

Proposed Tree Preservation Order At Caragh, Naas, Co. Kildare

**In accordance with Section 205 of the
Planning and Development Act 2000 (as amended)**



**Planning Department
Kildare County Council
12th October 2021**

Introduction

This report refers to a proposed Tree Preservation Order (TPO) for a group of 20 no. Beech trees in Caragh, Naas, Co. Kildare. The trees are located at the northern end of the village, as shown in the Map accompanying this report and replicated in Figure No. 1 and 2 below.



Figure No. 1: Location of 20 no. beech trees subject to this proposed Tree Preservation Order

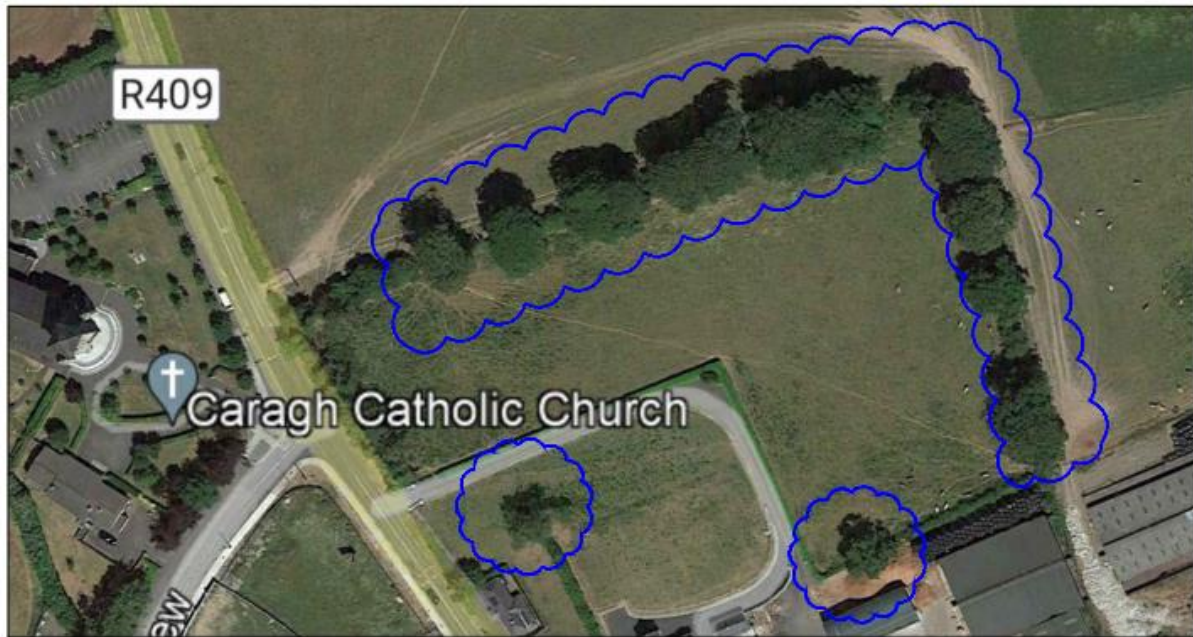


Figure No. 2: Aerial image of 20 no. beech trees subject to this proposed Tree Preservation Order¹

¹ Imagery © 2021 Google, Imagery © 2021 Maxar Technologies, Map data © 2021

Legislative Context

TPOs may be made under Section 205 of the Planning & Development Act 2000 (as amended). This is a planning mechanism which identifies individual or groups of trees as being important and requiring protection. A TPO may be sought in order to protect a single tree, a group of trees or a woodland that may be under threat and/or has significant amenity value.

Section 205 of the Planning & Development Act 2000 states the following:

(1) If it appears to the planning authority that it is expedient, in the interests of amenity or the environment, to make provision for the preservation of any tree, trees, group of trees or woodlands, it may, for that purpose and for stated reasons, make an order with respect to any such tree, trees, group of trees or woodlands as may be specified in the order.

(2) Without prejudice to the generality of subsection (1), an order under this section may—
(a) prohibit (subject to any conditions or exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees, and
(b) require the owner and occupier of the land affected by the order to enter into an agreement with the planning authority to ensure the proper management of any trees, group of trees or woodlands (including the replanting of trees), subject to the planning authority providing assistance, including financial assistance, towards such management as may be agreed.

It is a requirement of the Act that where a planning authority proposes to make a TPO it must undertake the following:

- Serve notice of its intention to do so to the owner and occupier of the land affected by the order.
- Provide a map indicating the location of the tree(s) or woodland to be preserved.
- Publish notice of the proposed order in one or more newspapers circulating in its functional area.

