

---

**Ref No:** TPO 157

**Proposed Development:** Provisional TPO for 3 no. Sycamore on South Boundary of St Richard.

**Site Location:** St Richard, Trefin

**Case Officer:** Mike Higgins

---

## Summary

The provisional issue of a Tree Preservation Order (TPO 157) for 3 no. sycamore trees on the South boundary of St Richard, Trefin, following a Conservation Area Notification (NP/23/0553/TCA) for the felling of the three trees.

The trees were assessed and a TPO was provisionally implemented because the trees make a significant contribution to the character of the area.

The case is brought before committee today to recommend that the TPO be confirmed subject to modification.

## Consultee Response

Llanrhian Community Council - Not in favour of the above Tree Preservation Order.

## Public Response

Landowner – Objects

## Policies and Guidance Considered

LPAs must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of the land.

Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a TPO; but they should include policies on measures that the LPA will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.

Therefore, the LDP2 is not a statutory consideration in the TPO decision process; however, there are points within policies that relate to effects that tree works could be considered as having to the immediate landscape and the national park, and the works are considered accordingly.

*Future Wales, The National Plan 2040* (Future Wales), published by Welsh Government on 24 February 2021. On page 149, it states that "Policies 4 and 5 will help to ensure that rural areas in the South West grow in an appropriate way, supporting rural economies and services." On page 104, Future Wales states that "National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas..." and that "Future Wales policies respect the functions of National Parks in terms of their statutory purposes..."

The Local Development Plan (LDP2)

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

LDP2 Policies:

Policy 01 - National Park Purposes and Duty

Policy 08 - Special Qualities

Policy 14 - Conservation and enhancement of the Pembrokeshire Coast National Park

Policy 30 – Amenity

Planning Policy Wales 12 (PPW12)

Supplementary Planning Guidance (SPGs)

SPG 02 - Landscaping

SPG 05 - Biodiversity

SPG 18 - Trees and Woodlands

Welsh Government Technical Advisory Notes (TANs)

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

**1. Officer's Appraisal**

1.1 Planning History

NP/23/0553/TCA - Fell 3 x Sycamore Trees – Decision: Provisional TPO 157 implemented  
NP/24/0089/TPO - Reduce/thin 3 x Sycamores trees by 15-20 percent – Decision: Approved subject to condition (Applied made during the current provisional TPO status).

1.2 Background

A Conservation Area Notification (NP/23/0553/TCA) was made to this authority stating: 'Fell 3 x Sycamore Trees'.

A site visit was carried out by this authority and the trees were evaluated using the TEMPO system (Tree Evaluation Method for Preservation Orders), with the decision guide noting that the tree group '*Definitely merits TPO*'.

**2. Current Proposal**

2.1 TPO 157 be confirmed with modification, following a notification to fell the trees in question.

2.2 As part of the consultation process of the provisional TPO, a letter was received by the landowner raising the following points:

2.2.1. Incorrect Schedule 1 (Article 4) document as part of the official TPO 157 paperwork.

2.2.2. Risk of damage during adverse weather.

2.2.3. TPO prevents preventative action.

2.2.4. Who is legally responsible for the trees?

2.2.5. Lack of clarity as to why the TPO was implemented

**3. Key points of objection**

Incorrect Schedule 1 (Article 4) document as part of the official TPO 157 paperwork (Point 5.2.1. above)

The objection letter raised the issue that the plan for TPO 157 shows a yellow area with dotted boundary identified as G1 whereas Schedule 1 (Article 4) Specification of Trees refers to an area of solid blue within a dotted black line reference G13.

Upon inspection of the documentation by this authority it was noted that this was an error. This was confirmed with the landowner (via email), informing them that if the TPO is confirmed, this error can be resolved through confirming the TPO subject to modification by producing a modified schedule, correcting this error in the Schedule.

#### Risk of damage during adverse weather (Point 5.2.2. above).

The objection letter raised the issue that *'the increasing incidence of high winds and storm events there is a very real risk that trees locally will be blown over or lose branches with resulting risk of damage to property or injury to people'*.

The Beaufort scale for wind force includes the following specifications:

- Scale 8 – 39-46 MPH winds - Twigs break off trees
- Scale 10 – 55-63 MPH winds – Trees uprooted.

Additionally, based upon the Health and Safety Executive's *'Framework for the tolerability of risk'*, the tolerable region for risk is one in ten thousand (1 in 10,000), with anything greater than this being deemed an intolerable risk.

