

Application Ref: NP/21/0591/TPO

| | | | |
|----------------------|---|--------------------|-------------|
| Case Officer | Mike Higgins | | |
| Applicant | Mr & Mrs Cristafaro | | |
| Agent | Mr A Vaughan-Harries, Hayston Development & Planning | | |
| Proposal | Works to trees at TPO133 | | |
| Site Location | Land at Middlekilns Road, Herbrandston, Milford Haven, Pembrokeshire, SA73 3TE | | |
| Grid Ref | SM85910794 | | |
| Date Valid | 14-Sep-2021 | Target Date | 26-Jan-2021 |

The recommendation to partially approve the works to the trees is contrary to the resolution of Herbrandston Community Council objecting to the application. The application was referred to Members under the extended delegation scheme where it was determined that the application should be brought before the Development Management Committee for decision.

Consultee Response

Herbrandston Community Council: Objecting

Public Response

Two letters of objection were received regarding the application and in summary raised the following issues:

- The site is on the margins of a special area of conservation and should be a protected habitat, the site is important to biodiversity;
- There is no justification to remove trees in the area where previous prefabricated buildings were removed;
- The works go beyond what is necessary to restore the lime kiln, only trees / bushes that are established on the listed building need be removed. The works should be done as part of a Cadw approved project for restoration and needs to be undertaken by appropriate professionals to protect the kiln.
- The proposal is contrary to the purposes of the National Park to preserve its natural beauty and wildlife.
- The land where it is suggested that new planting would be undertaken was cleared by the applicant with vegetation removed.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website –

[Local Development Plan 2 - Pembrokeshire Coast National Park](#)

LDP2 Policy 01 - National Park Purposes and Duty

LDP2 Policy 08 - Special Qualities

LDP2 Policy 11 - Nationally Protected Sites and Species

LDP2 Policy 15 - Open Space

TAN 05 - Nature Conservation and Planning

Pembrokeshire Coast National Park Authority
Development Management Committee – 9th March 2022

TAN 10 - Tree Preservation Orders

Constraints

Special Area of Conservation - within 500m
Site of Special Scientific Interest - within 50m
Tree Preservation Order
Historic Landscape
Regionally Important Geological Sites
NPA Foreshore - within 25m
Potential for surface water flooding
Recreation Character Areas
Affordable Housing Submarkets
Seascape Character Areas
Landscape Character Area

Officer's Appraisal

Site and Context

- Address: Land at Middlekilns Road, Herbrandston, Milford Haven, SA73 3TE
- Tree location: Within woodland

Relevant Planning History

- TPO Name and Number: TPO 133

Description of Proposal

- A1 – Hawthorn – Remove from Limekiln masonry
- A2 – Hawthorn – Remove from Limekiln masonry
- A3 – Goat Willow – Coppice
- T7 – Goat Willow (Collapsed) – Remove
- T8 – Ash – Remove
- T12 – Goat Willow – Remove (growing on wall structure)
- T13 – Sycamore – Remove (next to wall structure)
- T13 (additional) - Various - Stems within 2m of walls - Remove
- G3 – Various – Remove (Failed stems)
- T14 – Sycamore x 2 & 1 x Goat willow – Remove (within 1m of wall)
- T16 – Hawthorn – Remove collapsed branches
- T16 - (additional) - Various - Insignificant branches and under growth - Remove (to allow plotting).

Key Issues

- The above listed policies have been considered in this report in the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- It should be noted that the policies considered primarily relate to development rather than tree management; however, there are points within the following policies that relate to effects that tree works could be considered as having to the

Item 5 - Report on Planning Applications

immediate landscape and the national park.

- Section 6.4.25 of Planning Policy Wales – Edition 11 (February 2021) states: *'Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.'*
- Planning authorities should also have regard to the Ancient Tree Inventory:
<https://ati.woodlandtrust.org.uk/tree-search/>
<http://lle.gov.wales/map>
<https://magic.defra.gov.uk/MagicMap.aspx>

Officer observations

Proposed works

- A1 – Hawthorn – Remove from Limekiln masonry
- A2 – Hawthorn – Remove from Limekiln masonry
- A3 – Goat Willow – Coppice
- T7 – Goat Willow – Remove
- T8 – Ash – Remove
- T12 – Goat Willow – Remove (growing on wall structure)
- T13i – Sycamore – Remove (next to wall structure)
- T13ii - Various - Stems within 2m of walls - Remove
- G3 – Various – Remove (Failed stems)
- T14i Sycamore Remove
- T14ii Sycamore – Remove within 1m of wall
- T14iii Goat willow — Remove within 1m of wall
- T16i – Hawthorn – Remove collapsed branches
- T16ii - Various – Insignificant branches - Remove (to allow plotting)
- T16iii - Various - Under growth - Remove (to allow plotting).

