

ITEM 1

COMMITTEE:	Planning Committee
DATE:	April 2021
TITLE:	Temporary Tree Preservation Order (TPO) C20/01/TP – land adjacent to Tyddyn Meilir, Abererch, Pwllheli, Gwynedd, LL53 6YH
PURPOSE OF THE REPORT:	Consider confirming the above Tree Preservation Order.
REPORT BY:	Deputy Head of Environment Department
ACTION:	The committee is asked to accept the recommendation

1. BACKGROUND

- 1.1 A Temporary Tree Preservation Order ("the Order") was issued on two groups of trees at the location shown on the enclosed plan on 8 December 2020, following an inspection by the Council's Biodiversity Unit. An assessment was carried out of the two groups of trees using the TEMPO system (*Tree Evaluation Method for Preservation Orders*), in which Group 1 scored 18 points, and Group 2 scored 16 points. The TEMPO system notes that any tree/trees scoring 16 points or above merit being protected.
- 1.2 The Order was issued because the trees are considered to be of high amenity value and are healthy without any signs of stress, although Group 2 did score slightly lower because the general health condition of the trees was taken into account. They are located adjacent to a third class road in a prominent position in the landscape, and make a positive contribution to the appearance of the surrounding area. The importance of these trees has increased significantly since many trees in the vicinity of the groups have been felled.

2. LOCATION AND DESCRIPTION

- 2.1 The trees are located to the north of Tyddyn Meilir, and on the eastern boundary of the third class county road from Clogwyn to the south past Eisteddfa to Dôl Tremant. The land is in private ownership, and there is concern that the trees are at risk of being felled.
- 2.2 Group G1 contains 25 mature Beech trees and one oak tree pollarded into an earth bank. Group G2 contains 32 beech trees, 2 sycamores, and 1 oak tree with the beech trees pollarded into an earth bank.

3. EXTERNAL OBSERVATIONS

- 3.1 In accordance with the statutory requirements, we consulted with the Local Member, Llannor Community Council and the landowner after issuing the temporary Order, and they were given a period of 28 days to respond. There are no other neighbours who are likely to be affected by the order.

3.2 No response was received from Llannor Community Council, but an objection to the temporary order was received from the Local Member on the basis that he has discussed the trees with the landowner over the years, and he did not intend to cut down the trees. Rather, the landowner wishes to prune branches hanging over the county road and in the fields which prevent the use of tractors and machinery, thus there is no purpose to the order itself.

3.3 An objection to the temporary order was received from the landowner, and the grounds for the objection are set out below:-

1. In Appendix 1 it is noted that the 'high amenity value' of the trees and their 'positive contribution to the appearance of the area' are the reasons for introducing a TPO. There is no other reason noted. Only aesthetic, appearance considerations are mentioned. There is no threat to the trees in this respect. The trees' amenity value would be no less if they were pollarded neatly. And that would add to the life of the trees in the long term.
2. These were originally trees that had been planted as a hedge, and were left undisturbed to grow for many decades. It is essential that they are pruned since they cast a shadow over a good strip of field and make it impossible to take a tractor along the line of the fence. I need to re-fence the field but I'm reluctant to do so before pruning the trees, especially those where there is considerable rot in the base of their trunks.
3. Expecting me to submit a formal planning application and specialist reports before undertaking any pruning would be unreasonably burdensome given the condition of many of the trees.

3.4 In addition to this, a letter from the Farmers' Union of Wales was received on 3 March 2021 supporting the landowner's objection to the temporary order on the following grounds:-

1. There is no threat to the 'high amenity value' of the trees and their 'positive contribution to the appearance of the area'. The landowner's intention is to prune the trees, not fell them.
2. There is obvious rot in many of the tree trunks. Lightening the load by pollarding the trees would extend their life in the long term.
3. They formed a hedgerow originally and have been left alone to grow without being managed. Pruning the trees would contribute to resuming good management. As they currently are, the trees are impeding work to control thistle and improve the pasture. Pruning them is also a necessity before the landowner is able to fence the boundary along the road.
4. The administrative load on farmers is already heavy, and adding unnecessarily to that load would show considerable disregard to the well-being of those maintaining the countryside.

4 **ASSESSMENT**

4.1 The right to make a tree preservation order has been delegated to officers within the Planning Service. However, when objections are received to the order, it is appropriate to

submit the order to the Planning Committee for a decision on whether to confirm it or not.

