

# Report

## Planning Committee

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### Part 1

Date: 06 June 2018

Item No: 6

**Subject** TPO 10 of 2017 land adjacent to Ger y Parc adjacent to Catsash Road

**Purpose** To request the authorisation of Planning Committee to confirm a Provisional Tree Preservation Order (TPO) with modifications to the plan and schedule.

**Author** Tree Officer (TPOs and Private Land)

**Ward** Langstone

**Summary** Tree Preservation Order 10 of 2017 was made as a Provisional Order with immediate effect and the woodlands will be unprotected unless the TPO is confirmed . As one formal objection has been made to the TPO , the details are reported for consideration.

**Proposal** That Tree Preservation Order 10 of 2017 land adjacent to Ger y Parc Catsash Road is confirmed with a minor amendment to the plan .

**Action by** Head of Regeneration and Regulatory Services

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Financial Officer
- Monitoring Officer –Law and Standards
- Head of People and Business Change
- Cllr Ray Mogford and Cllr William Routley

**Signed**

## Background

The order was made on 15 December 2017 to protect a woodland areas within a parcel of land adjacent to Ger y Parc Newport .

One objection has been received:-

- Mr Jon Straw Brooklyn Farm Llandevaud Newport NP18 2AE

The main reasons stated with rebuttal are as follows:-

1. Alleged that that the TPO was issued out of “malice” and not to protect trees.

***The Tree Preservation Order (TPO) has been made in accordance with the procedure followed by the Council as set out in The Town and Country Planning (Tree) Regulations 1999 which still apply in Wales.***

***There was evidence on site that a number of trees had been felled and a series of emails from local residents believed that the woodland trees were under threat and that more felling work was to take place over the Christmas Holiday period.***

2. That the TPO map is inaccurate regarding the position of the woodland areas.

***The woodland areas outlined on the TPO were taken from aerial photographs so it is believed that the woodland areas on the TPO plan are accurate. Mr Straw has been asked to submit mapped evidence to the contrary and if received it will be assessed and amended accordingly.***

***The woodland areas have been independently surveyed by Azimuth Land Surveys and an amended TPO plan is now submitted.***

***Newport City Council welcomes proactive management of trees and woodland and positively supports TPO applications to this effect.***

## Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					na
Net Costs (Savings)					
Net Impact on Budget					

## Risks

Risk	Impact of Risk if it occurs*	Probability of risk occurring	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the

	(H/M/L)	(H/M/L)		risk?
Tree being felled if TPO is not conformed.	H	H	Provisional TPO on tree which now needs to be confirmed.	Tree Officer(TPOs and Private Land)

### Links to Council Policies and Priorities

In accordance with the Town and Country Planning Act 1990.

### Options Available and considered

To confirm the TPO  
Not to confirm the TPO

### Preferred Option and Why

To confirm the TPO to ensure the tree is protected.

### Comments of Chief Financial Officer

As noted within the report there are no financial implications to the Council from the issuing of a TPO.

### Comments of Head of Law & Standards – Monitoring Officer

A Local Planning Authority may make a TPO if it is expedient in the interests of amenity to make provision for the preservation of trees or woodland. Trees may be preserved for their intrinsic beauty or contribution to the landscape. There should be a reasonable degree of public benefit and TPOs should only be used to protect trees where their removal would have a significant impact on the environment or upon its enjoyment by the public. Before deciding whether or not to confirm a TPO the Local Planning Authority must consider any objections or representations duly made. An Order may be confirmed with or without modification.

### Comments of Head of People and Business Change

The report refers to a Tree Protection Order so there are no staffing implications. TPO's are relevant in meeting the commitment in the Council's wellbeing objectives "To promote economic growth and regeneration whilst protecting the environment." The objections that have been received must be considered before the TPO is confirmed, however the decision is a matter for the Planning Committee to determine

### Local issues

Not applicable

### Scrutiny Committees

Not applicable

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **Children and Families (Wales) Measure**

Not applicable

## **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## **Consultation**

Cllr Ray Mogford – no comment received

Cllr William Routley – no comments received

## **Background Papers**

n/a

Dated:

## **APPLICATION DETAILS**

No: **TPO 10/2017** Ward: **LANGSTONE**  
Type: **Tree Protection Order**  
Expiry Date: **N/A**  
Applicant: **N/A**  
Site: **Land to the north of Ger y Parc, Langstone (Catash Road) (ST369904)**  
Proposal: **To request the authorisation of Planning Committee to confirm a Provisional Tree Preservation Order (TPO) with modifications to the plan and schedule.**

### **1. LATE REPRESENTATIONS**

- 1.1 The landowner objects to the placement of a blanket TPO on his land for the following reasons:
- The survey remains inaccurate and land which has no trees in it is still included.
  - The land in question is being actively managed to create a 'Parkland' environment (open grassy land with scattered groups of trees).
  - All required tree works are now completed.
  - The land is agricultural land and is being used for that purpose.
  - Any remaining trees provide shelter for stock and are located on steep land that it would not be beneficial to clear.
  - The TPO will prevent future tree maintenance and will prejudice the long term retention of the remaining trees on the site.
  - The TPO will devalue the land significantly and reduce its future value adversely impacting on my pension pot.

### **2. OFFICE RESPONSE**

- 2.1 The remaining woodland has been accurately surveyed by an external surveying company and any differences from the initial survey are very small. Best practice guidelines have been followed when drafting the Protection Order. Land value is not an issue for consideration when making a TPO.

### **3. OFFICER RECOMMENDATION**

- 3.1 That the provisional TPO is confirmed.