(Some of the numbers assigned in the submitted report ARW1110 relate to more than one tree or different proposed works, and as such for clarity of this response where necessary these trees have been given suffixes (i, ii, iii etc)).

Plan overview

- The plans appear to show a discrepancy with the location of the kiln and the positions of A1, A2 and A3; however, it appears that this may be a compatibility issue when saving the plan annotations (Image 1).
- The trees were identifiable during the site visit, and the assessment of these trees have been considered based upon the locations noted.

Limekiln

- The Limekiln is designated as a Grade II listed building (Reference No. 87766) thought to have been constructed c1800.
- The other features are noted in the history of the site likely to be during the inter-war period; however, these do not appear to be part of the direct listing.
- The limekiln is included for its special architectural interest as a well preserved early C19 limekiln, of historic interest as an example of the localised lime industry in SW Wales.

Item 5 - Report on Planning Applications

A1 – Hawthorn – Remove from Limekiln masonry

- This tree is growing directly from the lime kiln (Image 2)
- The removal of this tree would be considered as good arboricultural practice, as the retention of these trees would be considered as being detrimental to the retention and protection of the Grade II Listed Limekiln.

A2 – Hawthorn* – Remove from Limekiln masonry

- This tree is also growing directly from the lime kiln
- The removal of this tree would be considered as good arboricultural practice, as the retention of these trees would be considered as being detrimental to the retention and protection of the Grade II Listed Limekiln.
- It would appear from viewing the lime kiln from the adjacent track that A2 is a *Sycamore rather than a hawthorn (Image 3); however, the tree regardless of species, would be detrimental to the fabric of the limekiln if left in situ.

A3 - Goat Willow – Coppice

- There is no objection to the proposed works as the willow is a failed specimen and is directly interfering with the grade II listed limekiln (Image 4).
- The works would be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption.

T7 - Goat Willow (Collapsed) – Remove

- There is no objection to the proposed works as the willow is a failed specimen and the works would be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption.

T8 - Ash - Large specimen within footprint of building – Remove

- The site visit identified some signs of dieback, with adventitious growth visible on some of the branches (Image 6).
- Using the Tree Council Ash Dieback Toolkit it would currently be categorised as having a crown density of 75-50% equivalent to Category 2 at time of visit.
- Acknowledging the time of year of the site visit, leaves were still present and suggested tip growth.
- At this time no planning approval is granted in order to require the tree to be removed, and as such it is not considered justified to remove at this time.
- If further signs are apparent in the crown the following season then removal can be reviewed under the Dead, Dying and Dangerous exemption where justified.
- If a planning application is received by this authority relating to the site being developed; the tree can be considered accordingly.
- There is a lower limb that has failed (Image 5) and is now in contact with the ground. This limb can be removed under DDD exemption.

T12 – Goat Willow – Remove (growing on wall structure)

- The tree is growing on the remnant structure of the fabric of one of the 'inter-war' walls (Image 7).
- The tree has two larger stems growing from the base, with both leaning in opposite directions, and one having a more significant lean.

Item 5 - Report on Planning Applications

- It is considered that the retention of the tree would not be reasonable as the tree has little long -term future due to location and leaning form.

T13i – Sycamore – Remove (next to wall structure)

- The removal of T13 is not considered acceptable at this time as the report does not specify specific interference/damage caused to the 'inter-war' structure by the tree in question.
- If a planning application is received by this authority relating to the site being developed; the tree can be considered accordingly.

T13ii - Various - Stems within 2m of walls - Remove

- In the report the works proposed are to allow access and future damage.
- Removing all stems within 2m of the 'inter-war' features is not at this time justified, as there is no planning approval requiring the structures to be renovated, and it is not considered that all the trees within 2m of the wall are a risk to their fabric.
- The removal of any trees solely due to proximity to the existing structures and to prevent possible future damage which has not yet occurred would not be considered as reasonable.
- These trees are considered as part of the woodland and are to be retained in order to maintain the future of the woodland.
- If the trees are considered as having a direct impact on the existing stone structures in the future, this issue can be considered at that time.
- If a planning application is received by this authority relating to the site being developed; this issue can be considered accordingly.

