

REPORT TO KINCARDINE & MEARN'S AREA COMMITTEE – 18 MAY 2021

ABERDEENSHIRE COUNCIL TREE PRESERVATION ORDER 129 (2020) CALDHAME PLANTATION, LUTHERMUIR

1 Reason for Report / Summary

- 1.1 This report seeks the confirmation of a recently served Tree Preservation Order (TPO) which is the subject of outstanding objections. The TPO requires to be confirmed within six months of making or it will lapse.

2 Recommendations

The Committee is recommended to:

- 2.1 **Confirm Tree Preservation Order No. 129 (2020) Caldham Plantation, Luthermuir, as modified.**

3 Purpose and Decision Making Route

- 3.1 The TPO was served in January 2020. Seventeen representations were received in the 28-day representation period following the Order being served and advertised, two of which stated their objection to the serving of the TPO. A further adverse representation was received by Mearns Community Council outwith this time. In line with the Scheme of Governance, detailed in 6.2 below, the matter therefore requires to be brought before the Committee.

4 Discussion

- 4.1 The woodland at Luthermuir was assessed as part of a project considering the suitability of the use of TPOs within sites put forward as bids to the Local Development Plan. The project considered sites where the presence of trees and woodlands had been identified as being a significant factor in the decision making process. The outcomes of the project were as follows:
- **66** sites were considered as part of the initial desk-based assessment.
 - **12** sites were taken forward for on-site assessment and peer review.
 - The use of a TPO was assessed as being justified on **8** sites.
 - TPOs were served on **4** of these sites in January 2021.
 - A further **4** TPOs are expected to be served later in the year.
- 4.2 The assessment process found the woodland at Caldham Plantation, Luthermuir to be of high visual amenity and worthy of long-term protection. Due to the proximity of residential properties, and the submission of the site as a bid for future development, use of a TPO was considered appropriate.
- 4.3 In line with the relevant legislation, the TPO was served on the owners of the land and affected neighbouring properties. Notification was given to relevant

statutory undertakers and Mearns Community Council. An advertisement of the serving of the TPO was placed in the local press.

- 4.4 A mapping error came to light after the TPO was served, when it appeared that the extent of the protected woodland, identified on the map as W1, included an area of ground for which planning approval had previously been granted and on which there is a live planning application. The map, as served, is shown in **Appendix 1**. It is proposed that the TPO be modified to remove this area of ground. The proposed modification resolves part of the issues raised in the two objections and therefore the report does not consider this matter in any further detail. The modified map is shown in **Appendix 2**.
- 4.5 Two adverse representations were received within the representation period, one from the owners of the woodland and the other from a local resident who also acts as an agent for the landowners. Copies of the objections are included in **Appendix 3** and summarized below:
- The woodland was purchased by the owner's farming business as a commercial woodland. It forms part of the business strategy and supplies two biomass boilers with essential woodchip. The woodland has never been felled without proper permission and it would be uneconomic to fell for biomass in the small quantities which could be achieved without the necessary felling permission.
 - Permissions are currently required for both felling and development and there is no need for further burdening on landowners or the community.
 - The proposed TPO would only serve to hinder any development.
 - The TPO covers an area of around 13ha, however the bid site was only for 6.5ha, around half the site. A community consultation concluded that there was support to develop the east half of the woodland.
 - The woodland is at the centre of the village and therefore the most advantageous site to sensitively develop.
 - A TPO would be burdensome and would render the woodland forgotten.
 - The woodland, apart from a strip of mature hardwood trees along School Road, is largely self-seeded.
- 4.6 Fifteen representations were submitted in support of the TPO. Copies are included in **Appendix 4** and summarized as follows:
- The woodland is of high amenity value to the community.
 - The woods are a huge asset to the village.
 - The woodland is one of the few natural ancient woodlands in the locality.
- 4.7 Mearns Community Council submitted a representation on 28 April 2021 stating that, acting on the wishes of Luthermuir residents, they support the proposal for development in the woods at Luthermuir and do not support placing TPOs on the trees.

