



Rhoddwyd dan SÊL GYFFREDIN
 AWDURDOD PARC CENEDLAETHOL
 ARFORDIR PENFRO,
 ar y 14ed Ebrill 2026,
 ym mhresenoldeb:

Given under the COMMON SEAL of the
 PEMBROKESHIRE COAST
 NATIONAL PARK AUTHORITY,
 the 14th April 2026,
 in the presence of

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

 Prif Weithredwr (Swyddog y Parc Cenedlaethol)
 Chief Executive (National Park Officer)

TPO 168

11 Incline Way, Saundersfoot SA69 9LX

Graddfa / Scale: 1:1250





PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY DELEGATED DECISION REPORT

Ref No: TPO 168
Proposal: Provisional TPO for 2 no. Pine on boundary of 11 Incline Way, Saundersfoot.
Site Location: 11 Incline Way, Saundersfoot

Recommendation: Confirm TPO 168

Summary:

This decision is being presented to the Development Management Committee as the landowner is a Member of the Authority and because objections have been received to the making of the TPO

Tree Preservation Order (TPO 168) which came into effect immediately for 2 no. pine trees on the boundary of 11 Incline Way, Saundersfoot on 14th April 2026, following a planning application for the property. The Authority must decide to confirm the TPO, with or without modification, within 6 months of it being made for it to continue to have effect.

The trees were assessed and a TPO was made with immediate effect because it was considered expedient by the planning officer specialising in tree and landscape matters on the grounds that the trees make a significant contribution to the amenity of the area.

Objections have been made to the making of the TPO on a variety of grounds considered in this report and have not been withdrawn. The Town and Country Planning (Trees) Regulations 1999 states that the Authority shall not confirm an order which they have made unless they have first considered any objections and representations duly made in respect of it and not withdrawn.

Section 198 of the Town and Country Planning Act confers powers on local planning authorities to make tree preservation orders if it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

Technical Advice Note 10 (TAN 10) notes that a local planning authority may make a TPO if it is considered expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.

The Town and Country Planning Act does not define 'amenity'; however, TAN 10 notes that *TPOs should be used to protect trees and woodlands whose removal would have a significant impact on the environment and its enjoyment by the public. Protected trees, or part of them, should normally be visible from a public place or from a reasonable number of neighbouring properties.*

It may be expedient to make a TPO if the local planning authority believes a tree is at risk; in this case, TPO 168 relates to T2 which was initially proposed for removal in a planning application (NP/26/0044/FUL), and T1 which is growing alongside T2.

The planning application in which removal of T1 was initially proposed is NP/26/0044/FUL - *Extension to south elevation with associated decking and guarding, enlarge front elevation porch, add sun pipes to existing roof, create permeable parking areas and new garden shed, 1.8 m high fence to east boundary and air source heat pump in rear garden* – Application being presented to committee. Amendments received in the course of that application now retain both trees within the site plan.

TAN 10 notes that '*Local planning authorities should discuss the implications of a proposal with the developer and may consider it expedient to make a TPO to protect trees on land before a planning application is made*'.

It is for a local planning authority to decide how best to protect trees – either through a planning condition or a TPO or both. However, it is not reasonable to use conditions to secure long-term protection when TPOs can be used. A TPO may be used to protect and secure the replacement of trees which are to be planted to fulfil conditions.

Consultee Response

- Saundersfoot Community Council consulted – No response at time of writing this report.

Public Response

A site notice and neighbour notification letters were posted in accordance with requirements of the *Town and Country Planning (Development Management Procedure) (Wales) Order 2012*.

An objection was received by this authority from the landowner during the consultation period.

Policies considered

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

Local development plans do not, however, include policies which are unrelated to the development or use of land. They do not therefore include the LPA's policies for deciding applications for consent under a TPO; but they do 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 which could be considered as material which have regard to the immediate landscape and the national park purposes, and the works are considered accordingly.

Development Plans

All planning applications in Wales need to be determined in accordance with the statutory Development Plan:

Future Wales: The National Plan 2040 [Future Wales: The National Plan 2040](#) (FW)

FW, 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.” FW recognises 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...”

Local Development Plan 2 (Adopted September 2020)

Within the Pembrokeshire Coast National Park, The Local Development Plan 2 (LDP2) is also part of the relevant development plan with the following Policies being applicable to this proposal.

