

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

**2 August 2016**

## **Provisional Tree Preservation Order P17.7.4.617**

**Townhill Campus, Trinity St. Davids University, Pant y Celyn Road,  
Townhill, Swansea. 2016.**

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 617: Townhill Campus, Trinity St. Davids University, Pant y Celyn Road, Townhill, Swansea. 2016.**

### **Recommendation:**

**That the Tree Preservation Order: Townhill Campus, Trinity St. Davids University, Pant y Celyn Road, Townhill, Swansea. 2016 be confirmed**

### **For Decision**

#### **1. Introduction**

1.1 The Provisional Tree Preservation Order was served on 1<sup>st</sup> March 2016

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

2.1 One letter expressing an objection and eight letters of support were received within the minimum required consultation period. Two further letters were received expressing no clear opinion.

2.2 The letter of objection was received from JCR Planning on behalf of the University of Wales Trinity St. David.

2.3 The objection to the trees at Townhill Campus being protected by the TPO are listed by JCR Planning as the following reasons:

- Improper service of the Tree Preservation Order
- Imprecise Nature of Tree Preservation Order
- Inappropriate Means of Tree Protection
- Development Plan Prejudice

### **3 Appraisal**

- 3.1 A provisional tree preservation order P17.7.4.617 has been placed on trees at Townhill Campus of Trinity St David's University; the trees have been historically protected by virtue of being within an educational establishment that had few threats. On the 26th February 2016 tree felling was reported to the Landscape Team; on investigation the work was being carried out in good faith for interests of health and safety. However, the work had been specified by a contracting company and was, in the view of the Landscape Assistant (Arboriculturalist) overzealous. The site has also been identified as a candidate site which will put pressure on the many fine trees present.
- 3.2 The trees contribute significantly to local amenity in the immediate area and also can be viewed from further afield such as Oystermouth Road and the beach.
- 3.3 It was deemed necessary to create a tree preservation order to ensure that any future work requires consent by the Authority thus protecting the amenity contribution the trees provide.

#### **Improper service of the Tree Preservation Order**

- 3.2 The TPO was served in accordance with the requirements of the Regulations and documented evidence is held on file that proves the correct documentation was delivered to the University. Therefore the University's interests have not been prejudiced.

#### **Imprecise Nature of Tree Preservation Order**

- 3.5 The TPO does cover all trees within the area specified. The objection is that areas within the designated area have no trees present. Where this is true there are no restrictions as to what the landowner can do. The order has no effect on areas of buildings paths etc.
- 3.6 Shrubs and bushes are not protected by the TPO as they do not qualify for inclusion under the Regulations.
- 3.7 The area is clearly shown on the TPO map and at a scale that is clear and unambiguous.
- 3.8 At a site meeting with the land owner's representative it was explained that the area designation was used due to the perceived threat to the trees and the need to place the trees under immediate protection. It was agreed that the TPO could subsequently be split into individual, group and woodland designations if a topographic plan that the University were commissioning, was provided to the Council. This has not been forthcoming.

### **Inappropriate Means of Tree Protection**

- 3.9 The TPO was created after reports of healthy trees being felled were received from the public. This was corroborated during a site visit made by the Councils Landscape Assistant (Arboriculturalist). This is contrary to the statement in the objection that *'the trees at the campus are certainly not under threat'*.
- 3.10 Tree felling controls under the Forestry Act 1964 is not the same as the controls of a tree preservation order; otherwise there would not be the need for both types of statutory control.

### **Development Plan Prejudice**

- 3.11 All Local Development Plan candidate sites that have trees present have the same constraints whether protected by TPO or not. All trees within a development site should be considered a constraint and assessed using the guidance in *'BS5837:2012 Trees in relation to design, demolition and construction – Recommendations'*.
- 3.12 The site has been allocated in the LDP and can be objected to with alternative sites recommended. However, its allocation indicates that the LPA is content with any site constraints. Although the TPO has been created since the LDP Report was written, the trees and their biodiversity value were identified as a constraint in the original process.