- 4.8 The TPO was served in the interests of amenity due to its high visual significance as a backdrop to the settlement, the well used network of paths around and within it, and the historic value due to its classification as ancient woodland.
- 4.9 It is accepted that currently none of the woodland in question can be felled and no development can take place within it without the necessary permissions. The underlying principle of protection is therefore established. The felling of trees and woodland is controlled by a number of different mechanisms set out in various pieces of legislation. Scottish Forestry regulate the felling and restocking of large areas of forest through Forest Plans and smaller areas of Felling Permissions, where trees are felled so the ground can be used for another purpose the Scottish Government’s ‘Control of woodland removal’ policy safeguards alternative planting to ensure there is no net loss of woodland and TPOs are used where the local Planning Authority consider the trees to provide value in terms of amenity. Exemptions exist in each of the mechanisms to ensure there is no requirement for duplication of work in the application process, or any conflict between the permissions as to how the area should be managed. Given the ancient woodland at Caldhome has been assessed as being of high amenity value, a TPO is considered to be the most appropriate mechanism for ensuring its long-term retention. Rather than being an additional burdensome layer in the process, confirmation of the TPO would ensure the decision making in terms of tree retention is taken by Aberdeenshire Council and done so in the interests of amenity.
- 4.10 The TPO designation requires that permission is sought before work is undertaken, however, appropriate woodland management is welcomed and applications to carry out tree work to that effect are unlikely to be refused. Experience has shown that a TPO designation does not result in a woodland becoming “forgotten”.
- 4.11 The owner of the woodland proposed an alternative modification to the TPO, to protect the hardwood perimeter trees. They state that a TPO in this location would minimize the current risk of neighbouring properties using the woodland to expand gardens, build tree houses and sheds and rear chickens. This proposal would exclude almost the entire area of ancient woodland, all of which is considered of amenity value, and therefore is not considered appropriate.

5 Council Priorities, Implications and Risk

- 5.1 The report helps to deliver the Strategic Council Priority, Infrastructure, within the “Our Environment” strategic pillar and the Council’s priority under this heading to safeguard the built and natural environment.
- 5.2 The table below shows whether risks and implications apply if the recommendations are agreed.

Subject	Yes	No	N/A
Financial	X		
Staffing		X	

Equalities		X	
Fairer Scotland Duty		X	
Town Centre First		X	
Sustainability		X	
Children and Young People's Rights and Wellbeing		X	

- 5.3 An equality impact assessment is not required because the recommended actions will not have a differential impact on any of the protected characteristics.
- 5.4 The costs of making TPOs accrue principally from advertisement, postal notifications, and registration onto title. The financial implication of agreeing with the recommendation to confirm the Tree Preservation Orders relates to registration onto title. Registration costs are expected to be £70. To date serving and advertising this TPO has cost a total of £162.
- 5.5 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the planning authority has a statutory duty to make TPOs when it is considered appropriate in the interests of visual amenity or for historic and cultural reasons. Any representations made in accordance with the Regulations must be considered before a TPO is confirmed.

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.
- 6.2 The Committee is able to consider and take a decision on this item in terms of Section B.8.2 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the confirmation of a Tree Preservation Order to which there are outstanding objections.

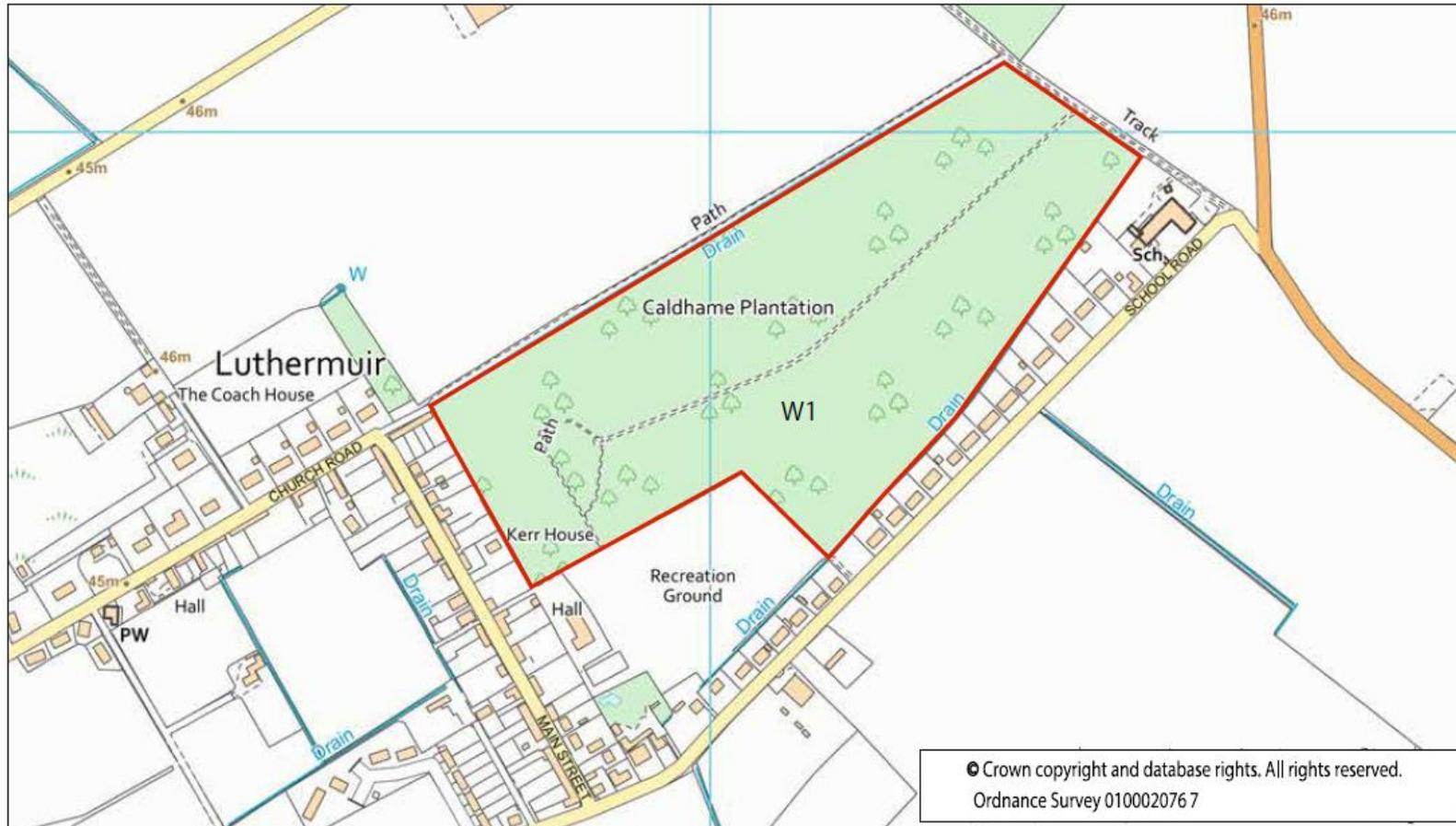
Alan Wood
Interim Director of Infrastructure Services