Submissions or observations regarding the proposed TPO may be made to the planning authority within a stated period of not less than 6 weeks. Following this and having considered the proposal and any submissions/observations, the planning authority may make the order, with or without modifications, or refuse to make the order. The owner and occupier of the land subject to the order must be notified accordingly. Similarly, if a planning authority intends to revoke or amend an order it must give notice of its intention to do so. The provisions of the Act also ensure that TPOs do not apply to the cutting down, topping or lopping of trees which are dying, dead, have become dangerous, or any trees in compliance with any obligation imposed by or under any enactment or so far as may be necessary for the prevention or abatement of a nuisance or hazard.

It is a requirement of the planning authority to enter a TPO on to a register of records.

Proposed TPO

This Proposed TPO refers to 20 no. mature beech trees on lands to the east of the R409 (opposite the Church) in Caragh Village, Kildare. The 20 trees comprise of 12 no. trees forming a treeline along the northern field boundary, 6 no. trees forming a tree line along the eastern site boundary, 1 no. tree on the southern site boundary and 1 no. free standing tree set back from the R409.

The trees traverse two Folios. The relevant landowners have been notified of this proposed Tree Preservation Order.



Figure 4: Trees subject of proposed TPO as viewed from R409

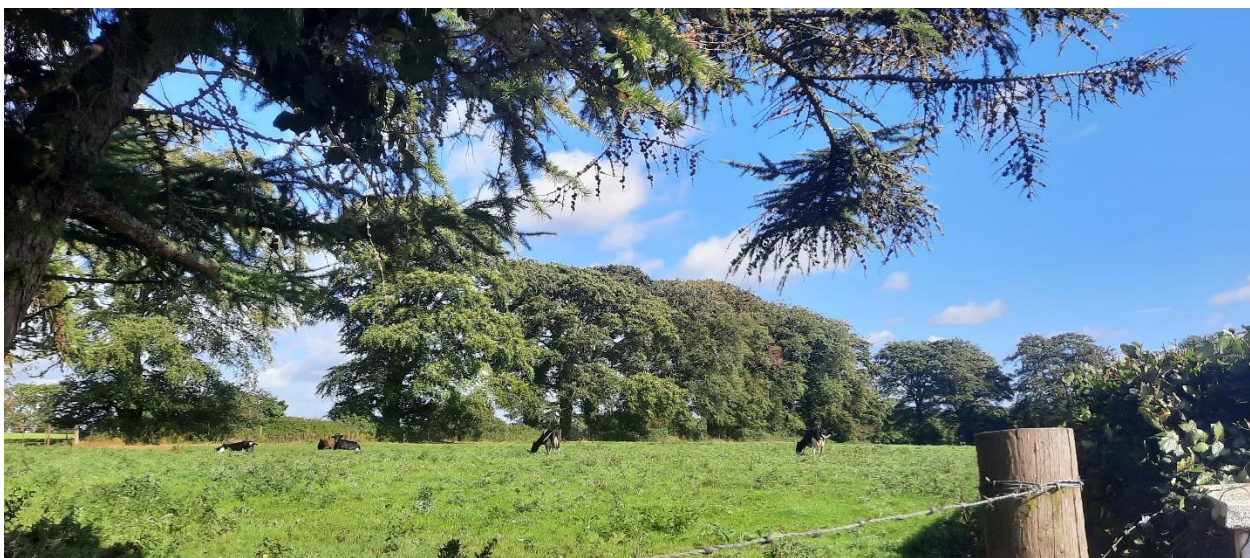


Figure 5. Trees along the northern field boundary subject of proposed TPO



Figure 6: Trees along the eastern field boundary subject of proposed TPO



Figure 7: View of the subject trees (in background) from the graveyard to the south



Figure 8: Single tree (No. 20 on Map) subject of proposed TPO



Figure9: Single tree in southern field boundary (No. 19 on Map) subject of proposed TPO

Amenity

As per Section 205 of the Planning & Development Act 2000, provisions can be made for the protection of a tree, trees or woodlands in the interests of **amenity or the environment**.

'Amenity' is not defined in the Planning and Development Act 2000 (as amended). Therefore, for the purposes of this assessment, 'amenity' is considered using an assessment matrix, based on relevant Irish and British sources².

