

PLANNING COMMITTEE	DATE: 26/02/2024
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 5

Application Number: C23/03/TP

Date Registered: 23/11/2023

Application Type: Trees

Community: Bangor

Ward: City Centre

Proposal: Mixed woodland with mature trees

Location: College Park, Deiniol Road, Bangor, Gwynedd, LL57 2TQ

Summary of the Recommendation: TO CONFIRM THE TREE PRESERVATION ORDER WITHOUT CHANGES

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1. **BACKGROUND:**

- 1.1 This report is to consider whether a Tree Preservation Order should be confirmed. Local authorities have the general right to make a Tree Preservation Order (TPO) if it appears to be expedient in the interests of amenity to do so.
- 1.2 The right to issue a tree preservation order has been delegated to officers within the Planning Service. However, when objections to an order are received, it is appropriate to submit the order to the Planning Committee to decide whether it should be confirmed.
- 1.3 A Temporary Tree Preservation Order ("the Order") was placed on two individual trees, five groups of trees and one coppice in the location shown on the enclosed plan on 23 November 2023 following the Council Biodiversity Service's assessment of the site. An assessment of the trees was carried out using the TEMPO system (Tree Evaluation Method for Preservation Orders) and the trees scored 23 points. The TEMPO system notes that any trees that score 16 points or more merit being protected.
- 1.4 The site is within a conservation area, and therefore the trees already have an element of protection, it was decided to issue a temporary tree preservation order in this case as it is considered that the trees and the woodland are of high amenity value and are very visible within the townscape, and form an important feature within the city centre.
- 1.5 The Council is of the opinion that the trees and coppice are of a high amenity value, and merit specific protection, especially as there is a direct threat to the trees due to proposed development work within the park area. The Council also has evidence that suggests that work has already been carried out within the site without the prior necessary consent, and that no notices have been submitted to the Council in accordance with the relevant legislation that would avoid the need for formal prior approval or consent.

2. **LOCATION AND DESCRIPTION:**

- 2.1 The trees and the coppice that are subject to the current temporary tree preservation order are located to the north-west of Deiniol Road, and to the west of Lovers' Lane in Bangor City Centre. The Pontio centre lies to the south-west of the site's location, and Rathbone Hall and other university buildings lie to the north-west. All the land to which the temporary order applies is owned by the university.
- 2.2 The two individual trees that are subject to the order are yew and lime trees. The five groups of trees consist of the following: -
- Group 1 - Lime, Sycamore, Hornbeam, Maple, 3 Beech, Norwegian Maple. 5 Cherry, 3 Holly
 - Group 2 - 19 Oak, 9 Black Poplar, 4 Plane, 4 Birch, 2 Maple, 3 Red Oak, Beech, Lime, Elm, Sycamore, Aspen, Cherry
 - Group 3 - 4 Holm Oak, 3 Scots Pine, 10 Beech, Sycamore, 3 Oak, 14 Birch, Lime
 - Group 4 - 4 Lime, Oak, Birch
 - Group 5 - 5 Lime, 2 Cherry, 7 Oak, 7 Chestnut, 2 Birch, 6 Beech
- 2.3 The W1 coppice consists of a mix of oak, sycamore, beech, cherry, ash, yew and holly trees.

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3. EXTERNAL OBSERVATIONS:

3.1 In accordance with the statutory requirements, we consulted the Local Member, Bangor City Council, nearby residents and the landowner after issuing the temporary order and notices were posted on the site with 28 days to respond. No response was received from Bangor City Council or from the members representing the City Centre ward.

3.2 No response was received within the statutory notification period which ended on 29 December 2023, and no observations from nearby residents have been received after this date.

3.3 An objection to issuing the Temporary Tree Preservation Order was submitted by Bangor University on 20 December 2023 for the following reasons:

- *The reasons for making the Order states that there is an immediate threat to the trees from proposed development works. It is noted here that there is no known and immediate threat from the proposed College Park works. If this observation refers to the College Park development project, supported by Cyngor Gwynedd and Transforming Towns then it is highlighted that this is currently being considered for Planning and involves very little or no actual tree work. If this objection refers to the Levelling-Up 'Nature Zone' scheme, which is also supported by Cyngor Gwynedd and supported by Levelling-Up and which aims to enhance the amenity value of the woodland, then it is highlighted that this scheme actually seeks to enhance the ecology of the woodland and link it with other close-by green spaces in Bangor, and there are certainly no plans to fell any trees as defined: >75 mm when measured at a height of 1.5 metres above ground level on the main stem, subject to a further tree safety survey. If there were any such recommendations, then such would already be restricted act through the Conservation status.*
- *The temporary Order seeks to protect trees that are already afforded the protection given with a Conservation Area and therefore unnecessarily adds an additional level of bureaucracy.*