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

These policies can be viewed on the Policies page of Pembrokeshire Coast National Park website: <https://www.pembrokeshirecoast.wales/wp-content/uploads/2024/01/LDP-Text-for-Adoption-Web.pdf>

Planning Policy Wales (PPW12)

PPW12 sets out the land use planning policies of the Welsh Government.

The primary objective of PPW12 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

- [Planning Policy Wales 12](#) (PPW12).

Technical Advice Notes

The Future Wales Plan should be seen and read as a whole, and in conjunction with National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) as well as considering the following Welsh Government Technical Advice Notes (TAN's) www.gov.wales/technical-advice-notes:

- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

LDP2 Supplementary Planning Guidance

In addition, the Authority produces Supplementary Planning Guidance (SPG) on various topics, and these may be material considerations in the determination of any future application made. In respect of the proposal the most relevant SPG's are: [Supplementary Planning Guidance \(LDP2\) - Pembrokeshire Coast National Park](#)

- Landscaping SPG
- Biodiversity SPG

- Trees and Woodlands SPG

Officer's Appraisal

The trees are located on the south boundary of 11 Incline Way, near to the junction between Incline Way and Bonvilles Close.

The property is a single-storey dwelling, that has a current planning application (NP/26/0044/FUL) under consideration with this Authority that proposes a single storey extension between the existing building and the trees.

The two trees that are subject to this TPO are part of a group of three pine trees in a linear row; however, the tree report provided as part of the planning application, and a subsequent site visit identified that the third tree is in decline and does not meet the criteria for inclusion within the TPO. This tree was not included within the TPO accordingly, and it does not need to be modified to remove this tree.

1. Site and Proposed Development

Proposal:

- TPO 168 be confirmed without modification

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

- Differences in TEMPO results
- Poor form of multi-stemmed tree – reducing amenity value
- Incorrect Procedure in serving the TPO 168
- Addressing the species of tree, their size and position
- Proximity to Electricity Supply
- Damage to property by roots
- Complying with Planning Policy 12
- Overbearing nature of the trees.

2. Relevant Planning History

Planning Application NP/26/0044/FUL - *Extension to south elevation with associated decking and guarding, enlarge front elevation porch, add sun pipes to existing roof, create permeable parking areas and new garden shed, 1.8 m high fence to east boundary and air source heat pump in rear garden* – Application being presented to committee.

3. Key points of objection

Differences in TEMPO results

318. In the initial consultation response for the planning application (NP/26/044/FUL) the sub-totals and totals in the TEMPO assessment were incorrectly noted for T1 and T2;

although the points for each assessment criteria were correctly noted, this was a clerical error but did not change the assessment scores of each criterion.

319. An amended consultation response was duly provided to the case officer that included the correct sub-totals and totals.
320. Both reports scored each criterion to suggest that T1 was not suitable for inclusion in the TPO, but T2 and T3 were worthy of protection. This was also supported by the tree consultant report which noted both trees were Category B2 (under BS5837:2012) with a life expectancy of over 40 years (which is equivalent to the highest category of 'A' under BS5837:2012).
321. As such the two trees were recommended for a TPO becoming T1 and T2 in TPO 168. The third tree (originally identified as T1) was not included in the TPO, which does not require modification accordingly.

Poor form of multi-stemmed tree – reducing amenity value

322. The applicant's tree consultant as part of the planning application (NP/26/0044/FUL) noted that T2 of TPO 168 (T3 in the tree report) has poor form, as it is multi stemmed, and '*multi stemmed pines are notorious for shedding limbs*'.
323. A multi-stemmed form would not be considered to be poor form outside of forestry environs, and publications focusing on pines note: '*Tree professionals familiar with Monterey pine in the landscape report that large codominant stems or branches are characteristic of mature trees of this species (Edberg et al 1994)*'.
324. Additionally, the California Tree Failure Report Program (CTFRP) which collects reliable data on tree branch, trunk and root breakage or uprooting including details on Monterey pine and other pines notes that *close to 60% of Monterey pine failures reported in the CTFRP database were limb failures, rather than trunk or root failures, and most of these were considered to be heavy lateral limbs (HLL) – a structural defect associated with failure. The majority of limb breakage occurred away from, rather than at the point of attachment, suggesting a wood strength problem. 10% of branch failures are the result of multiple trunks/codominant stems; however, the average diameter of branch failures associated with this structural defect was 19 inches (48 cm) which is considerably larger than the HLL associated branch diameter, and larger than the trees included in TPO 168.*
325. As such, typically, the points of failure are not the co-dominant stems of unions, but is the wood itself, and would therefore also be an issue associated branches on single-stemmed trees.
326. Where trees are in areas of amenity, suitable management such as pruning would be supported, and the multi stem issue would not be a reason to preclude inclusion in a TPO.

