

## Members' Library Service Request Form

Date of Document	22/06/21
Originator	Sarah Cheyne
Originator's Ref (if any)	
Document Title	Tree Preservation Order No. 142 (2020) Preston, East Linton, East Lothian

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Planning Committee
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Additional information:

Authorised By	Michaela Sullivan
Designation	Head of Development
Date	22/06/21

For Office Use Only:	
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Date Received	24/06/21
Bulletin	June21

**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Head of Development

**SUBJECT:** Confirmation of Tree Preservation Order at Preston, East Linton [T.P.O.no 142 (2020)]

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## **1 PURPOSE**

- 1.1 East Lothian Council placed a Tree Preservation Order (TPO) a number of trees within the Preston area of East Linton on 22 December 2020. This report advises members that TPO no. 142 (2020) has now been confirmed with modifications.

## **2 RECOMMENDATIONS**

- 2.1 Members are asked to note that, under delegated powers, the decision has been made to confirm this Order.

## **3 BACKGROUND**

### **3.1 Reason for promotion of Order**

A request to carry out works to trees within the grounds of Prestonkirk Manse, including felling of some large mature trees, was submitted to East Lothian Council in October 2020.

Confirmation of this order has safeguarded the visual amenity of the trees that form the landscape setting for Preston Kirk and the Manse and will ensure the continued enjoyment of visual amenity, aesthetic value and sense of place that these trees confer to the East Linton Conservation Area, neighbouring residents, members of the public and visitors to East Linton.

These trees are now protected under planning law and cannot be legally pruned or removed without the prior agreement of the Council.

3.2 The visual amenity value of the trees is detailed below:

### **Visibility**

The trees are publicly visible and make a significant contribution to the visual amenity to the overall character of this part of East Linton.

The trees add to the history of the area relating to the age of the buildings of the grounds in which they are located.

### **Individual impact**

The trees frame Prestonkirk and the Manse in the same manner as shown on the historic OS mapping from 125 years ago. It is likely that many of the trees are the same as then, given their maturity. They provide an established setting for the historic buildings and are visible when approaching Preston from East Linton to the west.

The trees in G1 to the southern side of the road line the riverbank and are important in providing a visual green link between other trees within the East Linton Conservation Area and the trees around Prestonkirk and Manse.

### **Wider impact**

The trees make an important contribution to the visual amenity of the historic heart of the Preston area of the East Linton Conservation Area and link with trees in the wider landscape setting of the village of East Linton, including protected trees to the west at The Glebe, forming part of the overall character of this part of Preston in East Linton.

### **Threat**

If these trees were lost, it would impact significantly on this area of East Linton and represent a significant loss to the visual amenity of this part of East Linton.

## **3.3 Future tree felling or tree work**

The confirmation of this TPO does not prevent the owner of the trees from applying to the Council for permission to do tree management work if necessary in the future. However, the TPO gives the Council control over such proposals and this control would be used to ensure that tree cover is retained in this area.

## **3.4 Objections to Order**

The Council was required to consider any objections and representations received, before the Order was confirmed.

The property owners and the public had 28 days from the time of placing the Provisional Order in which to object.

One objection to this order was received within the notification period dated 12 January 2021. Attached in appendix 7.3.

The objector objected to the inclusion of one tree tagged 823 and numbered T16 in the TPO due to this tree already having been agreed with East Lothian Council to be felled.

This tree was included in error and we have addressed this part of the objection by omitting T16 from the TPO.

The objector also objected to the classification of the area of trees to the west of Prestonkirk Manse as a woodland given the work that had been carried out there to clear understorey, but stated they would have no objection to the classification of these as individual trees.

We have addressed this part of the objection by changing the classification of this area of trees to a group where the specific number and location of the individual trees within this group are recorded.

We have addressed the objection in its entirety and wrote to inform the objector of this on 11 May 2021. Attached in appendix 7.4.