Ten assessment categories are included in the matrix, each of which contain several factors that range in score/value. The categories are as follows:

1. Tree Size – From very small (2-5m) to very large (200m+). The measurements relate to the crown size which can be calculated by using the full height, 'clear stem' and crown width.
2. Age Band for Species – Late mature/Mature/Early mature/Young. Life spans of species vary and also depend on the setting.
3. Biodiversity– This is an assessment of how important the trees are for biodiversity i.e. habitat provision, wildlife support, nesting etc.
4. Public Visibility – The visibility from public viewpoints should be assessed and the type of public spaces should be noted also. This factor ranges from 'limited visibility' to 'prominent'.
5. Private Visibility – Where the tree(s) is not visible from public viewpoints, they may be observable from private dwellings and the number should be assessed, ranging from 0-10 properties to 50+ properties (within 0.5km radius)
6. Other Trees in the Visual Landscape – What is the level of tree cover in the area. This can range from; 'Wooded surrounding' to 'None'
7. Suitability to the Setting – Certain trees seem particularly suited to a location and significantly add to the character of that setting. Ranges from 'Just' to 'Particularly'
8. Future Amenity Potential – This is an assessment of the tree's future amenity value or potential, ranging from; 'Fully realised' to 'High'
9. Tree (Negative) Influence – This refers to the influence or potential negative impact a tree may have on surrounding buildings or structures. 'Significant' to 'Insignificant'
10. Added Factors – A range, including; screening unpleasant views, green infrastructure contributions, etc.

It should be noted that even if trees are not visible from public spaces they can still possess significant amenity value, particularly if they are observable from private dwellings.

The total score available is 50. A score of 0 to 15 is considered low amenity value, a score of 16 to 34 is considered to be medium amenity value and a score of 35 or more is considered of high amenity value.

² <https://www.torbay.gov.uk/media/9861/tpo-evaluation.pdf>

Assessment of Amenity

The trees appear to be in good condition and are mature examples of beech trees (*Fagus Sylvatica*). There may be more than one species in the group and this may need to be confirmed by closer examination. As a collective, they form a boundary, along with hedgerows, between two green fields which appear to be used for agricultural purposes. A dirt track runs alongside the tree row providing access to a large shed/agricultural building. Two individual trees are also included which stand proud of this treeline for their individual merit and their visual relationship with the tree stands. The lands containing the trees are at the outskirts of Caragh Village, with access directly opposite the entrance to the local church.

The trees are situated on privately owned land. The trees offer an attractive view and can be seen from various locations along main street, from the church, the graveyard and glimpsed from Old Chapel Wood residential estate to the south east. Views from the church and graveyard are considered to be valuable in terms of the areas character. Although views from the graveyard are partly obstructed by an agricultural building, their canopies can be observed, as can be seen from Figure 7.

Beech trees are not considered native, although they are noted for their beauty, excellent hedging potential and benefits for wildlife. Their use for hedging has been widespread in Ireland since the 18th century³. Beech trees can live for 350 years, with 250 years considered more typical⁴. Categories are assigned to the different stage of a beech tree, with 'ancient' the term for trees over 225 years, 'veteran' assigned to those between 125 and 200 years and 'notable' beech trees those between 75 and 150 years old. It takes approximately 30 years for a beech tree to be fully mature. Based on this information, the trees subject of the TPO request would appear to be fully mature examples of Beech and are likely to be 'notable' examples, that is between 75 and 150 years old.

Using the assessment matrix referred to in this report, an evaluation of the trees subject to the TPO request has been carried out. The trees have been assessed as a collective. Appendix 1 contains the assessment table, with the highlighted cells the score assigned to the trees. The following bullet points provide an explanation for some of these scores:

- For 'Tree Size' the following approximate measurements were estimated, based on observations made from a distance: Average height is 25 to 30 metres with a 'clear stem' of roughly 6 metres and an approximate canopy width of 10 metres. This gives a 'size' of 190m² and a score of '6'.
- The 'Age Band' is considered as 'mature', with the trees estimated to be between 75 and 150 years old and roughly at the middle of their lifespan.
- Public visibility is relatively limited, although there are viewpoints from locations such as from the Main Road, the church, the cemetery and adjoining residential areas which provide high value views.

³ <https://www.teagasc.ie/media/website/publications/2017/Segment-015-of-TodaysFarm-Jan-Feb-2017.pdf>

⁴ <https://ati.woodlandtrust.org.uk/how-to-record/species-guides/beech/>

- In terms of 'future amenity potential' it is noted the adjacent land is zoned for residential purposes therefore there is potential for residential development in close proximity to the trees and an opportunity for the trees to be integrated into a new development and opened up for greater public and private view. The trees are deemed to have a 'high' level of amenity potential.
- The trees act as nesting locations and localised habitats for various fauna, particularly species of birds. Therefore, they are deemed to possess important biodiversity associations.

The total score assigned to the trees subject to TPO request is 36 which deems the trees to be of high amenity value.

Recommendation

In the interest of amenity and the environment, it is recommended that the subject trees are brought forward for a preservation order in the context of Section 205 of the Planning and Development Act 2000 (as amended).

**Planning Department
Kildare County Council**