## **4. Recommendation**

- 4.1 It is recommended that the Tree Preservation Order: P17.7.4.617. Townhill Campus, Trinity St. David's University, Pant y Celyn Road, Townhill, Swansea. 2016, be confirmed without amendment.

Contact Officer: Alan Webster  
Extension No: 5724  
Date of Production: 15th July 2016

### **Appendices:**

TPO 617

Letter of objection from JCR Planning dated 24<sup>th</sup> March 2016

Royal Mail proof of delivery

Location of T.P.O.:-	Townhill Campus, Trinity St Davids University, Pant y Celyn Road, Townhill
Date of Notification:-	1 <sup>st</sup> March 2016
National Grid Reference:-	263465 193503
O.S.1:10,000 Sheet No.:-	
Tree Preservation Order No.:-	P17.7.4.617

First Schedule:-

**Trees Specified individually.**

<u>No on Map</u>	<u>Description</u>	<u>Location</u>
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NONE

**Trees specified by reference to an area.**

<u>No on Map</u>	<u>Description</u>	<u>Location</u>
A:001	All trees of whatever species	As shown on plan

**Groups of Trees.**

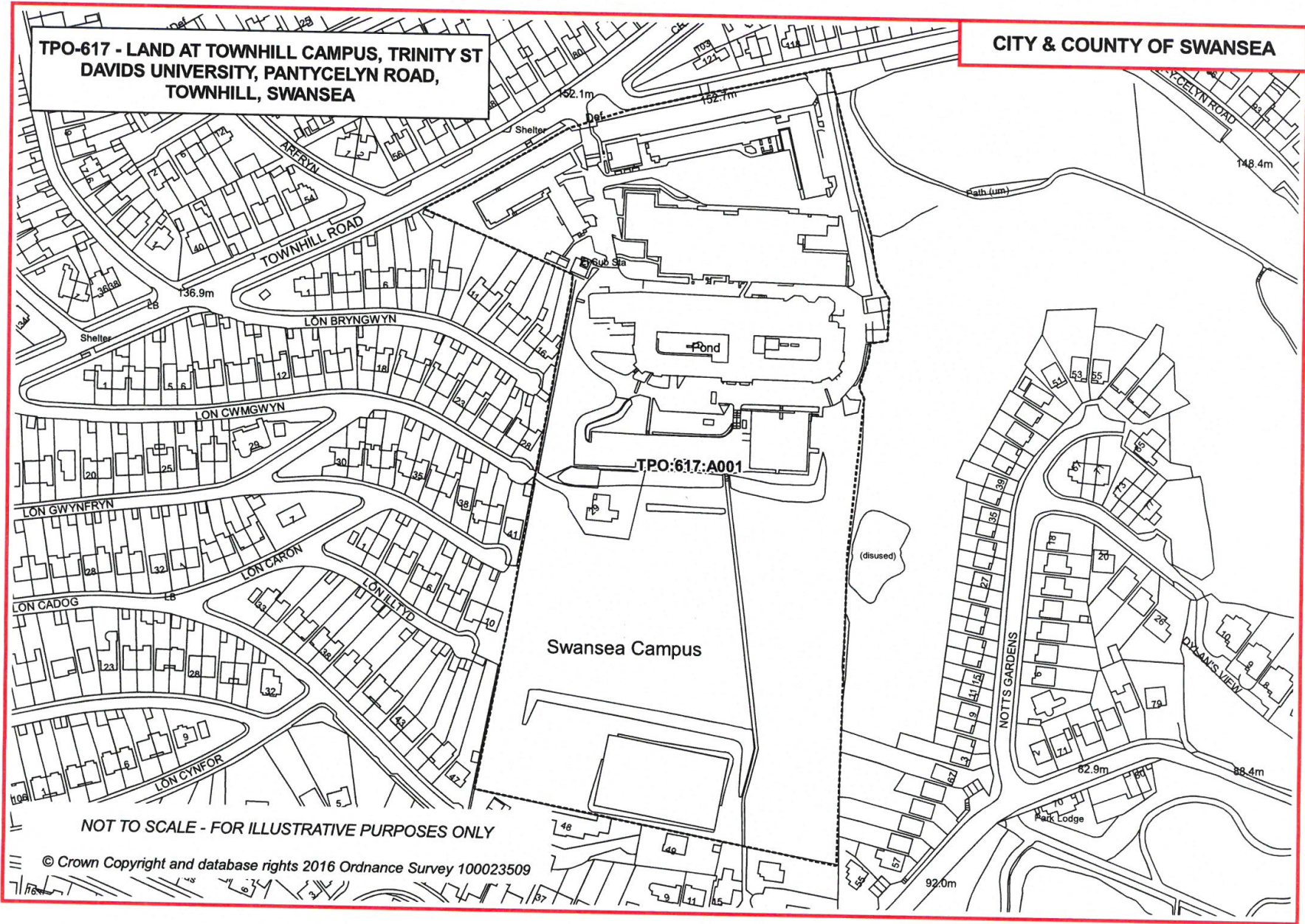
<u>No on Map</u>	<u>Description</u>	<u>Location</u>
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NONE