G3 – Various – Remove (Failed stems)

- All failed /fallen stems would be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption and can be removed under this exemption without the need for consent.
- There is no objection to the proposed works

T14i – Sycamore - Remove

- This tree is growing on the remnant of a section of the 'inter-war' fabric (Image 8), and removal would be permitted.

T14ii Sycamore – Remove within 1m of wall

- The removal of any trees solely due to proximity to the existing 'inter-war' structures rather than identifiable direct impacts for specific trees, would not be permitted at this time as they are considered as part of the woodland, and are necessary in order to maintain the future of the woodland at this time.
- If a planning application is received by this authority relating to the site being developed; this issue can be considered accordingly.

T14iii Goat willow - Remove within 1m of wall

- The removal of any trees solely due to proximity to the existing 'inter-war' structures rather than identifiable direct impacts for specific trees, would not be permitted at this time as they are considered as part of the woodland, and are necessary in order to maintain the future of the woodland at this time.

Item 5 - Report on Planning Applications

- If a planning application is received by this authority relating to the site being developed; this issue can be considered accordingly.

T16i – Hawthorn – Remove collapsed branches

- All failed collapsed branches would be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption and can be removed under this exemption without the need for consent.
- There is no objection to the proposed works

T16ii - Various – Insignificant branches - Remove (to allow plotting)

- All failed /fallen stems would be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption and can be removed under this exemption without the need for consent.

T16iii - Various - Under growth - Remove (to allow plotting).

- The removal of any natural regeneration growing within the specified area would not be permitted at this time as they are considered as part of the woodland in order to maintain the future of the woodland – the removal of new growth can prevent the contiguous timeline of the woodland.
- If a planning application is received by this authority relating to the site being developed; this issue can be considered accordingly.

Objections raised by Herbrandston Community Council

Significant disturbance to the woodland

- In terms of Habitat and protected species, this would be a consideration for NRW, and would not be a planning matter; however, where works requiring consent do not have a clear justification, the recommendation is for refusal.

Is the work required for the Limekiln's Grade II listing?

- I carried out a site visit to assess the works, and the works proposed for A1, A2, A3 are in relation to the direct structural stability of the fabric of the Grade II listed limekiln.

What is the intention of the developer?

- The report and associated documentation do allude to plotting of the site; however, at the time of writing this report, there has been no planning application received by this authority relating to the development of the site.
- As such, the proposed works are only considered in terms of the TPO, any future planning potential has not been considered.

Why is there a need to carry out the works?

- From the site visit it is apparent that there are specific specimens interfering directly with the fabric of the Grade II listed limekiln that will require works to alleviate the issue.
- There are also some specimens that are directly interfering with the fabric of the 'inter-war' structures (remnant walls). These works would be considered as being good arboricultural practice, in terms of Health and safety, as well as the

Item 5 - Report on Planning Applications

specimens being unlikely to contribute to the woodland long-term due to their location.

- Other works in terms of managing failed stems branches and trees, would not require TPO approval as the works are considered to meet the criteria for the dead, dying and dangerous exemption - Para 21 from TAN 10 states:
A TPO does not prevent anyone from cutting down or carrying out work on trees which are dead, dying or dangerous.
This exemption is considered to allow the removal of dead wood from a tree or the removal of dangerous branches from an otherwise sound tree.

Recommendation

- ***Partial approval and refusal***

Approve subject to condition:

- A1 – Hawthorn – Remove from Limekiln masonry
- A2 – Hawthorn – Remove from Limekiln masonry
- T8 – Ash – Removal of failed limb
- T12 – Goat Willow – Remove (growing on wall structure)
- T14i Sycamore - Remove

•

Refuse:

- T8 – Ash – Remove
- T13 – Sycamore – Remove (next to wall structure)
- T13 (additional) - Various - Stems within 2m of walls - Remove
- T14ii Sycamore – Remove within 1m of wall
- T14iii Goat willow – Remove within 1m of wall
- T16ii - Various – Insignificant branches - Remove (to allow plotting)
- T16iii - Various - Under growth - Remove (to allow plotting).

Exempt under DDD

- A3 – Goat Willow – Coppice
- T7 – Goat Willow (Collapsed) – Remove
- G3 – Various – Remove (Failed stems)
- T16i – Hawthorn – Remove collapsed branches
- T16ii - Various – dead or damaged branches - Remove (to allow plotting)

Condition

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).
2. Prior to the works commencing on site a detailed method statement for the removal and works to the approved trees shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement.
Reason: In the interests of the historic environment and for the protection of the trees.