Report prepared by Fiona Chirnside, Environment Planner
Date 14th April 2021

List of Appendices –

- Appendix 1: Map of TPO (as served)
- Appendix 2: Map of modified TPO (as recommended for confirmation)
- Appendix 3: Adverse Representations
- Appendix 4: Representations in support of TPO

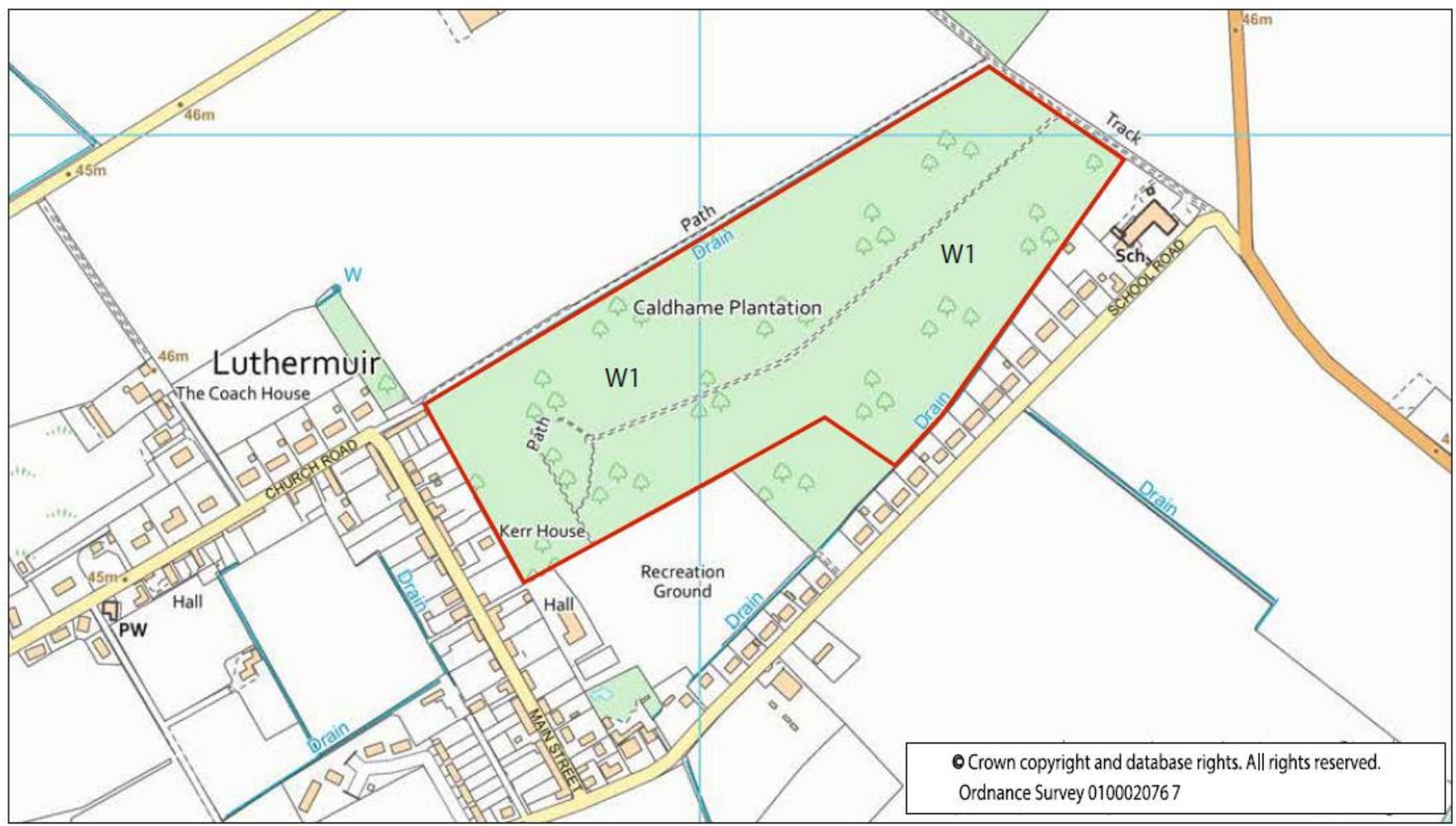
Appendix 1: Map of TPO (as served)



