

Tree Preservation Orders with Objection

Type: Tree Preservation Order

Reference: TPO127 –Land adjacent to Bryn Eithin, Eglwysrwr

Made: 7th November 2011

Description:

TPO comprises T1 - Ash

It is considered that the tree is a large specimen of good form and of a size rarely reached in Pembrokeshire; and as such makes a significant contribution to the rural character and wildlife of the area.

Tree Preservation Order History:

On 7th November 2011, the National Park Authority decided not to confirm Tree Preservation Order 124 because it is considered in this instance that the serving of the order notice was such that the documentation may not have been received by the owner of the land; resulting in the possibility that the owner was unable to comment on the implementation adequately.

To ensure that relevant parties are given the opportunity to comment, the authority has implemented TPO 127 for the tree in question.

Consultee response:

Eglwysrwr Community Council – no response on file

Public response:

A Letter of objection from Land owner relating to TPO 127

Issues raised:

1. Tree is not considered an amenity tree due to distance from road and not on a public right-of-way.
2. No threat, real or implied to T1 and as such does not merit TPO status

Officers Appraisal:

The following National guidance is relevant to the consideration of the Proposal:

Planning Policy Wales Edition 3 – Chapter 5 (paras. 5.2.9 and 5.2.10)
Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:

Town and Country Planning Act 1990

Town and Country Planning (Trees) Regulations 1999

In respect of issue (1) above – The tree is situated in proximity to the B4329, the key route over the Preseli Hills and is visible from the road in question and frames the existing properties adjacent to the tree; softening their impact.

In respect of issue (2) above - The tree is situated alongside an access route to the 'ancient stone walled enclosures of historic interest' and although 'the tree is not under threat of any sort' at present, (as stated in objection letter), the location of the tree and the plan to re-instate use of the access track for pedestrian and animal use is likely to require management of the tree in the future. Any work on this tree in the future to retain access along with any maintenance work to the existing path could have a detrimental effect on the tree (including the root system) and as such the implementation of the TPO will ensure that any work is carried out in accordance with good arboricultural practice to retain the visual amenity of the tree.

The 'Tree Preservation Order Guide to law and good practice' and 'TAN 10' – state that it is not expedient to make a Tree Preservation Order in respect of trees under good Arboricultural management. however at present it is not known how the tree has been managed in the past in terms of amenity, good arboricultural practice and/or health and safety.

Recommendation:

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

- Visibility -
Visible from public road

- Individual impact –
The Ash is significant in size and of good form with a continued amenity potential

- Wider impact –
The location of the tree will assist in visually softening the impact of the adjacent properties from the road and retaining the rural aspect of the area. The size of the tree is significant for the area and is a principal component of the existing row of trees.

It is this officer's opinion that the tree is deemed important to the rural character and should be protected.

Recommendation:

- That Tree Preservation Order 127 be confirmed





