



TREE PRESERVATION ORDER FOR TREES AT THE FORMER WELLINGTON SCHOOL SITE AND ON LAND TO THE SOUTH AND EAST OF ARDCRAIG, PENICUIK

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's approval to 'confirm' a Tree Preservation Order (TPO) issued on land at the former Wellington School site and on land to the south and east of Ard Craig, Penicuik.

2 BACKGROUND

- 2.1 At its meeting of 28 August 2018 the Committee agreed:
- a) to the issuing of a TPO to protect the trees at the former Wellington School site and on land to the south and east of Ard Craig; and
 - b) to receive a further report to consider confirming the TPO once the owner of the land and other interested parties have had the opportunity to make comment.
- 2.2 The TPO came into effect on 5 December 2018 and continues in force for six months (until 5 June 2019) or until the Order is 'confirmed'. The TPO comprises six tree groups and four individual trees. The total area of tree cover within the proposed TPO is approximately 2.03 hectares (20,300sqm).
- 2.3 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 on Thursday 13 December and displayed at Penicuik Library, citing a five week period for any comments to be submitted for consideration (this represented an extended period from the statutory 28 day period, to compensate for Council office closures over the Christmas period).
- 2.4 The Council has received no written representations in connection with the TPO and therefore it is reasonable to conclude that the trees are a valuable amenity worthy of preservation for the future and should be protected by a Tree Preservation Order under Section 160(3) of the Town and Country Planning (Scotland) Act 1997 and The Town and

Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010.

3 PROCEDURE

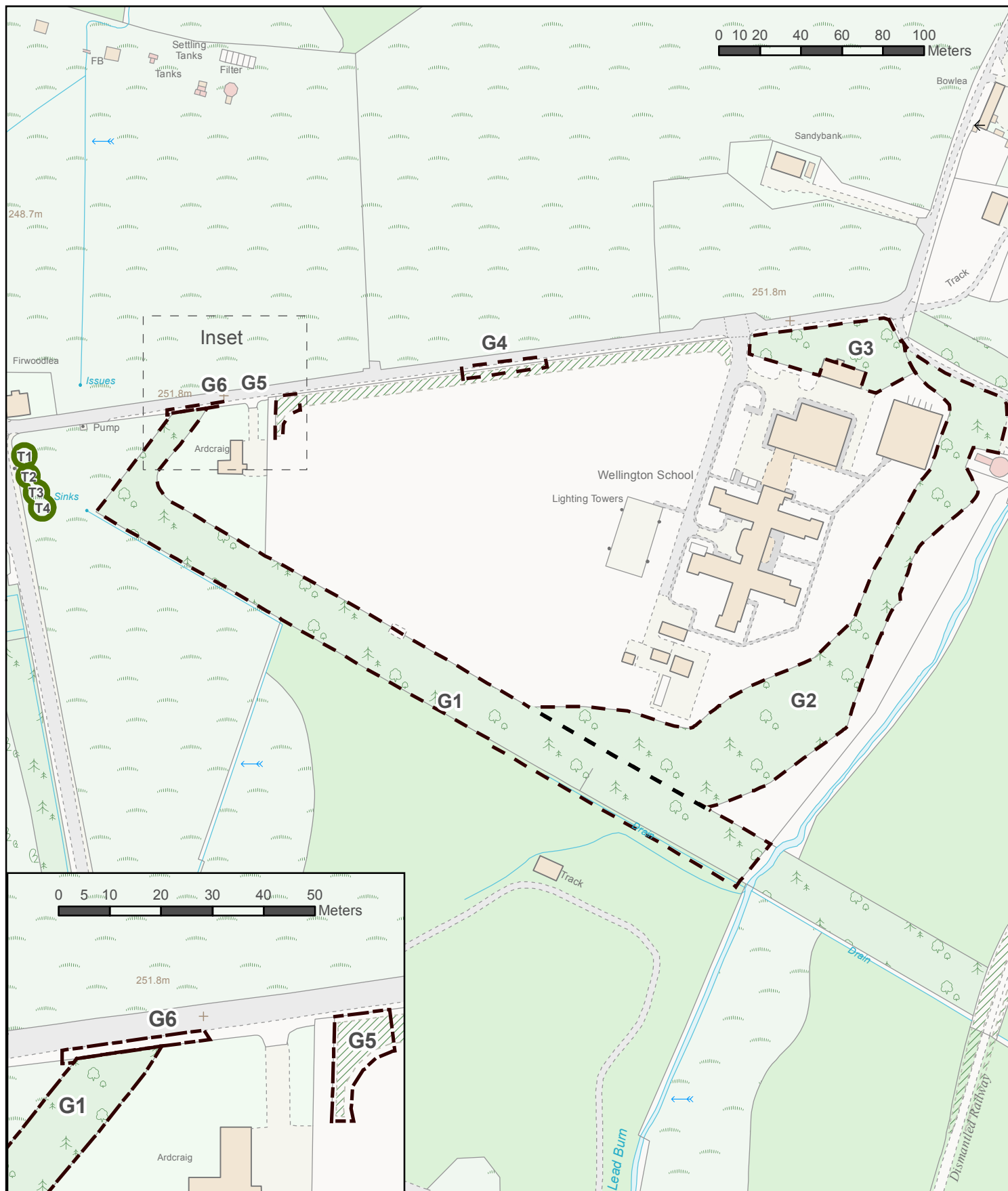
- 3.1 The TPO will continue to remain in effect to the end of the six month period (ending 5 June 2019). If the local planning authority wishes the TPO to stay in effect beyond the six months it must 'confirm' the order.
- 3.2 To 'confirm' the Order the LPA must register the TPO in the Land Registry of Scotland, place a copy on its own TPO register and notify the Forestry Commission Scotland (soon to be rebranded as *Scottish Forestry*), interested persons and any person who has made a representation (in this case no representations were received).
- 3.3 The report to Committee at its meeting of 28 August 2018 set out the planning reasons for issuing the TPO - there has been not material change in circumstances and no change in the planning position and as such it is appropriate to 'confirm' the TPO.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee agrees to confirm the Tree Preservation Order.