Caldhame Plantation, Luthermuir
This is the plan referred to in the foregoing
Tree Preservation Order AC No. 129 (2020)

Scale 1: 5000

Appendix 2: Map of modified TPO (as recommended for confirmation)



Caldhame Plantation, Luthermuir
This is the plan referred to in the foregoing
Tree Preservation Order AC No. 129 (2020) as modified.

Scale 1: 5000

Appendix 3: Adverse Representations

1: Objector 1 (Local resident & Agent): Received: 09/02/2021 at 12:27 by email

In regard to the TPO ORDER NUMBER (AC TPO 129 2020)

I Have recently been made aware that the above notice has been proposed for the whole of the site at Caldham Plantation, which begs me to ask the question, are you aware that there is currently a live planning approval for 9 houses in the South West corner of the site and that detailed discussion has taken place over a considerable time with the Planning department including the Environment Officer on what trees are to be removed, what area of trees are to remain and what replanting will be required.

Full discussion and correspondence have also taken place to determine road alignment, road layout and basically all other aspects to allow full planning permission to be approved.

Having been an integral part of the discussions on planning and also on the situation with the trees, I would have thought I may have been worthy of some form of notification on the proposed TPO. Also it may have been advisable to discuss matters with other departments of the Planning Service to check the current up to date position with the site in terms of previous, current or proposed development, which may have led you to be aware of my involvement.

It is somewhat baffling that no mention of the current live planning approval has been given any acknowledgement in terms of discussion with local Community Council or community in general, bearing in mind that planning applications to areas of ground above certain development units would take perhaps years to obtain a decision starting with a public consultation meeting, yet a TPO can be very quickly compiled and give the owners, agents and the community 28 days to object and a lot less if a professional office is not even given the courtesy of being notified.

The TPO does cover a site of some 32 acres where previously half of the site was to be given to the local community to form a woodland association and to actually manage and enhance the woodland rather than stamp a TPO order and then be forgotten about.

It is astonishing and somewhat and sad that your department appears not to have consulted with other departments but yet decided to progress with a TPO order on an area of woodland with no real reason other than it being an area where there have been trees for some time.

Can I be so bold as to ask if you or one of your colleagues have ever visited the site and walked through the woodland to establish what the woodland provides in terms of tree species, flora, fauna, creatures and biodiversity of the whole area and subsequently compiled a report. Or has this detailed information been assembled from an expert in that field. It would be most helpful, and I am certain SNH must have this at hand given their involvement with the site previously. I am very keen to establish why the TPO has been instructed and by whom. I am also very keen to establish the timeline and decision-making process to the proposed TPO. These are particularly trying times due to Covid and all the problems that brings with, working from home contacting colleagues, taking instruction and giving the appropriate effort and time to form a decision to propose

a TPO. This information would be really appreciated and if necessary could be perused through a Freedom of Information request but I am sure you will have the information to hand.