### **3.5 Modifications to Order**

The order has been modified to omit tree T16, change W1 to G2. T6 has also been omitted from the TPO as this tree has been felled with permission since the creation of the order. Replacement planting was conditioned as part of this permission, but has not been carried out to date.

## **4 POLICY IMPLICATIONS**

4.1 None.

## **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

## **7 BACKGROUND PAPERS**

7.1 TPO 142 Location Plan


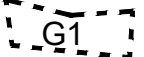
7.2 TPO 142 Schedule 1

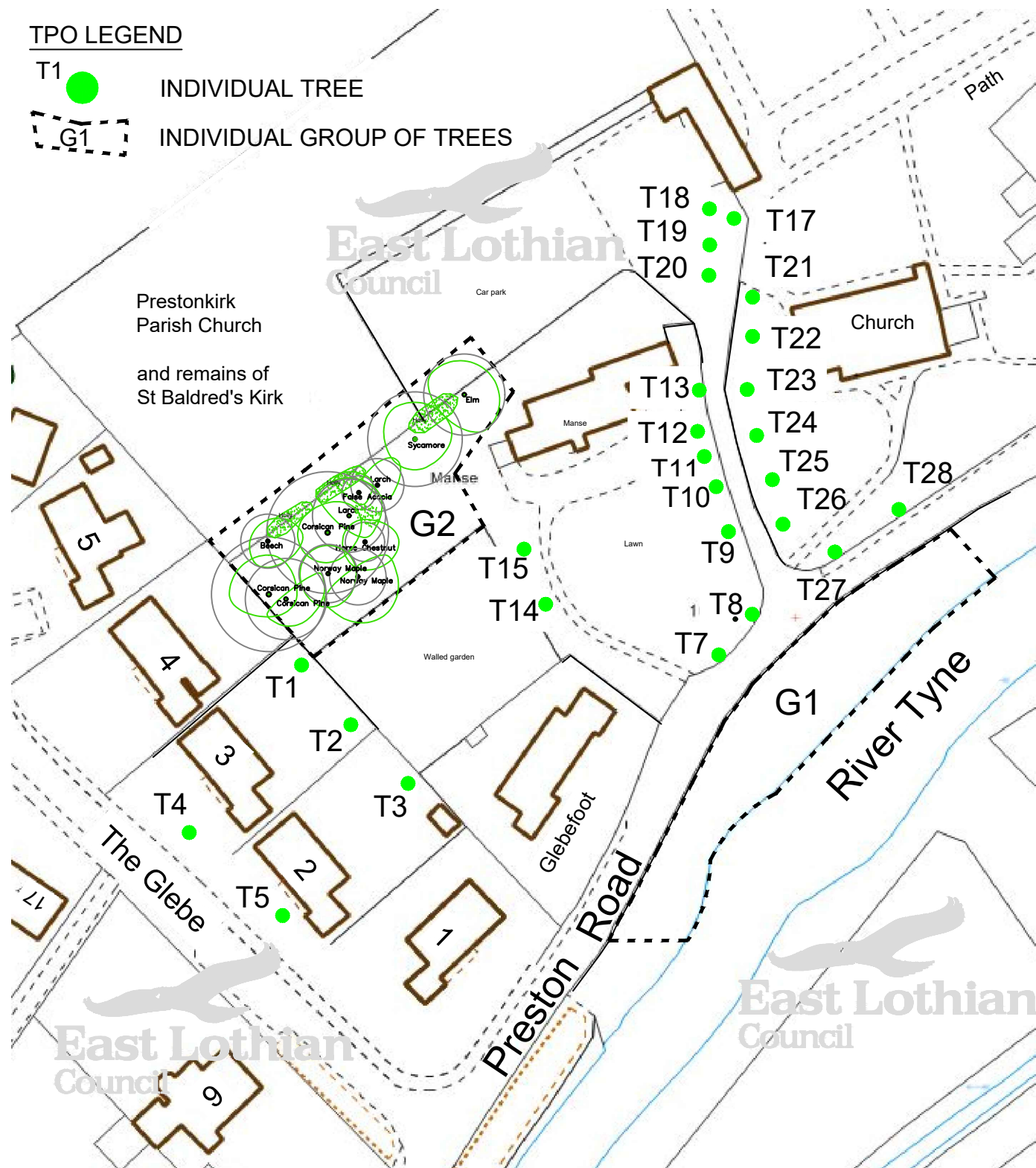
7.3 Objection Letter

7.4 Email addressing objection

<b>AUTHOR'S NAME</b>	Sarah Cheyne
<b>DESIGNATION</b>	Projects Officer (Landscape)
<b>CONTACT INFO</b>	x6756 scheyne@eastlothian.gov.uk
<b>DATE</b>	24-6-21