3.4 It is also noted as the site is within a designated conservation area, and as an acknowledgement of the university's proposal to improve the site for nature and the people of Bangor, that the order should not be confirmed in its current form. The concept of the nature area is to create a quiet area for people and groups to engage with nature, whilst only a few steps from the hustle and bustle of the city centre. Funding has been received from the UK Shared Prosperity Fund to enable the university to open up the land, encourage its use, to prevent any potential antisocial behaviour and to make the park a space where people can walk and enjoy the tranquillity that nature has to offer. This will be achieved by establishing sympathetic nature trails within the woodland and the site in general, by improving paths and connecting aspects of the site, improving the variety and structure of the existing woodland and developing a small wetland in the interest of wildlife and plants. It is also proposed to interpret the woodland for users by means of interpretation boards and information signs around the site. It is also asked what threat is there to the proposed work that would warrant issuing a temporary tree preservation order on the trees and coppice.

4. ASSESSMENT:

4.1 Preservation orders are made if it appears to the Local Planning Authority that it would be expedient in the interest of amenity to make a provision for preserving trees or coppices in its area. The visibility of the trees to the public assists the Local Planning Authority in assessing whether or not their impact on the local environment is substantial. However, the visibility of the trees is not sufficient in itself to warrant a preservation order. We must assess the importance, size and form of the trees themselves, and their future amenity potential. Consideration must also be

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given to the significance of the trees in their local environment. If it is believed that trees are at risk of being felled, or pruned in ways that could have a significant impact on the area's amenity, then it would be timely to issue a preservation order. The risk need not be serious.

4.2 In light of receiving an objection to the temporary tree preservation order, we contacted the Council's Biodiversity Unit for its observations. The following observations were received in response:

1. A tree is not protected merely by being located within a conservation area. Current legislation means that a notice of 6 weeks must be provided to the local planning authorities before commencing any work on a tree or trees within such an area. The Council is not able to refuse or permit such works. Rather, the notice provides the Council with an opportunity to consider whether a formal Tree Preservation Order is required in the case to preserve any trees, if it is appropriate to do so in the interest of amenity. In such cases, an application will need to be submitted to replace a notice to undertake work to any tree or trees, and it is not considered that this creates an additional unnecessary layer of bureaucracy.
2. A standard TEMPO assessment (amenity assessment) was conducted at College Park, and it was confirmed that the trees are of sufficient amenity value to warrant their preservation including, but not limited to, any anticipated threat to the trees by development. The reasoning for the order includes the associated public visibility and appreciation, the trees' assumed retention period (their condition); their coordination with the landscape, the presence of ancient trees, good woodland form, ecological and historic importance (it is understood that a number of the trees were planted by the university's forestry department in 1900 as part of innovative research projects). As noted in the objection to the temporary order, the University proposes to open the woodland, and this could be interpreted as clearing the ground surrounding the mature trees, that could lead to losing the woodland within the park in future. A tree preservation order does not prevent the ability to carry out work, rather, it enables the Council to manage the work to ensure that it is done in a sensitive and appropriate manner through the planning process, in conjunction with the Council's ecological and woodlands experts. The order will act to ensure that the proposed enhancements for amenity and ecology achieve their desired targets.
3. Trees are not defined under tree preservation order legislation as they are under legislation relating to conservation areas. This enables the longevity of the woodland through natural regeneration. The purpose of preserving the woodland is to ensure that the woodland itself can rely on regeneration and new planting in future.
4. The order contains a schedule of trees and specific groups along with a specific coppice, and therefore we cannot agree that the order itself is all-encompassing.

5. CONCLUSIONS:

5.1 It is important to note that imposing an order on a tree or trees does not prevent the ability to carry out any work on those trees. Rather, imposing an order is an effective way of ensuring that no unnecessary or destructive work is carried out directly to, or close to, trees that make an important contribution to our local environment. As can be seen from the content of this report, the trees and woodland have scored significantly higher than the test score noted under the TEMPO system, and they fully merit their preservation through a formal order.

5.2 Whilst we recognise the university's objection to issuing a temporary tree preservation order in this case, we consider that the trees have a significant amenity value, which merits an element of preservation that goes beyond merely their location within a designated conservation area. Such an order should not have an impact on the ability to consider a redevelopment plan for the park

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area, however it will be necessary to consider the importance and existence of the trees as part of a prospective redevelopment scheme. It is understood that discussions are ongoing between the university and the Council's Biodiversity Service to secure a plan that would meet the university's aspirations for the park, but that will also ensure the safety and continued existence of the trees for future generations.

6. THE CONFIRMATION PROCESS:

6.1 There are four options for the Committee, after considering this report and the objections and observations received, which are:

1. To confirm the order as it stands, without amendments
2. To confirm with amendments
3. Not to confirm the order
4. To conduct a public inquiry.

6.2 After considering all the matters raised in this report, it is recommended that the Committee selects option 1 above, which is to confirm the order without amendments.

7. RECOMMENDATION:

7.1 To confirm the order without amendments.