I would point out that there has been considerable professional input and significant financial expense given towards the approved development of the 9 houses to date and part of the documents supplied with the TPO, which I now have at hand, states that no compensation for loss of development will be payable , which I understand relates to hypothetical planning approval and not a determined approved proposal. Can you please confirm this, as the information on the document provided is not particularly clear?

I would obviously object to the proposal of the TPO as an individual and resident of Luthermuir and also as an agent for the application.

Without any question this TPO proposal has been rushed through without any real thought for the amenity of the village, community, school, woodland association, wildlife, tree management, and environmental benefits etc.

I look forward to your reply on my questions relating to the thought procedure and due diligence relating to 32 acres of woodland area.

I would request that you do not come back with the standard answer of ancient woodland as it no doubt has been a woodland area for many years, but it has been felled and the woodland is now a regeneration area. I would request the answers to the questions of community opinion, woodland management, feeding areas, drainage management, what the actual ground produces in terms of biodiversity, facts and figures are what I require.

I am a local villager and have resided in Luthermuir for over 30 years and perhaps walked in the woods 40 times a year and only witnessed the woods being stocked and felled twice with no help from the Local Authority in terms of funding, information or help of any form.

Issuing a TPO which required filling in a form from a distant desk is of no help to the village in terms of village development, keeping the school open or community involvement.

This is not a criticism of any individual but the criticism of the system in place to allow a TPO order to be proposed without consultation, knowledge, information or feeling for the village.

LUTHERMUIR, a village without a retail outlet, falling school roll, no proper access to the Village Hall and sports field, no re cycling facility , access to the woodland and path was funded privately, access to school for pupils via a very narrow pavement and no implementation of a 20 mph speed limit along School Road to access the school.

2: Objector 2 (Landowner): Received 11/02/2021 @ 14:47 by email

Dear Fiona,

Tree Preservation Order Number (AC TPO 129 (2020) Caldhame Plantation, Luthermuir.

I am writing to object to the above proposed Tree Preservation Order for a number of reasons.

Caldhame was purchased from the Forestry Commission by our farming business in 1982 as a commercial woodland. Never was there any mention of the woodland having heritage status or the trees being worthy of preservation. The woodland forms part of the business strategy and supplies our two biomass boilers with essential woodchip. Biomass is an integral part of the business and enables us to dry cereals and daffodil bulbs and also the energy requirement for heating houses, sheds and stores. This is considered an efficient system given the close proximity of the woodland to the farm, reducing log haulage and forms part of the business environmental improvements and drive towards carbon reduction. In addition, some of the finance of the Biomass Boilers is based on the woodland asset and generation of timber therein.

The site contained within your proposal also includes an area which has outline planning permission and where we are currently working with Development Planning Officers to meet all the necessary requirements. This was very close to being submitted for final planning consideration last year but was held up due to the various Covid restrictions of 2020. I am surprised that you have not delineated the site in your proposal, or indeed made any mention of it as it is contained within the settlement boundary of Luthermuir.

I appreciate from our telephone conversation that having a Tree Preservation Order would not prohibit development going ahead but that agreement would need to be sought regarding tree removal. We have already submitted various studies including a tree survey for the planning application and have met with Environment Officers to best understand what might be acceptable for the site.

I would like to point out that this woodland was felled in 1991 and again, a section felled in 2018? Which is currently being used for our Biomass Boilers. The Forestry Commission advised in 2018 that given the commercial nature of the woodland we could adopt a plan of strip felling to give us a more regular product for the Biomass Boilers. I wonder how this will work with your proposal of a tree order. The woodland, apart from a strip of mature hardwood trees along School Road, is largely self-seeded and therefore it is hard to understand why this order being proposed is viable. I could understand the need to protect the hardwood mature strip of trees and would have no objection to that.

I understand the need to preserve the green space for the Village of Luthermuir alongside our need to maximise this business asset. We gave permission for a perimeter path to be constructed by the Village Association in 2017 and will reinstate the centre path and other paths associated with the planning application currently being progressed. A burdensome Tree Preservation Order will do little to cement the current working relationship we have with the Village Association. I would suggest that a TPO would render the woodland forgotten and further encourage garden waste dumping, or worse.

I am somewhat dismayed that the Council can consider this action without a nod in the direction of the owners giving no opportunity to raise any business-related issues that would arise from the proposed order. We have had a very good service from Development Planning, giving guidance on progressing the site with outline planning permission, with input from an Environment Officer. It is therefore somewhat saddening to receive this TPO with absolutely no contact or mention of the outline planning permission. I appreciate you were only made aware of site with outline planning after your letter was dispatched but this also seems unusual. Surely when considering a whole woodland Tree Preservation Order you would have done all the necessary background checks.