Item 5 - Report on Planning Applications

Advisory:

1. The following trees are considered as being outside the requirements of a TPO application, as interpreted under the dead, dying and dangerous exemption.
 - A3 – Goat Willow – Coppice
 - T7 – Goat Willow (Collapsed) – Remove
 - G3 – Various – Remove (Failed stems)
 - T16i – Hawthorn – Remove collapsed branches
 - T16ii - Various – dead or damaged branches - Remove (to allow plotting)Care should be taken to avoid injury to living bark or sapwood.
2. Other trees are marked on the associated plan but are not specifically referenced in the TPO application form, or ARW report 1110, and have not been considered in this TPO decision.
3. This Approval is to read in conjunction with the associated Refusal.

Appendix A – Images

Image 1

- ARW1110 –plan – A1-A3 circled – Inadvertantly annotated/saved incorrectly
- Orange ellipse – approximate limekiln position based upon Drawing 01c

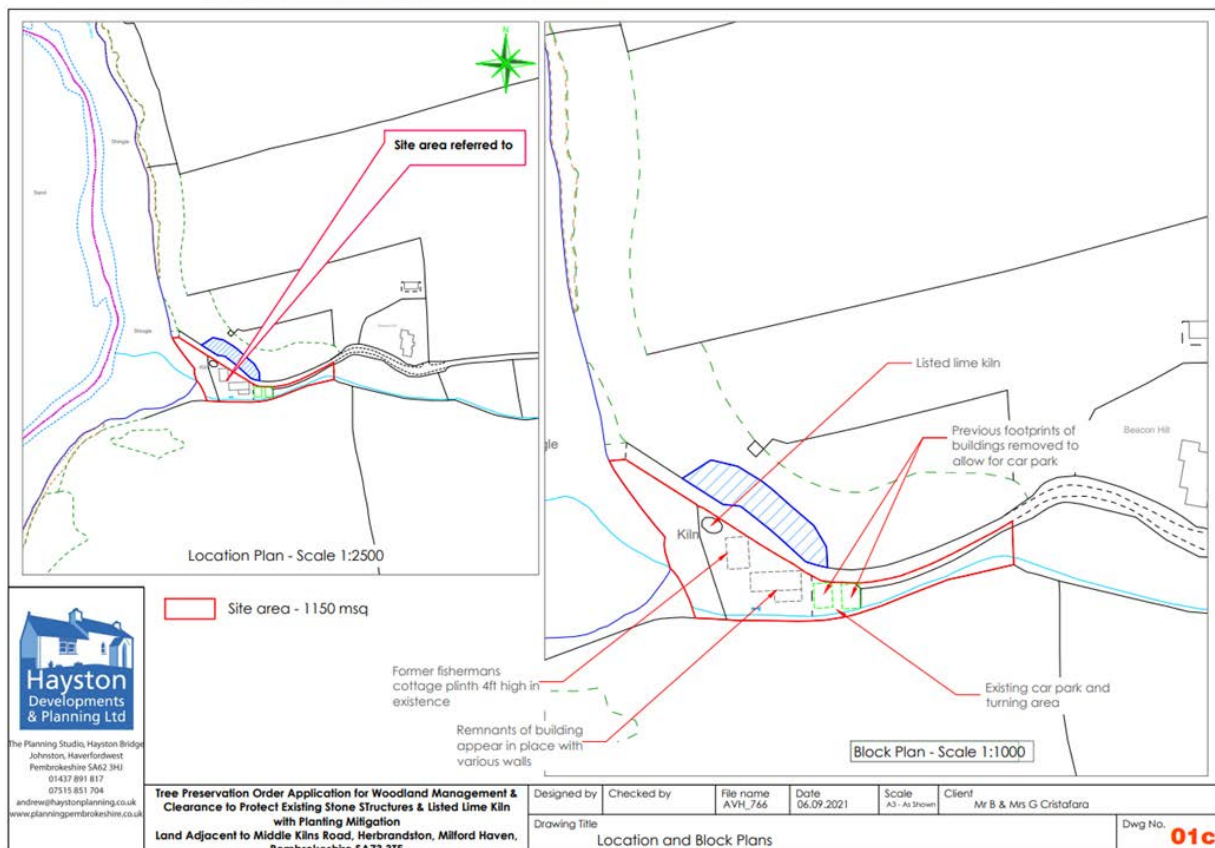
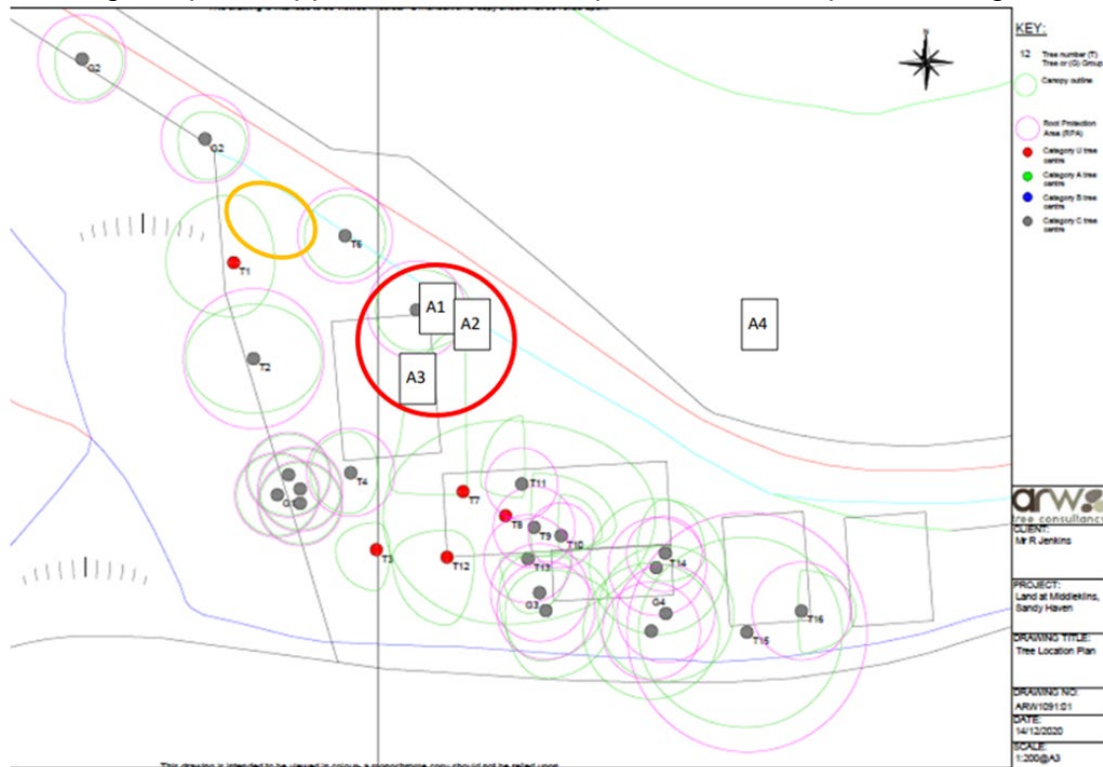