- 4.2 Preservation orders are made if it appears to the Local Planning Authority that it would be timely in the interest of amenity to make a provision for preserving trees or coppices in its area. The visibility of the trees to the public assists the Local Planning Authority in assessing whether their impact on the local environment is substantial. However, the visibility of trees is not sufficient in itself to warrant a preservation order. We must assess the importance, size and form of the trees themselves, and their future amenity potential. Consideration must also be given to the significance of the trees in their local environment. If it is believed that trees are at risk of being felled, or pruned in ways that could have a significant impact on the area's amenity, then it would be timely to issue a preservation order. The risk need not be serious.
- 4.3 Pollarding is a method of pruning that keeps trees and shrubs smaller in size than if they grew naturally. Such work is undertaken once a tree or shrub has reached a certain height, and annual pruning will restrict the tree or shrub to that height. It is a traditional method of harvesting wood from a tree without killing it, but it is also accepted as an aesthetic feature in itself. It is not easy to apply to mature trees, since cutting larger branches, known as topping, leaves a tree more vulnerable to infection.
- 4.4 Following receipt of the objections to the order, further consultation was held with the Biodiversity Service. Observations were received responding to the points noted above, as follows:-
 1. Amenity value is key when considering making a tree preservation order.
 2. The biodiversity value of the trees is also a material consideration, and also the need to discuss with Natural Resources Wales whether a permit is required to cut over 5m³ of trees, especially since they haven't been maintained for over 30 years.
 3. Although the trees were planted as a hedge, they have not been pruned for over 30 years. In accordance with good maintenance practices, the Arboricultural Association and the Royal Horticultural Society advise that pruning should be undertaken every few years so that the branches do not overgrow and cause problems.
 4. Reference has been made to the condition of the trees, but we do not consider that it can be argued that pruning the trees would not have any effect on them. It is very likely that the undertaking of substantial pruning will render the condition of some of the trees to be categorised as poor. In order to maintain these trees in good condition, it is essential to obtain specialist advice to inform the necessary work, which will also reduce the likelihood of the trees being destroyed completely.
 5. When the trees were originally inspected in consideration of issuing a preservation order, we noticed that some of the trees had already been pruned down to 10/12 feet. This is considered to change the appearance of the trees

significantly, and is also too much work for trees that have not been maintained for ten years.

6. Maintaining trees that have been affected with rot fungus is not as easy as pruning branches to lighten the load. A tree requires a certain percentage of a healthy crown in order to maintain itself. Specialist advice should be sought for undertaking any work to the trees, in order to ensure that they are not killed as a result of any pruning work.
7. If the trees are preventing thistle management and pasture improvement, then a crown lift would be an alternative option which would reduce the shadow cast in the field and enable tractor access for fencing requirements.
8. It is considered that the landowner should obtain specialist guidance to undertake any work to the trees. We do not consider this to be a cumbersome or difficult process, and it would ensure that the trees are maintained effectively, using good maintenance practices, so that the trees are preserved for the future as a special feature in the surrounding countryside.

5. CONCLUSIONS

- 5.1 It appears that a hedge existed on the site in the past, but due to likely lack of management of the hedge, the site today consists of a row of trees, mostly beech. We realise the landowner's wish to bring the trees under control, but it is important that any work to them is carried out following good working practices.
- 5.2 Some pruning work has already been undertaken on some of the trees on the site, before the temporary order was issued. The trees were inspected on 9 February 2021 in the company of the landowner, and it was noted that several trees had rot and holes in their trunks. However, it appears that alternative maintenance methods to pruning are possible (with appropriate specialist advice) which would mean that the trees can be preserved, whilst at the same time providing unobstructed access to the landowner to farm the land, and maintain the pasture and field boundaries.

6. CONFIRMATION PROCESS

- 6.1 There are four options to the Committee, after considering this report and the objections and observations received, which are:
 - i. Confirm the order as it stands, without amendments
 - ii. Confirm with amendments
 - iii. Not confirm
 - iv. Conduct a public inquiry.
- 6.2 After considering all of the matters raised in this report, it is recommended that the Committee selects option (i) above, which is to confirm the order without amendments.

7. RECOMMENDATION

- 7.1 To confirm the order without amendments.