I understand our Agent, Jack Souttar, has requested to speak should this go to Area Committee. Can you advise what the process of the TPO is?

3: Objector 2 (Landowner): Received: 23/03/2021 @ 18:23 by email

Dear Fiona,

I am writing further to our discussions to confirm our objection to the above Tree Preservation Order (TPO) proposal and to request to speak should this be put to the Kincardine and Mearns Area Committee.

I appreciate that the reasons for proposing the TPO are as follows:

- The potential for sustained tree removal of 5m³ per year without permission.
- The visual backdrop amenity to the village of Luthermuir.
- The inclusion of the whole woodland to be included in the TPO as it was perceived to have been a bid site in the Local Development Plan.

I would however contend that we have never felled this commercial woodland without the proper permission, and it would be uneconomic for us to fell for biomass in such small quantities. I appreciate that you have had a recent case of sustained 5m³ felling in Banchory where you had to act quickly with a TPO, but it seems punitive to assume we will do similar.

The proposed housing development took cognisance of the woodland amenity and rather than detracting from it, one could argue it enhanced it through allowing more access.

You wrongly suggested there had been a bid site in the LDP for the whole area of woodland as it was only for (6.5ha) around half the site. A community consultation, run by Mearns Community Council concluded that there was support to develop the east half of the woodland to enable the village to grow, maintain the school, resolve issues of access to the village hall and sports fields, offer a safe route to school and enable village recycling. We have worked well with the Village Association over the years and recently gave permission for a perimeter path to the west of the woodland. This is a wheelchair friendly path and therefore means the wood can be partly enjoyed by everyone. The proposed development would seek to ensure the whole woodland could be more accessible for everyone.

Permissions are currently required for both felling and development. These permissions are well thought through and tested, they ensure compliance with all relevant matters. There is no need for further burdening on landowners or the community. The proposed TPO would only serve to hinder any development, small or large at Caldham. By that I mean housing development or woodland management such as paths and ditching.

Our revised proposal would be to protect the hardwood perimeter trees with TPOs. This would minimise the current risk of neighbouring properties using the woodland to expand their gardens, build tree houses and sheds and rear chickens. We will continue to work with the Village Association to improve the woodland for all.

Finally, we note your view that Caldham is an ancient woodland and a woodland worthy of protection for the village. These factors should not prevent the village growing and thriving, look to its future and evolve. The woodland is at the centre of the village and therefore the most advantageous site to sensitively develop. Environment Planning, along with many other statutory consultees, have ample opportunity to respond to proposed developments and have been very constructive in helping us progress the extant permission we have for 9 houses at the west of the Caldham planation, contained within the settlement boundary. It was unfortunate that the site was included in the original delignated TPO but Officers have given assurance that this was a mistake and will be rectified though an amendment.

4: Objector 1 (Local Resident & Agent): Received: 26/03/2021 @ 10:21 by email

Good morning Fiona

I am contacting you to confirm that my objection to the TPO order has been lodged and my request to address the committee has also been accepted .

I was concerned given that the issue with the present approved planning permission was part of the PTO but understand this has now been omitted from the PTO area .

I noted a very interesting piece of information on woodland and bog/ wetland area with the bog land dealing with 10 times the amount of carbon than mature trees and that the bog land continues to absorb carbon while the mature trees intake of carbon in a tree begins to diminish after maturity .

There are maps dating back to the 1700 s which appear to show moors / wetland on the caldham area and perhaps the ancient woodland felled three times recently is perhaps not the ancient woodland the coat is hanging onto in this situation .

Bogs / wetland are the new planet saver !!!!!.

Kind Regards

Appendix 4: Representations in support of the TPO

1. Received: 30.01.2021 @ 15:28 by email

Thank you for your letter (dated 27th January 2021) and attached documentation relating to Tree Preservation Order Number AC TPO 129 (2020) which I received in the post today.

I have read carefully through these papers and would stress that I have no legal training and so I am assuming that it is the Council's intention to preserve Caldhome Plantation in the long term as it is of high amenity value.

I would strongly support the Council in this aim and would ask that you log this email as both comment and representation on the above Order.

Please would you acknowledge receipt of this email so that I both know that it has been received by yourself and that its contents will be taken into consideration by Aberdeenshire Council's Infrastructure Services Section of the Planning & Environment Department.

2. Received: 05.02.2021 @ 15:03 by email

I am in receipt of the tree preservation order for Caldhome Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation this is being progressed. Within recent LDPs I have suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community and the primary school for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels owls pine marten sparrow hawks bats and rooks.

I look forward to received confirmation this area has been given protected status.