**Woodlands**

<u>No on Map</u>	<u>Description</u>	<u>Location</u>
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NONE





PLANNING & DEVELOPMENT CONSULTANCY | YMGYNGHORIAETH CYNLLUNIO A DAIBYGU

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Tel: 01554 527111 | e-mail: info@jcrplanning.com | www.jcrplanning.com

**Our Ref / Fy nghyf:** TPO/CLJ/01

**Date / Dyddiad:** 24<sup>th</sup> March 2016

Mr. Jeff Saywell,  
Landscape Team Leader,  
Economic Regeneration and Planning,  
Regeneration and Housing Department,  
City and County of Swansea,  
Civic Centre,  
Oystermouth Road,  
Swansea,  
SA1 3SN.

Dear Sir,

**TOWN AND COUNTRY PLANNING ACTS 1990-2004  
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999  
TREE PRESERVATION ORDER 617, TOWNHILL CAMPUS, UNIVERSITY OF WALES  
TRINITY ST. DAVID, PANT Y CELYN ROAD, TOWNHILL, CITY & COUNTY OF  
SWANSEA**

We have been instructed by our client, University of Wales Trinity St. David, to submit an objection to the making of the above Tree Preservation Order.

The grounds of objection are as follows:-

**Improper Service of the Tree Preservation Order**

It appears that our client was only recently made aware of the making of the Tree Preservation Order, by chance, and has no immediate record of having been served with the required formal notification. This failure is contrary to Part II, Section 3 of the 1999 Tree Preservation Order Regulations, as amended:-

**3.—(1) As soon as practicable after making an order, and before confirming it, the authority which made it shall—**

**serve on the persons interested in the land affected by the order—**

- (i) a copy of the order; and**
- (ii) a notice containing the particulars mentioned in paragraph (2);**

If it does transpire that proper procedures have not been followed, and that our client's interests have been prejudiced, the Townhill Campus Tree Preservation Order cannot, by definition, be confirmed.

**Imprecise Nature of Tree Preservation Order**

Tree Preservation Order no. 617 attempts to afford protection to every tree growing within the university campus site by means of an "Area" designation category.

JCR PLANNING LIMITED | CHARTERED TOWN PLANNERS

DIRECTORS: R.A.BANKS BA(Hons) MRTPI J.D.EVANS BSc(Hons) DipTP MRTPI C.L.JONES BA(Hons) MSc MRTPI  
A.M.TREHARNE; JONES BA(Hons) DipTP MRTPI E.L.EVANS (DIRECTOR OF FINANCE) K.BANKS (DIRECTOR OF ADMINISTRATION)  
Registered in England and Wales Registered Office: 43 Pottery Street, Llanelli, Carmarthenshire, SA15 1SU. Company No.: 9045715 VAT Reg. No.: 187 1794 62



The majority of the land falling within the proposed designated tree protection "Area" (A:001) does not contain any trees, but instead solely relates to the numerous university buildings as well as all the formally surfaced external walkways, utility areas, etc. A brief visit to the campus will confirm that the majority of tree cover is situated at the southern end of the site. Less than 20% of the campus site and thus "Area" (A:001) is covered by trees. In addition, a proportion of the "trees" that may have been afforded protection appear to be shrubs and bushes and do not qualify for inclusion under the regulations.