The annual risk of harm from trees with high wind incidents included is approximately one in ten million (1 in 10,000,000) and as such it is considered to be a broadly acceptable risk under HSE guidance.

So, although damage to, and from, trees in high winds and storm events can occur, the risk posed is considered by the HSE to be broadly acceptable, and it would therefore be unreasonable or justifiable to remove healthy trees for this reason.

#### TPO prevents preventative action (Point 5.2.3. above)

A Tree Preservation Order being applied to a tree does not prevent works being carried out to the tree; however, the TPO is in place to ensure that the works are necessary in terms of health and safety and good arboricultural practice to ensure that the amenity of the trees is retained.

This issue was addressed in the email correspondence when raised during consultation, and a TPO application was duly applied for to prune the trees based on independent arboricultural advice, with the works being approved under NP/24/0089/TPO.

#### Who is legally responsible for the trees? (Point 5.2.4. above)

Section 10 of Protected Trees (Welsh Government guide) clarifies that the owner remains responsible for the trees, their condition and any damage they may cause.

The landowner has been informed via email during the consultation process when this point was made.

#### Lack of clarity as to why the TPO was implemented (Point 5.2.5. above)

A Conservation Area Notification / Section 211 notice is not, and should not be treated as, an application for consent.

The purpose of the notification requirement is to six-weeks' notice to allow the local planning authority to consider making a TPO in respect of the tree(s) concerned.

This authority – as with other Local Planning Authorities - can only deal with Conservation Area notification / Section 211 notice in one of three ways; namely:

1. Make a TPO if justified in the interests of amenity. Any future proposed works to the tree(s) would then have to be the subject of a formal application under the TPO.
2. Decide not to make a TPO and allow the six week period to expire, at which point the proposed work may go ahead as long as it is carried out within two years from the date of the notice

3. Decide not to make a TPO and inform the applicant that the work can go ahead. The authority cannot refuse consent, nor can this authority grant consent subject to conditions (such as a condition requiring the planting of a replacement tree). Therefore, the only option where a tree is identified as being worthy of retention is to place a TPO on it.

A site visit was carried out on the 17<sup>th</sup> November 2023 and an assessment of the trees was carried out using the TEMPO method (See Annex A.1 of this report), with the trees being deemed worthy of a TPO.

As such a TPO was necessary as the only way to prevent the loss of the trees.

## **4. Conclusion**

4.1 Although the visual aesthetics of a tree – or group of trees - is subjective, the objective guidelines for implementing a Tree Preservation Order are all sufficiently met by the group of trees in question, taking into account the following criteria:

4.1.1. Visibility - The group of trees is located adjacent to a public road (Ffordd Abercastell), with the group visible in an approximate 180° visual arc from this public right of way.

4.1.2. Individual impact - The trees are medium-sized specimens that are likely to continue to establish to provide amenity value for the foreseeable future.

4.1.3. Wider impact - Sycamore is not native to Pembrokeshire; however, it is common in Pembrokeshire and tolerates the environmental conditions well. This particular group are also noticeable when entering the Trefin Conservation Area from Abercastle along one of the main routes into the village.

The group – and the individual trees - are not considered to be impeding the potential of other trees as there are no other significant specimens in proximity in which the group may be impeding.

Approved good arboricultural pruning works carried out will ensure unimpeded access can be achieved along the public road and from other features (utility equipment) without compromising the form and amenity value; and works of this type have been approved under the recent application NP/24/0089/TPO.

## **5. Recommendation**

5.1 Tree Preservation Order 157 be confirmed with modification (details of modification noted below).

## **6. Modification**

6.1 Amend Schedule to read G1 rather than G13

6.2 Amend Schedule to include the trees in the 'Group' specification, rather than the 'Area' specification.

## Appendices to Report

### A.1 TEMPO Assessment - Site visit 17<sup>th</sup> November 2023

#### Condition – Fair (TEMPO Score: 3)

Some pruning wounds and pruning points visible in the form of 'pegs', but otherwise typical of the species

#### Retention Span – Suitable (TEMPO Score: 2)

The trees appear to be in good health, with some previous management present that will not look to be detrimental long term to the trees.

The trees are in proximity to a gas tank in the garden, and a BT pole and cables on the corner of the garden; however, pruning and maintenance and monitoring for health would not require the need for removal.

The notification refers to risk to fallen on the road; however, there is nothing to suggest that these trees are unstable.