3. Received: 05.02.2021 @ 15:05 by email

We are in receipt of the tree preservation order for Caldhome Plantation at Luthermuir.

We wanted to pass on our thanks and appreciation this is being progressed. Within recent LDPs it has been suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community and the primary school for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels owls pine marten sparrow hawks bats and rooks.

We look forward to received confirmation this area has been given protected status.

4. Received: 05.02.2021 @ 15:05 by email

I am in receipt of the tree preservation order for Caldhome Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation this is being progressed. Within recent LDPs I have suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community and the primary school for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels owls pine marten sparrow hawks bats and rooks.

I look forward to received confirmation this area has been given protected status.

5. Received: 05.02.2021 @ 16.05 by email

I write to you regarding the tree preservation order for Caldhome Plantation at Luthermuir. I wanted to pass on my thanks and appreciation that this is being progressed. Within recent LDPs I have suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community and the primary school for wildlife and forest education. In addition the area is full of protected wildlife including red squirrels owls pine marten sparrow hawks bats and rooks. I look forward to receiving confirmation that this area has been given protected status.

6. Received: 05.02.2021 @ 23.55 by email

I have received the tree preservation order for the Caldhome Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation that this is being progressed. Within recent LDPs I have suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community, and the woodland is used by the primary school and local families for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels, tawny owls, pine marten, buzzards, sparrow hawks, bats and rooks.

I look forward to receiving confirmation that this area has been given protected status.

7. Received: 05.02.2021 @ 23.58 by email

I have received the tree preservation order for the Caldhome Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation that this is being progressed. Within recent LDPs I have suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community, and the woodland is used by the primary school and local families for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels, tawny owls, pine marten, buzzards, sparrow hawks, bats and rooks.

I look forward to receiving confirmation that this area has been given protected status.

8. Received: 06.02.2021 @ 01:46 by email

I have received the tree preservation order for the Caldhome Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation that this is being progressed. I strongly believe and suggest this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community, and the woodland is used by the primary school and local families for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels, tawny owls, pine marten, buzzards, sparrow hawks, bats and rooks.

I look forward to receiving confirmation that this area has been given protected status.

9. Received: 06.02.2021 @ 08.34 by email

I have received the tree preservation order for the Caldhome Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation that this is being progressed. Within recent LDPs I have suggested this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community, and the woodland is used by the primary school and local families for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels, tawny owls, pine marten, buzzards, sparrow hawks, bats and rooks.

I look forward to receiving confirmation that this area has been given protected status.

10. Received: 06.02.2021 @ 09.51 by email

I have received the tree preservation order for the Caldhame Plantation at Luthermuir.

I wanted to pass on my thanks and appreciation that this is being progressed. I strongly believe and suggest this area is protected due to it being historically protected woodland and of high amenity value to the community. When there was an open and transparent consultation with people who live in the village there was an overwhelming desire to protect this area. The area also has walking paths which are used by the community, and the woodland is used by the primary school and local families for wildlife and forest education.

In addition the area is full of protected wildlife including red squirrels, tawny owls, pine marten, buzzards, sparrow hawks, bats and rooks.

I look forward to receiving confirmation that this area has been given protected status.

11. Received: 06.02.2021 @ 12.15 by email

I have received details of the tree preservation order for Caldhame Plantation at Luthermuir.

I wish to have this email recorded stating that I fully support this order. These woods are a huge asset to the village and are widely used by residents, the local school and for the purposes of forest education. This woodland hosts a number of protected animals such as red squirrels, owls, pine marten, sparrow hawks, bats and heron.

Please keep me informed regarding the status of this Tree Preservation Order.

12. Received: 16.02.2021 @ 13:35 by email

I would like to add my support to the Tree Preservation Order above for Caldhame Plantation, Luthermuir.

My address is School Road, Luthermuir, Aberdeenshire, I have lived at this address for 30 years and 100% would like the trees to stay with all the wildlife that lives there & the trees help any water/drainage problems too.

Thank you for the opportunity to comment.

13. Received: 14.02.2021 @ 14:37 by email

Dear Ms Chimside

Further to your written notification of the TPO noted above, I wish to respond enthusiastically to the Order and explain why I believe this to be the correct course of action here.

At the outset, I should explain a vested interest here, in that I am a keen wildlife enthusiast and photographer, specifically birds and mammals, as well as various forms of lepidoptera. Whilst this is a very regular pastime, it is not an activity from which I glean any financial reward.

