

REGULATORY DEPARTMENT

COMMITTEE:	Planning Committee
DATE:	25 April 2016
TITLE:	Tree Preservation Order (TPO) – land between Gilfach Goed & Gorse Bank, Lôn Pen Cei, Abersoch
PURPOSE OF THE REPORT:	To consider confirmation of the TPO on the above site
REPORT BY:	Head of Regulatory Service
ACTION:	The committee is requested to accept the recommendation

1. Description:

- 1.1 A Temporary Tree Protection Order was issued on 4 trees (2 cypress and 2 fir trees) at the location shown on the enclosed plan on 19 November 2015, following a visit and assessment of the trees by an officer from the Council's Biodiversity Unit.
- 1.2 The trees are located on the Penbenar headland in Abersoch between properties known as Gorse Bank and Gilfach Goed. They occupy a vacant plot of private land adjacent to a site where planning permission was granted to construct a dwelling in 2013 and renewed on 10 February 2016.
- 1.3 An assessment of the trees was undertaken using the TEMPO system (*Tree Evaluation Method for Preservation Orders*) and the trees scored 22 points. This system specifies that any tree or trees scoring more than 16 points merit protection.

2. Relevant Planning History:

- 2.1 The site has no previous planning history that is a subject of the Order but it is useful to note the planning history of the adjacent site in order to set the context for the observations received as a result of the consultation undertaken with the owners of the site/adjacent landowners.
- 2.2 C13/0198/39/AM. Land between Gilfach Goed and Gorse Bank, Lôn Pen Cei, Abersoch, Pwllheli, Gwynedd, LL537AY. Construct a dwelling and create a new access road to Lôn Pencei. Approved 11.04.13.
- 2.3 C15/1328/39/AM. Land between Gilfach Goed and Gorse Bank, Lôn Pen Cei, Abersoch, Pwllheli, Gwynedd, LL537AY. Renew outline permission C13/0198/39/AM for a new dwelling and and new access road. Approved 10.02.16.

3. Consultations:

Community/Town Council: Support imposing a temporary tree preservation order on the trees.

Local Member: Support

Public Consultation:

A notice was posted on the site and nearby landowners/residents were notified. The advertising period has ended and correspondence was received submitting observations on the temporary tree preservation order. The following assessment discusses those observations but briefly it was noted:

- The trees are within falling distance to the location of the proposed adjacent dwelling for which there is an outline planning permission.
- Concern regarding tree T3 falling onto Gorse Bank;
- The likelihood of more stormy weather in the future;
- The trees are not indigenous to the area and willingness to plant other trees to replace those that are the subject of the preservation order;
- Similar trees have fallen during the storms of 2014 and had created damage to Gilfach Goed;
- Concern that the trees under consideration are hazardous and wish the Council to seek expert opinion regarding the danger of them falling;

In addition to the above, the following observations are proposed:-

- Tree T1 does not influence the development of the adjacent building plot as it is located 14 metres from the proposed location of the house with no detrimental change to ground levels.
- Tree T4 does not influence the proposed adjacent development or access to the plot;
- Tree T2 has an increasing tilt towards the east with the crown tilting 5.5 metres over the adjacent building plot. The tree needs work to be undertaken on its crown and needs to be pruned back if a similar request is to be avoided in future.
- Tree T3 measures over 25 metres in height but it can be retained as there is no problem with safeguarding its roots although it would be favourable for it to be omitted from the order.

In addition, there is a reference in the letter to issues involving application C15/1328/39/AM to renew the outline planning permission on the adjacent plot but it is not considered that these issues are relevant to the Committee's consideration of this tree preservation order.

4. Assessment

- 4.1 The Temporary Tree Preservation Order was issued on the trees as a result of a phone call received by the Council's Biodiversity Service in November 2015 enquiring whether a tree preservation order existed on the trees as a tree felling contractor had been called out to provide a price for felling them. There was concern that an order existed as the trees were prominent and stood out in the landscape.

- 4.2 An officer from the Biodiversity Unit inspected the trees. It was noted that the trees were prominent on the promontory when driving into the village from the direction of Llanbedrog and several trees had been felled over the years in this part of the village. Therefore, it is considered very important that the remaining trees are safeguarded as they form part of the views into and out of the village and it was important to safeguard them for the future because of their prominent location in the landscape.
- 4.3 The TEMPO system was used to score the trees and a score of 22 was given. This system takes into account several factors. The initial part takes into consideration the condition and suitability of the trees to receive an order, their lifespan, their comparative public prominence and other factors such as whether they are a group of trees that are important because of their cohesion. The second part of the assessment deals with the benefits of making such an order. It is noted that the trees received a high score of 17 in the first part. In addition to this a maximum score of 5 was received for the second part as there was an immediate threat to the trees' existence. It is noted that the total score of 22 is amongst the highest given to any trees assessed by using this system and any score over 16 certainly merits a tree preservation order. It was noted that the trees are in good condition with a lifespan of between 40 and 100 years. Also, they are substantial trees and are completely visible to the public.
- 4.4 Following issuing a temporary tree preservation order on the trees, an officer from the Biodiversity Unit met one of those who had corresponded and a tree specialist on 21 December 2015 to discuss the trees further. As a result of that meeting, the officer decided that tree T2 was not in such a good condition as the other trees and this tree was heavily shadowed by those trees and it was also tilting considerably over the adjacent development plot. It was inevitable that an application would be submitted to the Council in the near future to undertake substantial work on the crown of the tree as it was tilting over the adjacent plot that was currently for sale. It is understood that the adjacent land is for sale but it is emphasised that this is not a material consideration when deciding to confirm to order or not. The trees that are the subject of the temporary order are not located within the site of the outline planning permission.
- 4.5 The concerns of neighbouring residents are noted but no evidence has been submitted showing that the trees are in poor condition or are hazardous and the TEMPO assessment notes that overall the trees are in good condition. Additionally, it is noted that the likelihood of having stormier weather in future is only an assumption and there is no reference either to the condition of the previous trees that came down in 2014. Assumptions alone are insufficient to prevent the Council from considering confirming a temporary order, with or without amendments. If there were grounds for such assumptions, then they should have been based on evidence so that a decision can be made to confirm the order or not.

5. Conclusions:

- 5.1 It was decided to issue a temporary preservation order on the trees as the Council had received an enquiry to fell the trees that were in good condition and were situated in a prominent location in the landscape and contributed significantly to the area's visual amenities and the appearance of their surrounding area. They are important because of the lack of other mature trees in the area and a score of 22 was given when scoring the trees using the TEMPO system.
- 5.2 Following a further assessment of the trees by an officer from the Biodiversity Unit, the Planning Service is of the opinion that consideration should be given to omitting tree T2 from the final order because this tree tilted over the adjacent site which has

outline planning permission and the tree is likely to be the subject of an application to undertake significant work to it in the near future.

6. The Confirmation Process

6.1 The Committee has four choices for imposing a tree preservation order after considering the report and the observations received.

1. Confirm the order as it stands, without amendments
2. Confirm with amendments
3. Not to confirm the order
4. Conduct a public inquiry

6.2 There are no objections to the order itself but concern has been expressed for one specific tree, namely tree T2. It was noted above that the Biodiversity Officer had had a meeting with a tree specialist who was acting on behalf of the land owner. As a result of that meeting, it was decided that there was sufficient basis to consider removing tree T2 from the schedule of the order as it was heavily shadowed by the other trees and it is tilting over the adjacent development site where there is outline planning permission for a dwelling.

7. Recommendation:

7.1 To confirm the order with amendments except for tree T2 of the Schedule to the order.