**TPO LEGEND**

- T1  INDIVIDUAL TREE
- G1  INDIVIDUAL GROUP OF TREES



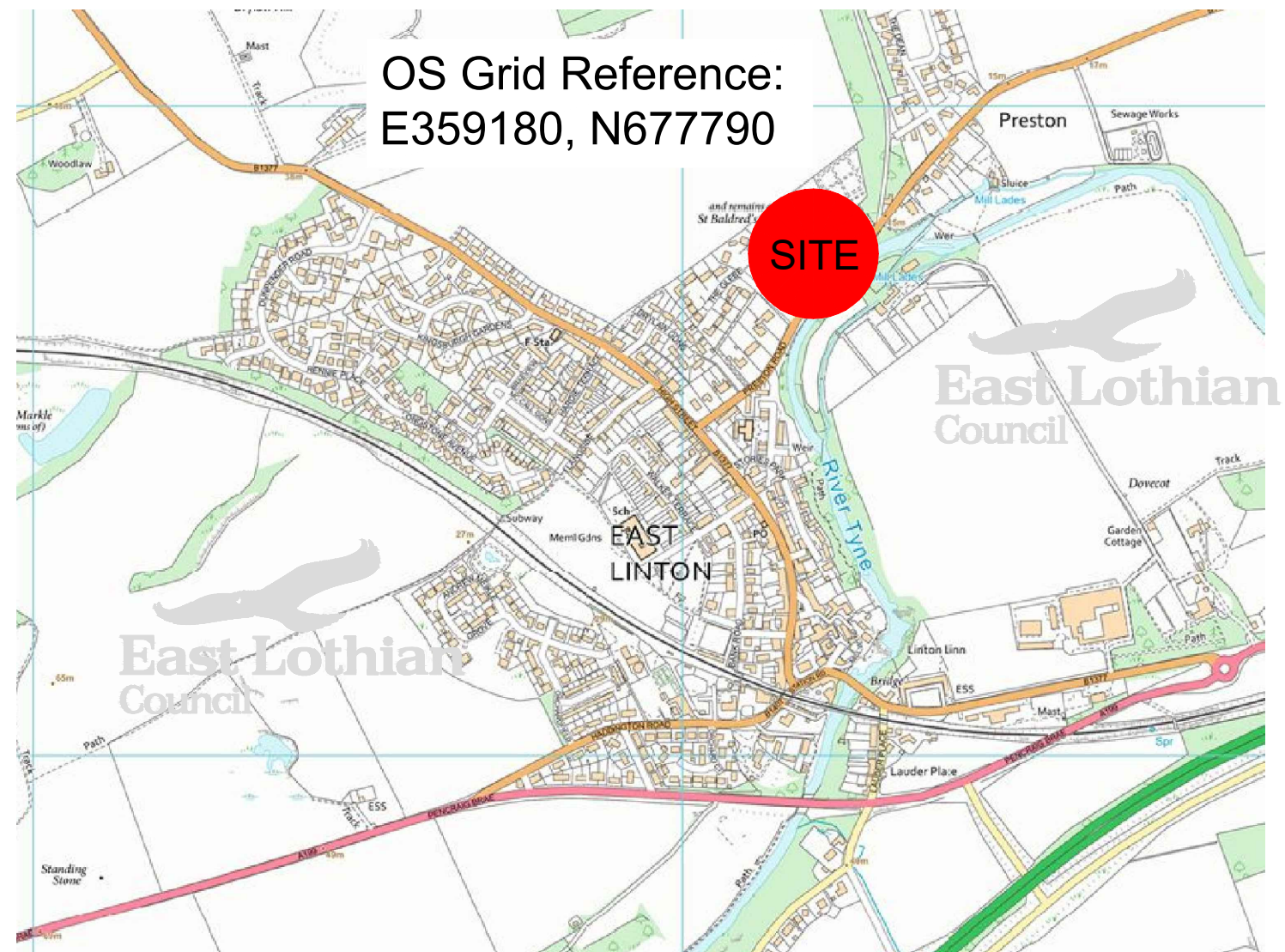
**BLOCK PLAN**

0m 20 40 60 80 100m

Scale in metres ~ 1:1,000 @ A3 size



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**LOCATION PLAN**

0m 200 400 600 800 1Km

Scale in metres ~ 1:10,000 @ A3 size



  
**East Lothian Council**

**Preston Area  
 East Linton  
 TPO 142 (2020)**

**TPO 142 – Schedule 1**  
**Preston, East Linton, East Lothian**

<b>Trees Specified Individually (coloured green on the map)</b>		
No. on Map	Description	Situation
T1	Lime	Rear garden of the property known as 3 The Glebe, East Linton, EH40 3EF and forming part of the subjects described in the Disposition by David and Margaret Ruddick in favour of Gavin and Helen Henderson recorded in the division of the General Register of Sasines for the county of East Lothian 19 July 1996
T2	Lime	Rear garden of the property known as 3 The Glebe, East Linton, EH40 3EF and forming part of the subjects described in the Disposition by David and Margaret Ruddick in favour of Gavin and Helen Henderson recorded in the division of the General Register of Sasines for the county of East Lothian 19 July 1996
T3	Lime	Rear garden of the property known as 2 The Glebe, East Linton, EH40 3EF and forming part of subjects registered in the Land Register under Title ELN8522
T4	Whitebeam	Front garden of the property known as 3 The Glebe, East Linton, EH40 3EF and forming part of the subjects described in the Disposition by David and Margaret Ruddick in favour of Gavin and Helen Henderson recorded in the division of the General Register of Sasines for the county of East Lothian 19 July 1996
T5	Whitebeam	Front garden of the property known as 2 The Glebe, East Linton, EH40 3EF and forming part of subjects registered in the Land Register under Title ELN8522
T6	NOT USED	
T7	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T8	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T9	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing

		registration in the Land Register under Title number ELN25527
T10	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T11	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T12	Yew	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T13	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T14	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T15	Sycamore	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