Incorrect Procedure in serving the TPO 168

327. The landowner noted that *'On the 31st March 2026, while looking at the TPO map on PCNP website, we noticed that our trees were already marked as having TPO's on them, yet no documentation had been received.*
328. The reason for the trees being present on the online TPO map was due to the process of making the legal documents for serving a provisional TPO. When making a Tree Preservation Order a statutory requirement is a plan showing the location of the trees in relation to the site and the surrounding area, and this process is carried out using the Authority's QGIS mapping system.
329. As a method of maintaining stakeholder engagement this Authority makes details of our TPOs available to the public via the online interactive map, and this is regularly updated by our system. As such, when making the required plan of the provisional TPO the QGIS system was used; however, as the landowner was a member of the Development Management Committee, the due process for serving a TPO on a committee member required clarification, and as such the TPO documents were made after review with line managers by which time the system updated the online TPO map.
330. Due to the timescale for ensuring due process, the TPO plan was temporarily amended by removing the trees from the TPO layer on QGIS, and the plans were subsequently remade when the process was confirmed.

Addressing the species of tree, their size and position

331. When the planning application was assessed in regard to tree and landscape matters and consultations responses were provided to the case officer (25/02/2026 and amended response due to TEMPO results 13/03/2026), the trees in question were considered by as being of a quality that would meet TPO criteria.
332. This was also mirrored by the Tree consultant who noted that Tree 2 (TPO168 T1) was categorised as B2 under BS5837:2012 with over 40 years of remaining life expected and noted to be *'a reasonable example of a young mature pine tree, that provides a natural backdrop for the proposed development'*.
333. Additionally, the tree consultant noted that T3 (TPO168 T2) was also categorised as B2 under BS5837:2012 with over 40 years of remaining life expected and noted to be *'a reasonable example of a young mature pine tree, that provides a natural back drop for the proposed development. The report went on to note that 'the proposed development will encroach on this trees RPA by >50%'. 'Therefore, this tree will have to be felled before construction starts.'*
334. When visiting the site, excavations had been carried out regarding an electricity supply, which included a trench running approximately where the siting of the foundations of the extension were proposed. This showed minimal rooting in the trench and not significant roots, suggesting that the roots had not encroached as far into the site as reasonably calculated based on accepted industry guidance (BS5837:2012)

335. It is unlikely that the trees will grow beyond their current height to a significant size, due to location; however, the pruning of the trees in line with good practice (BS3998:20120 Tree Works recommendations) would likely be supported by this Authority to maintain height and spread.

336. As such, the trees would not be significantly impacted by the proposed extension being constructed – as the excavations suggest.

Proximity to Electricity Supply

337. The objection refers to concerns with the electricity cable and the tree roots, as the new *'cable now runs within 9ft of the multi stemmed trees. Having now carried out some research on this, advice is that electric lines should be at least 20ft away from trees such as this'*.

338. The key industry guidance for this matter is *Street Works UK: Publications Volume 4 – Guidelines for the planning, installation, and maintenance of Utility apparatus in proximity to Trees*.

339. Section 3.1.2 specifically refers to the installation of new apparatus in proximity to existing trees and notes that *'when planning the installation or renewal of apparatus, the position of existing trees should be considered as one of the primary factors which could affect the siting, depth, method of installation and future maintenance of that apparatus.'*

340. This guidance also includes an operative's handout which clearly identifies tree protection zones:
PROHIBITED ZONE – 1 m from trunk. Excavations of any kind must not be undertaken within this zone unless full consultation with the local authority Arboriculturist is undertaken. Materials, plant and spoil must not be stored within this zone.

PRECAUTIONARY ZONE – 4 x tree circumference. Where excavations must be undertaken within this zone the use of mechanical excavation plant (other than Vacuum Excavation) should be prohibited. Precautions should be undertaken to protect any exposed roots. Materials, plant and spoil should not be stored within this zone. Seek Local Authority Arboriculturist (LAA) or independent professional.

