

Report

Planning Committee

Part 1

Date: 11 January 2017

Item No: 6

Subject TPO 4 of 2016 Rear of 14 Ffordd Camlas

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 Rogerstone

Summary Tree Preservation Order 4 of 2016 was made as a Provisional Order with immediate effect and the tree 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 4 of 2014 at the rear of 14 Ffordd Camlas is confirmed.

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
- Cllrs Bond, Evans and Mllewa

Background

The order was made on 11 August 2016 to originally protect five oak trees on land to the rear of 14 Ffordd Camlas in Rogerstone.

One objection has been received:-

- Treescene, The Walled Garden, Old Coedarhydyglyn, St Nicholas, Cardiff, CF5 6SG

The main reasons stated with rebuttal are as follows:-

1. The plan and schedule are erroneous as the TPO states a group of 5 trees on the plan and schedule and in fact it is one oak tree with five stems. ***This is correct and both the plan and schedule will be amended if the TPO is confirmed.***
2. The tree contains significant structural defects. ***Investigatory tests were carried out by an independent Tree Consultant and a copy of the findings was sent to "Treescene". No visual symptoms of internal decay in either the laid stem or the five upright growths were found. The tree showed good signs of vigour and vitality and it concluded that the tree is in reasonable health and condition.***
3. The TPO fails the visibility criteria set out in "Tree Preservation Orders – A guide to the Law and Good Practice". ***There are no mature trees within the housing development and the oak tree can be seen from the front and rear of several properties at Ffordd Camlas and the houses adjacent to the road leading to Pensarn Farm. The tree can also be seen by the general public visiting the aforementioned properties. In addition, the tree is significant within the local surroundings being part of a field boundary and it has a prominent canopy which can be seen at the top of the field at the rear of 14 Ffordd Camlas.***
4. It was not expedient to make the tree the subject of a TPO because it was not under threat from felling. ***–Details from the call centre records clearly show that there was an enquiry regarding felling the tree. It is accepted that all trees require maintenance and there has not been any objection to the principle of the tree being trimmed.***
5. ***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* (H/M/L)	Probability of risk occurring (H/M/L)	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 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.

Consultation

Cllr Bond - stated that he supported the confirmation of the TPO
Cllrs Evans and Mllewa – no comments received.

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. The TPO is clearly in line with the requirements of the Council under the Well-being of Future Generations Act. There are no specific policy implications arising as a result of granting the TPO and consideration has been given to the one rebuttal received

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.

Background Papers

n/a

Dated: 11 January 2017