T16	NOT USED	
T17	Pink Horse Chestnut	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T18	Walnut	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in



		favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T19	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T20	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T21	Lime	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T22	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T23	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in

		favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T24	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T25	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T26	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T27	Sycamore	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
T28	Yew	The property known as Prestonkirk Church Hall, Preston Road, East Linton, EH40 3DS and forming part of the subjects described in the Title per Certificate of Sheriff of Lothians & Peebles recorded in the division of the General Register of Sasines for the county East Lothian 23 February 1929 and Order & Scheme in

		favour of the said Trustees recorded in the division of the General Register of Sasines 9 June 1932
<b>Trees Specified by Reference to an Area (within a continuous black line on the map)</b>		
No. on Map	Description	Situation
NONE		
<b>Groups of Trees (within a broken black line on the map)</b>		
No. on Map	Description	Situation
G1	10no. sycamore, 2no. ash	South side of the property known as Preston Road, under possible ownership of Gray of Smeaton Farm, EH40 3DT and forming part of the subjects undergoing registration in the Land Register under Title Number ELN25729
G2	1no. elm, 1no. sycamore, 1no. false acacia, 2 no. larch, 3no. Corsican pine, 2no. Norway maple, 1no. horse chestnut, 1no. beech, holly hedge to north	The property known as Prestonkirk Manse, Preston Road, East Linton, EH40 3DS and forming part of the subjects undergoing registration in the Land Register under Title number ELN25527
<b>Woodlands (within a continuous red line on the map)</b>		
No. on Map	Description	Situation
NONE		

