

**Application Ref: NP/21/0475/TPO**

<b>Case Officer</b>	Mike Higgins		
<b>Applicant</b>	Ms N Mallen		
<b>Agent</b>	Mr A Dowling, Arb-Aid		
<b>Proposal</b>	Monterey Cypress Tree (T12/033) - Clean crown of storm damage & thin canopy by 20 percent		
<b>Site Location</b>	Beach Court, The Strand, Saundersfoot, Pembrokeshire, SA69 9EU		
<b>Grid Ref</b>	SN13790502		
<b>Date Valid</b>	27-Jul-2021	<b>Target Date</b>	20-Sep-2021

The application is referred to the Development Management Committee for determination as the application relates to a previous application (NP/21/0172/TPO) that was determined by the Development Management Committee and at the discretion of the Director of Planning and Park Direction.

**Consultee Response**

**Friends of Saundersfoot & District:** Supporting - The Friends of Saundersfoot and District welcome proposals to safeguard the health and wellbeing of this tree. It is an important visual amenity within the village and a significant element of the shoreline; its preservation will contribute to the enjoyment of future generations and provide a natural contrast to the built environment.

Saundersfoot Community Council: Supporting

**Third Party Responses**

- Beach Court Saundersfoot Management Company Ltd (Previous applicant to NP/21/072/TPO): Object

**Objections/comments are summarised as follows:-**

1. Works do not address the structural instabilities of the tree.
2. Lack of clarity on proposed works
3. Works are for habitat reasons and not on public safety grounds.
4. Infilling of eroded root area inappropriate
5. Schedule suggests suggest professional assessment of tree has not been undertaken relating to non-invasive bracing system
6. Conflict between works proposed in Stage 1 and Stage 2
7. Stage 2 works are outside of committee timescale
8. No geotechnical survey has been put forward to ensure that the current rock structure is likely to support the tree in either the short or medium term.
9. Applicant and/or their Agent by their omission have failed to demonstrate that they have the financial means to undertake the works and therein after to maintain the tree.
10. Provision of an appropriate insurance policy put in place and that their tree advisor holds the appropriate professional indemnity.
11. Flat owners have noted the gradual movement of the tree in a southerly direction to an extent whereby at present the tree is leaning in a southerly direction

12. The presence of Fungus upon the tree is a clear indicator that the tree is reaching the end of its life.
13. The Application fails to meet the requirements set by PCNPA both in respect of its retention and management.

**Comments on objections raised:**

In respect of Issue (1)

The works proposed is the first stage of the management of the tree. The removal of dead/diseased or dangerous parts of the tree do not require TPO approval; however, *Table B.1. BS3998:2010 Tree Works: Recommendations* notes that removing individual dead, defective or diseased parts in order to protect people and property from tree failure and to maintain health and longevity by means of good structural integrity is 'often appropriate'.

*Table B.1. BS3998:2010 Tree Works: Recommendations* notes that the crown thinning of a tree in order to protect people and property from tree failure and to manage visual amenity is also 'occasionally appropriate'.

In respect of Issue (2)

The proposed works as stated above are considered as appropriate in resolving immediate concerns as to the branch failures. The works are the first stage and it is anticipated that further management of the tree will be carried out in order to address other longer term structural and safety issues.

A THREAT assessment (Appendix A) which identified that the branch failure had the most immediate risk, which is being addressed with this initial stage of works.

The proposed works also referred to possible non-invasive bracing which would address any observed issues relating to the stems of the tree when the aerial inspection is carried out (mentioned in Stage 1)

The objection notes 'Leaving any banana cracks, shear cracks, longitudinal splits for habitat reasons' is putting habitat above public safety. However, the schedule states that these will only be left if safe to do so. Biodiversity is intrinsic to trees and the environment and the retention of these features where health and safety considerations permit is beneficial to the ecosystem.

In respect of Issue (3)

The objection considers that the proposed works are for habitat reasons rather than public safety; however as mentioned above BS3998:2010 states that works proposed to address the issues raised in the application are occasionally appropriate. As per other relevant legislation, habitat issues also legally require consideration and as stated above the retention of features within a tree can be beneficial where they are not a health and safety issue.

In respect of Issue (4)

The works proposed relating to infilling of the root zone would not theoretically require TPO approval; however incorrect works could be detrimental to the tree and could be considered as wilful damage. As such, an advisory note will be added to any approval.