Dr Mary Smith
Director of Education, Communities and Economy

Date:	22 March 2019
Contact Person:	Ellie Mills, Landscape Officer Ellie.Mills@midlothian.gov.uk
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Background Papers:	Committee Report dated 28 August 2018, attached as Appendix A



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Land at the Former Wellington School

**This is the plan relative to the Midlothian Council Tree
Preservation Order No.1 of 2018**

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File No. Tree Preservation Order 1 of 2018

Scale: 1:2,500 (Inset: 1:1000)





Midlothian

~~PLANNING COMMITTEE~~
~~TUESDAY 28 AUGUST 2018~~
~~ITEM NO~~

TREE PRESERVATION ORDER FOR TREES AT THE FORMER WELLINGTON SCHOOL SITE AND ON LAND TO THE SOUTH AND EAST OF ARDCRAIG, PENICUIK

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report seeks the Committee's approval to issue a Tree Preservation Order (TPO) on land at the former Wellington School site and on land to the south and east of Ard Craig, Penicuik.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site comprises trees and groups of trees on land at the former Wellington School and on land to the south and east of Ard Craig (residential property off the A701) between the A701 and the Lead Burn. The site is approximately 3km south of Penicuik and 2km south west of Howgate. The Lead Burn runs to the east and south east of the site.
- 2.2 The total area of tree cover within the proposed TPO is approximately 2.03 hectares (20,300sqm²).
- 2.3 The Wellington School buildings, outbuildings, playing fields and grounds remain in situ but are currently disused. The 'brown field' nature of site means the land is identified in the Midlothian Local Development Plan 2017 (MLDP) as an additional housing opportunity. The land occupied by the buildings and playing fields are not included within the proposed tree preservation order site.
- 2.4 The site is located in an elevated position and is predominantly surrounded by countryside, with the exception of the disused school site, and individual dispersed rural residential properties.

3 PROPOSAL

- 3.1 It is proposed to create a tree preservation order covering six tree groups and four individual trees as shown on the attached site plan and photographs and as described below:-
- 3.2 Tree Group 1 is a mature mixed species shelterbelt of predominantly mature Beech trees and Scots Pine, planted after 1853 and before

1895. This is indicated by historic Ordnance Survey maps of the area. This tree group is a defining element in the landscape helping to create the character of the local area. It consists of an area over 300 metres long and 30 metres wide comprising mature Beech trees with Scots Pine along to its southern edge, and a wider mix of younger trees species including Alder, Oak, Birch, Beech and Pine on wet ground to the south east towards the Lead Burn, sheltered by a line of mature Beech trees.

