	Mature	Deep Decline	15	12	7	>10	U	480	57.6	10418	High Risk (B)	Dull notes when hit with acoustic hammer, rot in base and large limb, concrete fencing stay running into root plate	Remove due to significant rot and proximity to building		3	6 Months	Not required	
14	Larch	Mature	In Decline	12	8	8	<10	C	230	27.6	2392	High Risk (B)	Poor specimen with old areal antenna growing into stem. Remove branches off shed roof by 4m			0.5	18 Months	Not required	
15	Laylandi	Semi mature	In Decline	8	6	3	<10	C	155	18.6	1086	High Risk (B)	Previous crown damage, blocking out sunlight to young oak and semi Mature beech	Remove to allow other native species to flourish and allow supplemental planting	Native replant	1	18 Months	Not required	
16	Beech	Semi mature	Vigorous	17	6	6	<25	B	215	25.8	2090	High Risk (B)		Remove wire in trunk and neighbouring laylandi to allow beech to flourish		0.5	18 Months	Not required	
17	Lime	Mature	Moderate Vigour	16	6	4	<20	C	260	31.2	3057	High Risk (B)	Causing damage to neighbouring boundary wall	Remove dead wood and reduce crown by 3-4m to balance and rejuvenate.		0.5	18 Months	Not required	
18	Beech	Mature	Deep Decline	14	8	8	>10	U	340	40.8	5227	High Risk (B)	Large cavity present in base, hollow tones up to 2m. Leaning towards neighbouring property with old antenna growing into trunk	Remove and replant	Native replant	2.5	6 Months	Not required	
19	Lime	Mature	Moderate Vigour	14	4	6	<10	C	240	28.8	2604	High Risk (B)	Try and elevate root plate lifting which is damaging boundary wall.	Reduce crown by 4m on all sides to reduce wind sail area		1	12 Months	Not required	
20	Scot's pine	Semi mature	Moderate Vigour	8	3	6	>10	u	130	15.6	764	High Risk (B)	Monitor due to poor previous pruning cuts	Monitor 6 monthly			12 Monthly		
21	Larch	Mature	Deep Decline	13	4	10	>10	U	250	30	2826	High Risk (B)	Basal cavity going approximately 18inches into stem, hollow/dull tones throughout lower stem upto 2.5m. Root plate lifting on lateral surface roots which are also damaging boundary wall.	Remove and replant alternative species.	Native replant	1	6 Months	Not required	
22	Scot's pine	Mature	Moderate Vigour	13	2.5	10	<10	C	185	22.2	1548	High Risk (B)						Not required	
23	Beech	Mature	Moderate Vigour	14	14	0.5	<10	C	242	29.04	2648	High Risk (B)	Previously pruned badly, long lateral branches in need of reducing, along with laterals over neighbouring property, crown could do with some thinning out of crossing branches.	Thin out crown and reduce lateral spread		1	18 Months	Not required	
24	Hawthorn	Mature	Poor	6	3	1.5	>10	U	130	15.6	764	Moderate Risk (C)	Wire growing through stem previous limb fractures	Remove wire and monitor			12 Months	Not required	
25	Hawthorn	Mature	Poor	5	2.5	0.2	>10	U	90	10.8	366	Moderate Risk (C)	Wire growing through stem previous limb fractures	Remove wire and monitor			12 Months	Not required	
26	Ash	Semi mature	Poor	8	3	2.2	>10	u	170	20.4	1307	High Risk (B)	Ash die back stage 3	Remove			12 Months	Not required	
27	hawthorn	semi mature	average	3.5	2	1.5	<10	c	45	5.4	92	Moderate Risk (C)						18 Months	Not required
28	Ash	semi mature	Poor	10	5	0.5	>10	u	95	11.4	408	High Risk (B)	Ash die back stage 3	Remove			12 Months	Not required	
29	Hawthorn	Mature	average	3	3	0.5	<10	c	43	5.16	84	Moderate Risk (C)						18 Months	Not required
30	Hawthorn	Mature	average	3	3	0.5	<10	c	25	3	28	Moderate Risk (C)						18 Months	Not required

