

## **Report of the Head of Planning and City Regeneration**

### **To Planning Committee**

**5 July 2022**

### **Provisional Tree Preservation Order - TPO 685 Llwynderw School 2022**

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 685: Llwynderw School 2022**

**Recommendation:**

**That the Tree Preservation Order: Llwynderw School 2022, be confirmed**

**For Decision**

#### **1. Introduction**

- 1.1 The provisional Order was served on 15<sup>th</sup> March 2022. It protects one pine tree located on Education land and adjacent to The Lodge, Westcross Avenue.
- 1.2 A branch broke from the tree during Storm Eunice and damaged the roof of The Lodge.
- 1.3 The Landscape Team was approached by concerned residents who were worried that the tree would be disfigured by uncontrolled tree surgery. Without protection of the TPO the owner of The Lodge was within his legal rights to cut all branches that overhung his boundary. This is one of the cases where it can be expedient to serve a TPO on a Council owned tree.
- 1.4 The Tree Services Team plan to carry out suitable remedial work to help prevent future branch breakages and possible further damage.
- 1.5 The Objector has also made a tree works application (2022/0860/TPO) to fell the tree, this was refused.

#### **2. Objections and Representations**

- 2.1 One letter expressing objections have been received within the minimum required consultation period. No letters of support have been received.
- 2.2 The Owner of The Lodge has employed an Arboricultural Consultant to provide a report objecting to the TPO. The report was completed by Mr Mark Chester of Cedarwood Tree Care Ltd. The grounds for objection are as follows:
  - The tree is in decline and shedding branches;

- The tree has not been subject to a detailed inspection by a tree officer / There has been no assessment of the merits of the tree and its suitability for retention.
- The tree is in poor condition and has a limited life expectancy.

### 3 Appraisal

#### 3.1 The tree is in decline and shedding branches.

- The tree is slightly sparse compared to a tree planted in ideal conditions and in perfect health. However, this is typical of many Corsican pine trees in the area that are a well-known part of the landscape. This may be due to the coastal aspect and strong winds experienced in the Gower.
- Mr Chester states “*The tree has Diplodia tip*”, he does not explain how he has reached this conclusion. The three photographs below, all taken recently, show the condition of the foliage. There is no significant needle loss and the needles present are quite verdant.





- The branch that caused damage to the roof of the Lodge failed in extreme winds. Branch breakage is expected from healthy trees in winds of that magnitude, therefore is not an indicator of ill health.
- Small twigs and small diameter branches will be shed and is a natural process when considering a mature tree. Pine trees lose inner leaf-bearing areas as they are shaded out by new growth. This can also be caused by ill health or other abiotic factors such as drought, however, it is not conclusively caused by ill health.

3.2 The tree has not been subject to a detailed inspection by a tree officer / There has been no assessment of the merits of the tree and its suitability for retention.

- Due to the expediency required when serving the TPO (Residents were concerned work would be carried out with little or no notice) The Tree Officer (Planning) responsible for serving the TPO used a combination of a site visit from distance along with advice taken from the Tree Services Manager who had inspected the tree.
- The tree has now been inspected by Tree Officer (Planning) when assessing an application to fell the tree. The Officer's conclusion has not changed.

- When considering the serving of the TPO a TEMPO assessment was carried out. Initially the tree scored 20 – definitely merits TPO.
  - Condition: Good – 5
  - Retention span: 40-100 – 4
  - Visibility: Very large or prominent – 5
  - Other factors: None – 1
  - Expediency: Immediate threat – 5
- Following the now closer inspection, the Tree Officer revises the scoring to 16 – still definitely merits TPO.
  - Condition: Fair – 3
  - Retention span: 20-40 – 2
  - Visibility: Very large or prominent – 5
  - Other factors: None – 1
  - Expediency: Immediate threat – 5
- Mr Chester’s TEMPO assessment does not follow his text in the report. In his conclusion he correctly states that the tree is “*a mature, prominent specimen*”, but only scores the tree 4 (‘Large or medium trees clearly visible to the public’ rather than ‘Very large tree with some visibility or prominent large tree’) in the visibility assessment. He also scores the tree 1 for retention span contrary to his conclusion “*..have fewer than ten years of life, and possibly as few as five years remaining*”, which should score 0.

### 3.3 The tree is in poor condition and has a limited life expectancy.

- In addition to the aforementioned tree ‘problems’ Mr Chester also briefly mentions the following:
  - “*Use of the tapping hammer resulted in bark platelet shedding, which is not expected*” Mr Chester does not state what he thinks is the cause of this or the significance he thinks this has. Corsican pine have large bark plates that can become loose. At the site visit no significant defects were observed that could be expected to have caused this.
  - “*Insect bore holes are present on the trunk.*” Mr Chester did not detail where he observed these holes. At the site visit the Tree Officer could not find them. Mr Chester does not suggest possible insect species that might be responsible or the significance of them.
  - “*There is only a small area south of the tree for anchoring roots, so little protection against on-shore prevailing winds*”. From the observations made at the site visit and a review of aerial photography it appears that here has been no recent loss of rooting area to the south. The Tree Officers report in assessing the tree works application suggests that an assessment could be carried out to assess if there is any compromise in anchorage.

### 3.4 Tree works application 2022/0860/TPO

- There were in total 46 objections received in response to the tree works application to fell the tree, 36 of which were received after the consultation period. In several of the objections there is an understandable conflation of the tree works application and objection to the confirmation of the TPO.
- One of the objections received was from the previous owner of The Lodge and stated *“I would remind Officers that the council put a planning condition on the building of the house adjoining the school boundary to protect the tree in question. I built that house and during my 10 years of ownership of The Lodge the tree presented absolutely no problem. Indeed it withstood some record storms during that time. It also still stands after the very recent storm!”*

## 4. **Conclusion**

- 4.1 Whilst the tree is not in perfect health, there is no conclusive observations to suggest that it presents an unacceptable risk.
- 4.2 The Tree Services Team intends to lessen any risk by carrying out suitable pruning.
- 4.3 The tree provides significant local visual amenity.

## 5. **Recommendation**

It is recommended that the Tree Preservation Order: Llwynderw School 2022: TPO 685 be confirmed without modification.

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