- 3.3 Tree Group 2 comprises plantation woodland of mixed species located on an east facing bank to the east of the former Wellington School buildings. This woodland was most likely planted at the time that the school was built in order to provide screening and shelter, and continues to perform that role. This group consists mainly of Spruce, Sycamore, Alder, Fir and Pine and Ash.
- 3.4 Tree groups 3, 4 and 6 also comprise mature roadside Beech trees. These groups are the remains of a historic series of mixed species linear shelterbelt plantations, roadside avenues and tree lines all planted around same period which would have sheltered the land and defined the character of the area between Springfield farm to the south west and Howgate to the north east. Many of these shelterbelts and roadside trees have been lost over time. Remaining fragments include individual trees and small groups, and a beech avenue at Rosemay Farm (400 metres to the south west) which is protected under Tree Protection Order 1 of 2014. Tree group 3 is a mixed species group located to the north of the former Wellington School buildings and includes some original mature roadside Beech (dating pre-1895) with the addition of younger mixed species including Willow, Sycamore, Rowan, Goat Willow and Norway Maple. The younger trees were most likely planted around the time that the school was built.
- 3.5 Tree group 5 is a group of medium aged mixed species at the north west corner of the former Wellington School playing fields. Species include Rowan, Sycamore and Nordmann Fir.
- 3.6 Individual trees 1 to 4 are a row of four mature Sycamore to the east of the A701 at the junction with the access road to the former Wellington School.

4 BACKGROUND

- 4.1 The identification of the former Wellington School site and the neighbouring land for housing development in the MLDP has the potential of placing pressure on the identified trees and groups of trees. It is therefore appropriate to protect the identified trees because of their importance in the local landscape.

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 tree groups and individual trees by means of their size, location and character form a visually prominent and important landscape feature in a landscape which is exposed and expansive. They are widely visible from the surrounding area, especially from the A701 and A6094 and are important in visual amenity terms and for biodiversity reasons.
- 6.2 The former Wellington School site is identified in the Midlothian Local Development Plan (2017) as Additional Housing Development Opportunity site AHs5, Wellington School. The land to the north of the site and of Wellington School is identified as the Wellington low density rural housing site under policy RD2 of the MLDP. The trees provide important visual screening and landscape softening of these sites and are important to the potential development of these sites. The trees act as a windbreak and create a more sheltered microclimate for adjacent sites, which in turn contributes to the setting and energy efficiency of dwellings. The Settlement Statement for the site AHs5 comments that *“the site (and extension) will require substantial landscape screening, to minimise the impact on the countryside location; therefore existing vegetation along all the boundaries should be maintained and enhanced as despite being open in places, this vegetation helps contain the site visually and against prevailing winds...”*
- 6.3 The trees form part of the landscape character of the area and date back to the period between 1853 and 1895. The issuing of TPO will be an important tool in protecting the trees aiding in the preservation of the historic landscape pattern.