The Caldham Plantation in its entirety is home to a significant and diverse range of wildlife, many of which are protected species. The Wildlife & Countryside Act (1981) Schedule 1 Part 1, lists several birds which are found within the Caldham Plantation. It is an offence to intentionally or recklessly disturb at, on or near an 'active' nest the following species which I have personally seen here:

Brambling, Crossbills, Fieldfare, Red Kite, Barn Owl, Redwing & Treecreeper

Aside from the Schedule 1 protected species, the following represents a list of birds which I have personally seen in the plantation throughout various times of the year and which are still deserving of their natural habitat being maintained:

Blackbird, Blackcap, Blue-Tit, Bullfinch, Buzzard, Chaffinch, Chiffchaff, Coal-Tit, Dunnock, Goldcrest, Goldfinch, Great Spotted Woodpecker, Great Tit, Grey Wagtail, Greenfinch, Hawfinch, Heron, House Martin, House Sparrow, Jackdaw, Jay, Kestrel, Linnet, Long-Eared Owl, Long-Tailed Tit, Magpie, Mistle Thrush, Pied Wagtail, Pheasant, Redpoll, Redstart, Robin, Rook, Siskin, Song Thrush, Sparrowhawk, Spotted Flycatcher, Swallow, Swift, Tawny Owl, Tree Sparrow, Waxwing, Willow Warbler, Wren & Yellowhammer.

Whilst the birds are important to me, the Caldham Plantation is renowned for a species of mammal which is somewhat iconic in Scotland. It has been home to a significant population of Red Squirrels for decades. Red Squirrels and their dreys (resting places) receive full protection under Schedules 5 and 6 of the Wildlife and Countryside Act 1981. In common with many wildlife fans, I am particularly fond of the Red Squirrels and have photographed them from my back garden which is on the immediate perimeter of the plantation. I have even assigned names to some of them and I would like to offer you this image of 'Simon' on my conifers, which has won a few plaudits in the wildlife photography world.....

(Cont/)

Red Squirrels can be seen darting about the trees in the Caldham Plantation throughout the day, but you need a keen eye and a sensitive demeanor to enjoy them! I've spoken to village residents who believe that the plantation is devoid of any wildlife, but these people are typically lacking in environmental sympathies!

Another mammal protected under Schedule 5 is the Pine Marten, which has been a recent incomer to the plantation. This is not a species I have seen personally, but I have viewed images captured by other residents on the border of the plantation.

Then, there are the plethora of Pipistrelle Bats which reside in the plantation and which can be seen at dusk throughout the summer evenings. All bat species found in Scotland are classed as European protected species. They receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994.

As one of the few areas of natural ancient mixed woodland in the locality, I feel it is paramount that the plantation continues to receive full protection under the law for the sake of all the species mentioned above. Whilst there is a degree of managed forest about the environs of Luthermuir, the non-native trees therein do not maintain anything like the diversity of animal life found in the Caldham Plantation.

Finally, I would like to thank-you for the opportunity to respond to your TPO and if you should require any further information, you are welcome to contact me at the above address.

14. Received: 17.02.2021 @ 15:24 by email

Dear Fiona

I am writing to make representation in support of the TPO at Caldham Plantation.

I am an avid wildlife watcher and I have a specific love of Moths, Butterflies and Beetles! I have witnessed many rare and protected species in these woodlands on a regular basis.

Many of my sightings have been reported to NESBReC in Aberdeen, where all the records are kept. I have had the pleasure of finding some rare and previously unrecorded species which are very important in the ecology and maintenance of a healthy woodland. Most notable are my sightings of Cream Spot Ladybirds, Buff Footman Moth and Red Necked Footman Moth.

We have many more common, but no less important animal/bird sightings here regularly. Examples include Red Squirrels, Pipistrelle Bats and a recent Pine Martin, all of which have their own protected designations under a variety of wildlife acts. There are also Roe Deer, Stoats and Foxes which either reside in the plantation, or use the cover for safe passage between territories.

We have many of the more common, but no less important birds like Bullfinches, which sing behind my garden and in spring they venture into the garden to 'nip the buds' off the flowering fruit tree!

I have recorded sightings from Caldham (iRecord and NESBReC) of Speckled Wood Butterflies, which had not previously been seen in Kincardineshire. I have also seen several Great Diving Beetles in the ponds in the plantation, which have the perfect conditions for them.

There are several nest sites of Mining Bees, Bumble Bees and Sawflies, all of which are necessary for the pollination of our plants and farm crops.

In my opinion the loss of this habitat (Plantation) would be nothing less than a massive crime to wildlife. We need to save all of these natural wooded areas that benefit us all on so many levels.

Yours sincerely

15. Received: 24.02.2021 @ 15:25 by email

I object to the felling of the trees,

When the conditions are correct there are swarms of bats(protected) around the houses which most probably connected to the forest