31	Hawthorn	Mature	average	3	3	0.5	<10	c	50	6	113	Moderate Risk (C)					18 Months	Not required
32	Hawthorn	Mature	average	5	3	1.5	<10	c	40	4.8	72	Moderate Risk (C)					18 Months	Not required
33	Ash	mature	poor	8	3.5	2	>10	u	270	32.4	3296	Moderate Risk (C)	Ash dieback stage 3	remove			6 Months	Not required
34	Ash	Mature	Poor	11	4	4	>10	u	210	25.2	1994	High Risk (B)	Ash dieback stage 3/4	remove			6 Months	Not required
G3	Group of Predominly pycamore hawthorn and Ash,	young semi mature	Moderate Vigour	0.2-12	5-12		<10 except for ash	C/U		0	0	High Risk (B)	G3 consists of a mixture of young/ semi mature native species in various states, a total of 26 ash trees have been identified with Ash back these range from levels 2-3 on the ADB scale.	Remove all ash to ensure public safety due to proximity of the road replant with another native species that isnt suseptable to any present disease.	Classified as High risk due to the amount of traffic on the road although classed as a minor road.	4	6 Months	Not required
G4	Group of Predominly pycamore hawthorn and Ash,	young semi mature	Moderate Vigour	0.2-12	5-12			C/U		0	0	Moderate Risk (C)	G3 consists of a mixture of young/ semi mature native species in various states of health. A total of 1 ash tree have been identified with Ash back at level 3.	Remove all ash to ensure public safety due to proximity of the road replant with another native species that isnt suseptable to any present disease.		1	6 Months	Not required



G4

G4 Placemark 1 4 Ash At Stage 3 Dieback

G3 Ash Place Mark 2 9 Ash Trees Showing Signs Of Die Back Ranging From 2-4

G3

G2

Kiln Cottage

BEECH GROVE

Couslan

Ellie Mills

From: Sheena Devlin on behalf of Conservation
Sent: 27 January 2023 08:40
To: Grant Ballantine; Bee Muskens-Aretos
Subject: FW: Positive representation for TPO order at Land at The Kiln, Quarrybank

From: [REDACTED]
Sent: 26 January 2023 19:22
To: Conservation <Conservation@midlothian.gov.uk>
Subject: Positive representation for TPO order at Land at The Kiln, Quarrybank

CAUTION: This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

I want to say I am glad to see the tree preservation order being put in place for trees at this site, as we have had woodpeckers and birds of prey utilising the trees on this piece of land and it would be sad to see any of them be taken down, especially since every tree counts in battling climate change and saving our natural environment.

Thanks

[REDACTED]

Sent from [Outlook for Android](#)

Ellie Mills

From: Grant Ballantine
Sent: 24 March 2023 12:15
To: Ellie Mills
Cc: Sheena Devlin
Subject: FW: Tree Preservation Order No 1 2023 - Land at Kiln, Quarrybank, Cousland

Hi Ellie,

Can you please review the below representation received on the above.

Thanks, Sheena, for passing on.

Grant

Grant Ballantine
Lead Officer Conservation and Environment
Planning, Sustainable Growth and Investment Service
Place Directorate
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

Please note that I work Tuesday to Friday inclusive and am unavailable on Mondays.

Email: grant.ballantine@midlothian.gov.uk

Website: www.midlothian.gov.uk

We are reviewing the Midlothian Local Development Plan [Midlothian Local Development Plan 2 | Development plans and policies | Midlothian Council](#)

If you have any questions about the review, or would like to be added to our MLDP2 mailing list, please email LDP@midlothian.gov.uk

From: Sheena Devlin <Sheena.Devlin@midlothian.gov.uk> **On Behalf Of** Conservation
Sent: 24 March 2023 11:39
To: Grant Ballantine <Grant.Ballantine@midlothian.gov.uk>
Subject: FW: Tree Preservation Order No 1 2023 - Land at Kiln, Quarrybank, Cousland

Sorry Grant, I'm having to send this one to you as I don't know whether it would be Ellie or Bee, and I know you like to be aware sometimes of what's coming in with this regard.

Thanks

Sheena

From: [REDACTED]
Sent: 21 March 2023 19:45
To: Conservation <Conservation@midlothian.gov.uk>
Subject: Tree Preservation Order No 1 2023 - Land at Kiln, Quarrybank, Cousland

CAUTION: This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

For Attn: Planning Manager

Dear Sir/Madam

With reference to the above order and relative map, I would like to draw your attention to the group of trees marked as G4 and part of G3.

These are not within the boundary of the land at Kiln, Quarrybank, Cousland, but are within the land at Northfield Farm, Cousland.

There is a gated farm access road off the main road between G3 and G4 which is in constant use for farm vehicles and livestock to access fields on either side of the road. To maintain this access safely, I will need to be able to manage these trees on a regular basis.

Therefore, I would appreciate if you could review the above order with the intention of removing G3 and G4 from Tree Preservation Order No 1 2023

If you require any further information regarding the above, please do not hesitate to contact me.

I look forward to hearing from you in due course.

Kind Regards

[Redacted Signature]

[Redacted Contact Information]

Sent from [Mail](#) for Windows