The designated "Area" is imprecise in spatial terms, far too extensive and inaccurate in terms of its coverage. The imposition of such an extensive and blanket control is contrary to the spirit and purpose of Part II, Section 2 of the Tree Preservation Order regulations:-

*2.—(1) An order shall be in the form set out in the Schedule to these Regulations, or in a form substantially to the same effect and—*

*(a) shall specify the trees, groups of trees or woodlands to which it relates;*

*(b) where the order relates to a group of trees, shall specify the number of trees in the group; and*

*(c) shall indicate the position of the trees, groups of trees or woodlands, as the case may be, by reference to a map, .....*

*(3) The map contained in, or annexed to, an order shall be prepared to a scale sufficient to give a clear indication of the position of the trees, groups of trees or woodlands to which the order relates.*

It is evident that the Tree Preservation Order map does not provide an adequate indication of the position of the trees within the campus, and erroneously includes vast tracts of building structures, etc.

#### **Inappropriate Means of Tree Protection**

It is good practice to afford TPO protection only to those trees that are under an immediate threat from felling. The trees at the campus are certainly **not** under threat from indiscriminate felling. They have been managed in an appropriate manner for many years. The felling of the trees on site is already regulated by the felling licence procedures administered by Natural Resources Wales.

The serving of this Tree Preservation Order does appear to be a little 'heavy handed'; instead our client would prefer to continue working with the Local Planning Authority in a constructive and pragmatic manner, with the mutual aim of appropriate arboricultural management and not the proposed 'blanket' control.

#### **Development Plan Prejudice**

The entire Townhill campus has been considered suitable for potential future development as part of the emerging draft Local Development Plan (LDP). A final decision as to whether or not the campus site is included for development purposes within the adopted plan is likely to be reached following a year or so of formal LDP Inquiry procedure and process.

During this process, the appointed LDP Inspector will be presented with arguments for and against the designation of a wide range of alternative sites. The fact that our client's site may be the subject of a 'blanket' Tree Preservation Order designation, will place it at considerable disadvantage in comparison to those other sites which will not be constrained by such amenity controls. Our client has no intention to fell the trees at the campus site, without giving fair and detailed consideration to all amenity concerns, and then only as part of a precise and realistic future development proposal(s). Those trees that are deemed to be of high amenity value can be protected by means of conditions attached to any planning permission that may be issued. A more appropriate way in which to evaluate the amenity of these trees would be by way of a detailed arboricultural/landscape assessment of the site at the appropriate stage in the forthcoming LDP proceedings, and in collaboration with relevant officers of the Local Planning Authority.

I trust you will treat the foregoing as an adequate summary of our client's very grave concerns about the making of the Townhill Campus Tree Preservation Order. It is also hoped that you will give the content of this objection your full and earnest consideration.

Please feel free to contact me should you wish to discuss this matter in more detail.

Yours faithfully,

*R. Banks*

**R.A. Banks**  
**Director**



Recorded Signed For posting receipt

Royal Mail

Your company name CCOS

Address Civic Centre, Economic Regeneration & Planning,  
Oystermouth Road, Swansea.

Postcode SA1 3SN

Details of each item being sent

Delivery address The Campus Manager, Townhill Campus,  
Trinity St Davids University, Pant y Celyn Road, Townhill, Swansea.  
Postcode SA2 0TX

Item reference DV 3063 2056 7GB

Delivery address

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Postcode

Item reference

Total no. items

Sender's signature

Sender's printed name

Date / /

For official use  
Date Stamp

Total no. bags

Accepting officer's signature

TPO confirmation: P17.7.4.617. Townhill Campus, Trinity St. Davids University, Pant y Celyn Road, Townhill, Swansea.

2016.doc

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Printed name: **COLL**

Date: **02 March 2016, 09:06am**