PERMITTED ZONE – outside of the precautionary zone. Excavation works may be undertaken within this zone; however, caution must be applied and the use of mechanical plant limited. Any exposed roots should be protected

341. As such, it is considered that the works would have been carried out in accordance with the Street Work UK procedures; after assessment of the installation by their suitably qualified arboriculturist (as recommended in the guidance), and adhering to procedures to ensure that the cable was adequately sited and installed without impacting on the tree roots or the cables during installation or in the future.

Damage to property by roots

342. The objection refers to a root from the tree growing against the footings of the garage exposed by the trench excavation. The letter also refers to a crack on the garage wall; however, this has not been seen or shown in the provided images to assess the probable cause or severity.
343. The letter also notes that the root was cut during the works for the electricity supply to be re-routed.
344. When construction commences, a root barrier can be installed around the foundations to prevent interactions with the roots and the building.

Complying with Planning Policy 12

345. This would not be a matter for consideration under the provisional TPO, as this relates to the planning application; however, for clarity is explained here.
346. The development proposed removing the trees and replacing with '2 *native Red Hawthorn trees*'. This would not meet the PPW12 criteria which requires the planting of 6 trees on site to meet a recommended 3:1 ratio. PPW12 also notes that the planting should be of a similar type and compensatory size, and the loss of two large prominent trees to be replaced with hawthorn trees would not be considered to be a similar type and compensatory size.
347. When placing a duty on a landowner to replace a tree following a felling authorised by a local planning authority, under the current legislation - at the time of writing this report – this Authority can only condition the planting of one tree with one replacement. There are no powers to replace the tree with two or more trees.

Overbearing nature of the trees.

348. The objections raised refer to issues relating to the property on which the trees are located, and the proposed extension under (NP/26/0044/FUL); however, based on previous works carried out on site by a utility company, the roots are not considered to be detrimentally impacted by the proposed development and do not appear to be impacting the existing building.
349. Suitable pruning works can enable the development to be physically implemented whilst retaining the two trees. When constructing the proposed extension, a root barrier (a ribbed panel that deflects roots) can be installed around the foundations to prevent roots from interacting with the extension in the future.
350. The issue raised of the 'deadwood' within T1 of TPO 168 would be exempt from requiring TPO consent, so can be carried out at the landowner's convenience. Should the tree continue to decline in the future, the removal of the tree can be applied for formally, or under a TPO exemption depending on future condition – albeit we should point out that the property owners own experts identified a remaining life of over 40 years which officers agree with.

351. The key issue in this matter would be the relationship with the protected trees and the proposed extension. The right to light at a specific window is an easement (limited right to make use of another's property) and must actually be created, either by an express or an implied grant or by prescription over a period of 20 years; its existence cannot be assumed and is essentially a private law matter considered outside of planning legislation. However, as the windows in question do not exist at the current time as the extension does not exist, this cannot be a material consideration to the making of the TPO.
352. If the TPO were to be made and a TPO application were to be made proposing works (pruning or removal) due to a lack of reasonable light into the extension as defined under *Appendix H of BRE Report 209 ("Site Layout Planning for Daylight and Sunlight")* guidance, then this can be considered accordingly.
353. This would assess the trees by modelling them as obstacles with specific transparency/reflectance values to determine their impact on daylight.
354. However, at this time, there has been no information provided in regard to the existing property or the theoretical issue for the proposed extension, and as such it is not possible to ascertain definitively if it would be an issue.

4. Conclusion

355. 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 two trees in question, taking into account the following criteria:
- Visibility - The two trees form a cohesive visual group located adjacent to a public road junction linking Incline Way to Bonvilles Close, with the visible in an approximate 270° visual arc from these public rights of way.
 - Individual impact - The trees are medium-sized specimens that are likely to continue to provide amenity value for the foreseeable future.
 - Wider impact – The pine trees in question are not native to Pembrokeshire; however, pine trees are common in south Pembrokeshire and tolerate the environmental conditions well.
 These particular trees are also noticeable as you enter Incline Way from Valley Road, and act as a point of reference to the Bonvilles Close access.
 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.
356. Approved good arboricultural pruning works can be carried out to ensure unimpeded access can be achieved along the public road and from other features (streetlight), and the maintaining of a clearance between the trees and proposed extension would likely to be supported under suitable future TPO applications. Additionally, suitable

construction methods (installing a root barrier) would prevent detrimental interactions below ground between the trees and the proposed building.

357. In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the *Well Being of Future Generations (Wales) Act 2015*. It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

5. **Recommendation**

Notwithstanding the objections from the landowners, **Tree Preservation Order 168 be confirmed without modification**