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### In respect of Issue (5)

It is accepted that a detailed inspection of a tree can be carried out at ground level and as such an aerial inspection is unlikely to have been carried out as part of the assessment.

The schedule states that while works are being carried out in the tree, the unions of the stems will be assessed and where necessary non-invasive bracing will be installed. This is a reasonable approach in terms of time and costs. It should be noted that the installation of non-invasive bracing does not require TPO approval.

### In respect of Issue (6)

At this time only that works proposed in the current TPO application have been considered.

Any works applied for as per Stage 2 will be considered by this authority at that time.

### In respect of Issue (7)

Stage 2 is not considered in this application.

### In respect of Issue (8)

A geotechnical survey would be advisable for the longer term retention of the tree; however, the lack thereof is not considered as a reason for refusal.

### In respect of Issue (9)

This is not a planning consideration and is not considered as part of this TPO application

### In respect of Issue (10)

This is not a planning consideration and is not considered as part of this TPO application

### In respect of Issue (11)

No information has been provided to this authority regarding the increased lean of the tree; either via a report or as part of previous TPO applications.

The alleged leaning of the tree is not a material consideration to the works proposed in this application; however, if further quantifiable evidence is provided on this matter, it can be considered accordingly.

### In respect of Issue (12)

The site visits carried out by this case officer did not see any signs of fungi present (such as fungal fruiting bodies – mushrooms or brackets) on the tree or the immediate root area, and none of the previous reports on the tree appear to refer to the presence of fungi.

It should also be noted that the presence of fungi on a tree not a sign that the tree is in decline.

### In respect of Issue (13)

The objection considers that the application fails to meet the requirements set by PCNPA both in respect of its retention and management.

The decision by the Development management committee as states:

*‘That the application be deferred to enable a TPO application to manage the tree to be made within 6 months of the date of the meeting and the management works to be*

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*carried out within 12 months, and to be returned to the Committee if either timescale is not met.'*

As with most trees in public areas, the tree will require management over the short, medium and long term, and this will be through further TPO applications.

The current application (NP/21/0475/TPO) acknowledges that the works proposed are the 'first stage' in the management of the tree, and the application has been received by this authority within the 6 month deadline, which would be considered as adequate in meeting the decision at this time.

The 12 month deadline will be considered as a separate issue as necessary, as will future management proposals to the tree.

### **Constraints**

Special Area of Conservation - within 500m

Special Protection Area - within 500m

Site of Special Scientific Interest - within 50m

Recreation Character Areas

Surface Coal

High Coal Risk

Affordable Housing Submarkets

Seascape Character Areas

Within Site of Special Scientific Interest consult NRW / Planning Ecologist\_20m

Landscape Character Area

Special Area of Conservation - within 50m

### **Policies Considered**

It should be noted that the policies considered below primarily relate to development rather than tree management; however, there are points within the following policies that relate to the application.

#### **Policy 01 - National Park Purposes and Duty (Strategy policy)**

States that development within the national park must be compatible with:

*a) the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the Park, and*

*the public understanding and enjoyment of the special qualities.*

The proposed pruning of the tree is unlikely to have any significant visual impact on the immediate landscape as the tree is a prominent feature in a public area and works are to retain the feature, whilst removing damaged branches and carrying out a thin of the crown.

Due to the location of the tree (Image No. 1) it is not possible to remove targets (property / persons) or restrict access to the tree (close off the outcrop and immediate area), and it is the opinion of this officer (and the Arboriculturists involved in this application) that this tree cannot be left unmanaged due to its current condition.

As such the proposed works in this instance would not be not considered to be detrimental to the National Park Purposes and Duty as the over-riding obligation is health and safety.

**Image No. 1 – Overview of tree**



Policy 08 - Siting, Design and Impact upon the Special Qualities of the National Park  
Special Qualities (Strategy Policy)

The tree in question is a non-native specimen to the UK and Pembrokeshire; however, it is a common tree along the coast of Pembrokeshire.

The tree has a locally relevant history<sup>1</sup> and is recognised as a prominent tree which appears to be situated on an exposed outcrop of Middle Coal Measures<sup>2</sup> (*Image No.2*) which is both historically and geologically significant in terms of the industry of the area.

The tree is shown to have amenity value and contributes to the immediate landscape visually, as well as the species being observable in the greater south Pembrokeshire landscape.