#### *Relative public visibility – Medium tree with limited view (TEMPO Score: 3 + 1 = 4)*

The trees are growing at the end of a garden adjacent to a public road with a visibility arc of 180 degrees.

As per the TEMPO guidance the trees are awarded an extra point as they are a group of trees being assessed.

Explanatory interpretation

5 = Prominent large tree (>270° visual arc) (i.e. between two parallel public routes)

4 = Tree with 180°-270° visual arc (i.e. next to road with footpath perpendicular to tree)

3 = Tree with 90-180° visual arc (i.e. next to road) + 1 point for group

2 = Tree with less than 90° visual arc (i.e. only visible between structures)

1 = Not visible (no view from public area)

#### Sub-total: 9 (Must have accrued 7 or more points with no zeros to qualify)

#### Other factors – Tree groups, or principal members of groups important for their cohesion (TEMPO score: 4)

The trees are a group and as such meet this criterion; the trees has a visual cohesion and have crowns that are providing a combined canopy.

#### Sub-total – 13 (Must have accrued 10 or more points)

#### Expediency - Immediate threat to tree inc. s.211 Notice (TEMPO Score: 5)

As per the TEMPO guidance, the receipt of a S211 Notice (Conservation Area Notification) results in a score of 5 points for expediency.

#### Total – 18 points – Definitely merits TPO



A.2 Site images taken 17<sup>th</sup> November 2023









A.3 Amended Schedule – showing modification details.

<b>ATODLEN 1 (Erthygl 4) / SCHEDULE 1 (Article 4)</b> <b>MANYLEB Y COED / SPECIFICATION OF TREES</b>		
<b>Coed a bennir yn unigol (Gwyrdd solet wedi'i amgylchynu mewn du ar y map)</b> <b>Trees specified individually (Solid green encircled in black on the map)</b>		
<i>Cyfeirnod ar y map</i> <i>Reference on map</i>	<i>Disgrifiad</i> <i>Description</i>	<i>Safe</i> <i>Situation</i>
Dim un / None		
<b>Coed a bennir drwy gyfeirio at ardal (glas solet mewn llinell ddu dotiog ar y map)</b> <b>Trees specified by reference to an area (Solid blue within a dotted black line on the map)</b>		
<i>Cyfeirnod ar y map</i> <i>Reference on map</i>	<i>Disgrifiad</i> <i>Description</i>	<i>Safe</i> <i>Situation</i>
Dim un / None		
<b>Grwpiau o goed (melyn solet mewn llinell doredig ar y map)</b> <b>Groups of trees (Solid yellow within a broken line on the map)</b>		
<i>Cyfeirnod ar y map</i> <i>Reference on map</i>	<i>Disgrifiad</i> <i>Description</i>	<i>Safe</i> <i>Situation</i>
<b>G1</b>	3 x Sycamorwydden 3 x Sycamore	Ffin ddeheuol o St Richard, Trefin South boundary of St Richard, Trefin
<b>Coetiroedd (coch solet o fewn llinell ddu barhaus ar y map)</b> <b>Woodland (Solid red within a solid line on the map)</b>		
<i>Cyfeirnod ar y map</i> <i>Reference on map</i>	<i>Disgrifiad</i> <i>Description</i>	<i>Safe</i> <i>Situation</i>
Dim un / None		





Rhoddyd dan SÊL GYFFREDIN  
 AWDURDOD PARC CENEDLAETHOL  
 ARFORDIR PENFRO,  
 ar y 13 Rhagfyr 2023,  
 ym mhresenoldeb:

Given under the COMMON SEAL of the  
 PEMBROKESHIRE COAST  
 NATIONAL PARK AUTHORITY,  
 the 13 December 2023,  
 in the presence of

-----  
 Cadeirydd/Aelod o'r Awdurdod  
 Chair/Member of the Authority

-----  
 Prif Weithredwr (Swyddog y Parc Cenedlaethol)  
 Chief Executive (National)

# TPO 157

## St Richard, Trefin

Graddfa / Scale: 1:1000

Pembrokeshire Coast National Park Authority

© Hawffraint y Goron a hawliau cronfa ddata Arolwg Ordnans / © Crown copyright and database rights Ordnance Survey 100022534, 2023

Development Management Committee - 24 April 2024



Parc Cenedlaethol  
 Arfordir Penfro  
 Pembrokeshire Coast  
 National Park