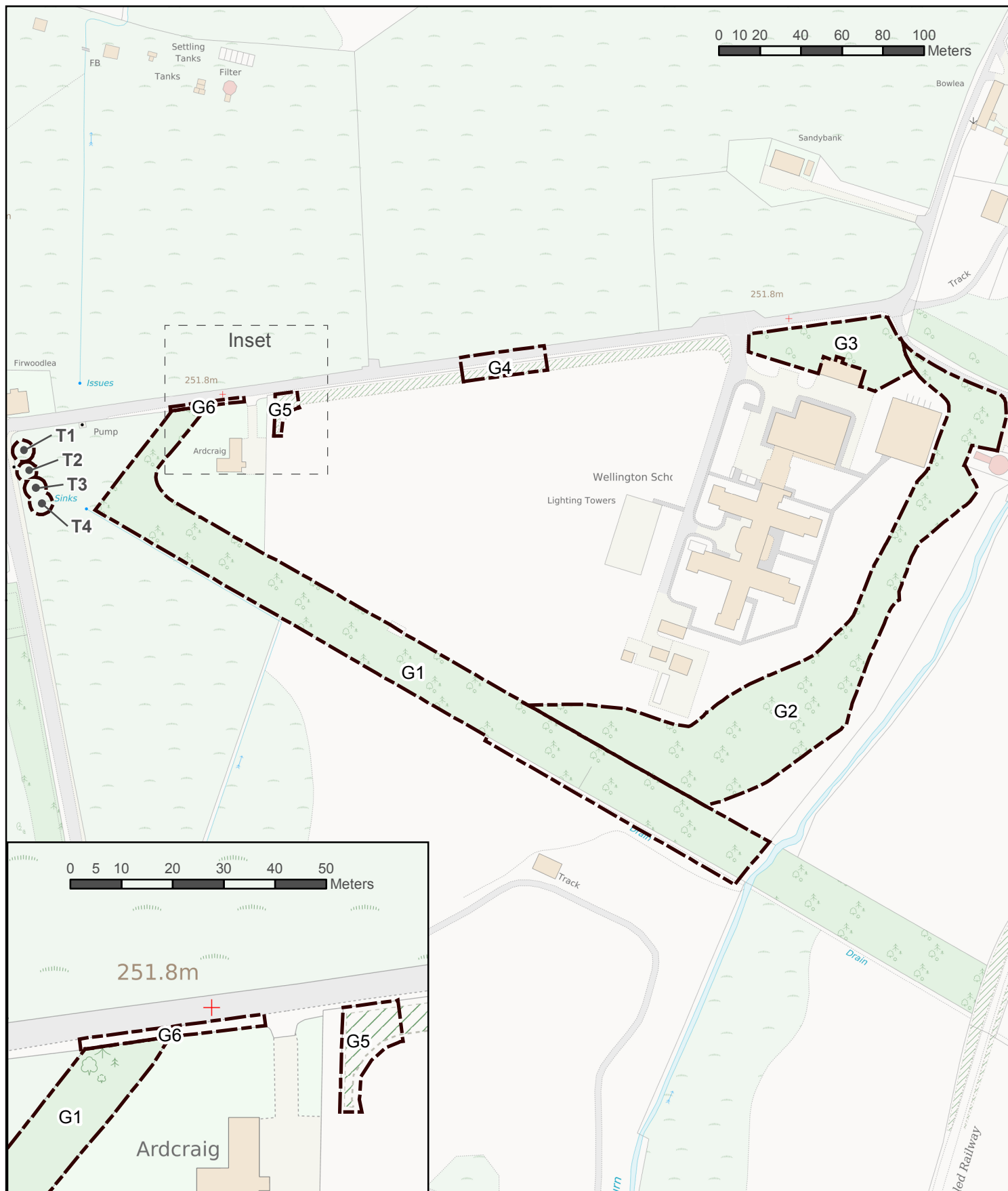
7 RECOMMENDATION

7.1 It is recommended that the Committee:

- a) agrees to the issuing of a TPO to protect the trees at the former Wellington School site and on land to the south and east of Ard Craig; and
- b) to receive a further report to consider confirming the TPO once the owner of the land and other interested parties have had the opportunity to make comment.

Ian Johnson
Head of Communities and Economy

Date:	16 August 2018
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Background Papers:	



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Land at the former Wellington School Site and land to the South and East of Ard Craig, Penicuik

Key

Individual Trees: T1-T4

Tree Groups: G1-G6

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Site Photos: Proposed Tree Preservation Order; Former Wellington School Site

Group 1:-



Above: Group 1 viewed looking south from within former Wellington School Site



Above: View of Group 1 and Group 5 looking north-west within the former Wellington School Site



Above: Part of Group 1 (foreground) viewed looking south from within Wellington School Site. Beech trees in the foreground, Scots Pine to the rear. Filtered views through the trees towards Annsmill, the A701, and to TPO 1 Of 2014 Rosemay Farm on skyline.



Above: Group 1 viewed looking south-east from within former Wellington School site.



Group 1

Above: View looking south-east from edge of Group 1, looking towards new development on A6094 and to ridge at Kingside Farm.



Group 1

Above: View from within Group 1 looking north-west, showing mature beech trees on edge of south-east portion of the group

Group 2:-



Above: Group 2 viewed looking north-west from the Lead Burn

Group 3:-



Above: Group 3 viewed looking west along access road to Wellington School

Group 4:-



Group 4 viewed looking west along access road from former Wellington School towards A701. Groups 1 and 5 are seen in the background.

Group 5:-



Group 5 viewed from within former Wellington School Site looking north

Group 6:-



Trees 1 to 4:-



Trees 1 to 4 viewed looking south west from access road to Wellington School. New housing on the A701 seen in the background.



Trees 1 to 4 viewed from A701 looking south east. Group 1 seen in background.