The tree is considered to have low biodiversity potential..

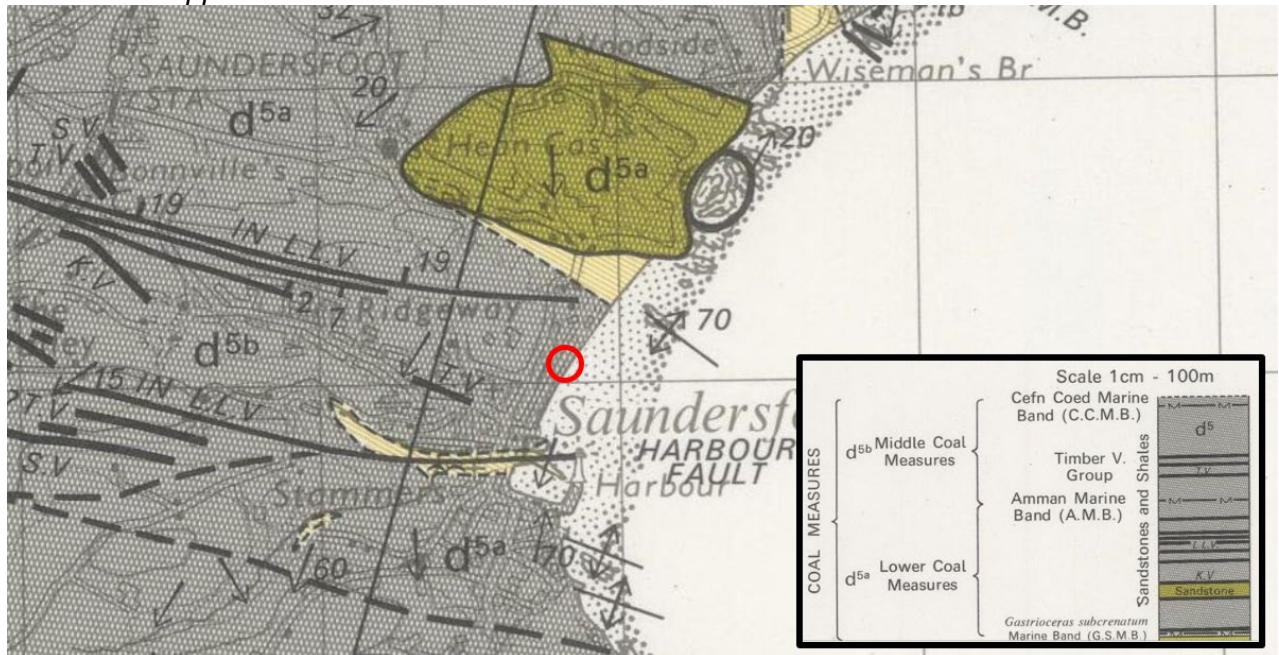
The proposed works aim to retain the feature through a programme of management in which this is the first stage. It is considered that this is acceptable and is not detrimental to the policy.

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<sup>1</sup> Friends of Saundersfoot - [http://planning.pembrokeshirecoast.wales/agile\\_pcnpa/MediaTemp/90547-32554.pdf](http://planning.pembrokeshirecoast.wales/agile_pcnpa/MediaTemp/90547-32554.pdf)

<sup>2</sup> BGS plan - <http://www.largeimages.bgs.ac.uk/iip/mapsportal.html?id=1002692>

**Image No 2.** British Geological Survey data for area  
Red circle – approximate tree location



#### Policy 14 - Conservation of the Pembrokeshire Coast National Park

It is accepted that the loss of the tree would have a visual impact on the immediate area; however, the tree is also located on a notable landform related to the geology and historical coal industry of the area.

The tree does have locally historic relevance in regard to the family and the planting of the tree; however the industrial history of the area (coal) is considered as having more significance in this instance.

The tree and the outcrop are both prominent features. The outcrop could be impacted by root failure of the tree, and has the longer potential as a landscape feature; however the aim of the management is the retention of the tree which is acceptable whilst the tree and outcrop remain structurally stable.

#### Policy 30 – Amenity

The proposed management of the tree would retain the feature and would therefore not be considered as having a detrimental impact on the quality of the environment currently enjoyed by people living, working or visiting the Park following the proposed works.