Image 2

A1 – Hawthorn – Growing on Grade II listed Limekiln – Damage visible around root zone, showing dislodged fabric



Image 3

A2 – Appears to be a sycamore growing on the limekiln



Image 4

A3 – Goat willow – Failed specimen leaning directly onto fabric of Limekiln



Image 5

T8 – Ash – Failed limb DDD exemption



Image 6

*T8 – Overview of Ash – with some dieback observed.
One of the largest trees in the woodland.*



Image 7

T12 – Willow lgrowing within the fabric of ‘inter-war’ feature with leaning stems



Image 8

T14 – Sycamore growing on the existing ‘inter-war’ wall fabric.



Image 9

Examples of failed stems within the woodland – that would be exempt from TPO consent



Conditions/Reasons

Pembrokeshire Coast National Park Authority
Development Management Committee – 9th March 2022

Item 5 - Report on Planning Applications

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).

The following trees are considered as being outside the requirements of a TPO application, as interpreted under the dead, dying and dangerous exemption.

- A3 – Goat Willow – Coppice
- T7 – Goat Willow (Collapsed) – Remove
- G3 – Various – Remove (Failed stems)
- T16i – Hawthorn – Remove collapsed branches
- T16ii - Various – dead or damaged branches - Remove (to allow plotting)

Care should be taken to avoid injury to living bark or sapwood.

3. This Approval is to read in conjunction with the associated Refusal.

Other trees are marked on the associated plan, but are not specifically referenced in the TPO application form or ARW report 1110 or Plan ARW1091:01, and have not been considered in this TPO decision.