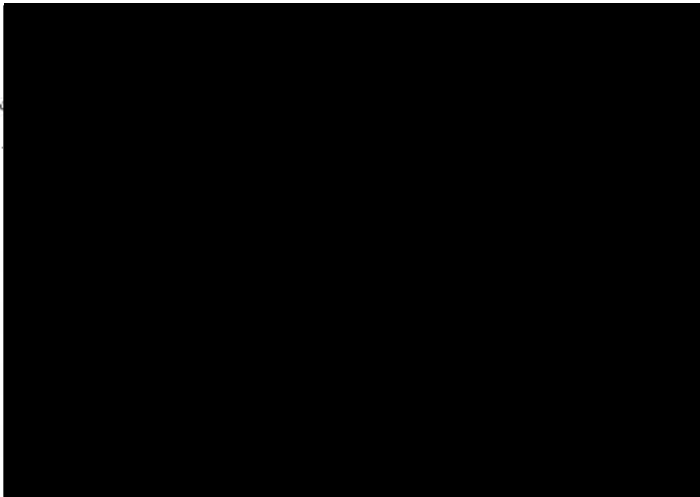
12/01/21

Dear Legal & Procurement Services Manager,

I am appealing TPO 142 as advertised in The East Lothian Courier on the grounds that:

1. Tree 823 has already been removed with permission from the Tree Officer.
2. The designation of W1 as woodland is a mischaracterisation as all non-notifiable bushes and trees were removed in early December. This area has been seeded for lawn. We have no objection to the remaining trees having individual TPOs but designating the garden as a woodland is an error.

Yours Sincerely,



**From:** [Cheyne, Sarah](#)  
**To:** [REDACTED]  
**Subject:** RE: TPO 142 objection  
**Date:** 11 May 2021 13:16:00  
**Attachments:** [Objection 1.pdf](#)  
[TPO142 Preston, East Linton REVISED Plan.pdf](#)  
[TPO 142 Preston, East Linton REVISED schedule 1.pdf](#)

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Dear [REDACTED]

I write in response to your objection to Tree Preservation Order (TPO) number 142 - Preston, East Linton which has been passed to me by East Lothian Council's legal department.

You had two grounds for objection and hopefully following our discussions I have managed to address these in the attached revised TPO plan.

1 - I confirm that tree T16 on the original plan was tree 823 that was agreed to be felled due to its limited growing conditions and proximity to your house. I confirm that this tree has been omitted from the plan.

2 - Following the works undertaken within the woodland area to the west of your house I confirm that it is proposed to change this from a Woodland designation to a Group designation. The group identifies the individual trees within this area and their importance to the wider visual amenity as a group, rather than individuals. I have included the agreed replacement planting of the three oak trees for the sycamore tree 829 within this group.

I have also shown tree T6, the sycamore to the road edge that was agreed to be removed, as being replaced with an oak tree as agreed.

I would be grateful if you could let me know if this is sufficient to address your concerns and allow you to withdraw your objection.

I would also be grateful if you could confirm whether you have carried out any of the replacement planting. For the purposes of the TPO this would only be the single oak to the road frontage and the three oaks within the area to the west of the house. The size of the trees when planted is not important and in terms of establishment the smaller the tree the quicker it will establish. I note from our last discussion that you had issues sourcing seven large oaks, but that smaller trees were available. Having had a look online I see that Holm oaks and Pin oaks are available as 10L pot sizes from Trees Direct <https://www.treesdirect.co.uk/product/holm-oak-trees/>. If you would like to discuss please feel free to give me a call.

Regards  
Sarah

**Sarah Cheyne**  
*Landscape Projects Officer*  
*Planning Service, East Lothian Council*

[REDACTED] [REDACTED]