Social media has highlighted the importance of the tree to the wider community; however, health and safety must be taken into account, along with the geology and history of the area. As mentioned previously the outcrop is a landscape feature in its own right; however, the proposed retention of the tree will aim to retain both features which is acceptable whilst the tree and outcrop remain structurally stable.

### **Officer Appraisal**

This report considers the effect on the character and appearance of the surrounding area if the management of the Monterey cypress was to be carried out and whether the reasons given for the works is justified.

The tree is a medium sized tree (based upon species<sup>3</sup>) approximately 16m tall growing on an outcrop approximately 5m high and has high amenity value.

The tree is a non-native specimen; however the species is common along the south coast of Pembrokeshire and there are other specimens of a similar age.

The tree is a prominent feature on Saundersfoot beach and can be clearly seen in an arc of approximately 180° along the beach. The tree can also be viewed from selective higher vantage points within the village and with difficulty across the bay. The proposed works to the tree will aim to retain the feature of the tree and as such the principle of the proposal is acceptable as an initial stage in the future management.

The Schedule of works (*Schedule of Works to Arb/VTa/0112.a*) provided with the application also refers to the following works as part of *Stage 1 Winter 2021/22*:

1. *Remove storm damaged limbs, leaving any banana cracks, shear cracks, longitudinal splits for habitat reasons, if safe to do so.*

The removal of dead, damaged or defective branches from an otherwise healthy tree does not require TPO approval

2. *Remove all deadwood that has a larger diameter at union of 20mm. Deadwood with a diameter of 50mm (2in) at union will be cut to a 20-30cm (8-12in) stump using a coronet cut to finish, for habitat reasons.*

The removal of deadwood from an otherwise healthy tree does not require TPO approval.

3. *Thin canopy by 20%, removing branches of a diameter at union no larger than 100mm (4in).*

Section 7.6 of BS3998:2010 Tree Works: Recommendations states that thinning should not exceed 30% and the proposal is 20% which is acceptable. However; an advisory note will be included to any approval that highlights that the proposed thinning should not result in uneven or overthinking of areas of the crown which could increase the probability of branch failure.

4. *Infilling area of erosion on the level area to the north/east of the tree with heavily composted wood chip/mulch. Assess the woodchip mulch infill annually to address any further erosion with the possibility of protective mesh in the future if the mulch doesn't hold fast.*

The reinstatement of the lost soil horizon could be acceptable in principle; and would not theoretically require TPO consent; however, the exposed roots have adapted to their exposure, and as the species is sensitive to waterlogging there are concerns

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<sup>3</sup> See Monterey Cypress - [https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag\\_treespeciesguidev1.3.pdf](https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treespeciesguidev1.3.pdf)



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that newly laid, moist mulch could be detrimental to these exposed, adapted roots (Image No. 3) resulting in stress of the root tissues and problems with waterlogging, pests and diseases and rotting of the root zone.

A detailed method statement for the implementation of this type of remediation should be carried out by the arboricultural consultant including assessment of the root area, to ensure that it is not detrimental to the exposed roots. An advisory note will be added to any approval.

### Image No. 3

Exposed roots shown growing into soil and outcrop.

Most roots can be seen entering and exiting the surface from grassed or soil areas with only occasional roots growing from cracks within the outcrop. Many are separated from the soil (gaps beneath) which questions the level of support that they are physically providing.



5. *Aerial assess all unions and natural brace. With the Possibility of the installation of a non-invasive bracing system (Cobra) if unions are excessively compressed. The installation of non-invasive bracing within the crown of the tree would not require TPO consent.*

6. *Works to be carried out in the dormant season as the tree will respond healthier to cuts and there will be less pathogens in the atmosphere. Also, so as not to disturb habitat and to minimise number of members of the public in the vicinity of a public area.*

Any approval granted will be for a two year period – it is advised that all works are carried out based upon industry advice for the species in question.



**Conclusion**

The proposed 20% thinning of the tree works is an acceptable initial stage in the management of the tree, and would not be considered as inappropriate for the reasons provided.

The removal of dead, and damaged parts of the tree does not require TPO approval

The works proposed in Stage 2 of the Schedule of works have not been included in the TPO application form and are therefore not considered in this decision. An advisory note will be included clarifying this.

**Recommendation**

That the application be **APPROVED**, subject to the following condition:

**Conditions/Reasons**

1. All works hereby approved shall be carried out within two years of the date of this consent.

**Reason:** Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).