

MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

Agenda item 4

SUBJECT: Confirmation Report: Tree Preservation Order MCC248 (2014)
DEPARTMENT: Enterprise.

MEETING: Planning Committee

Date to be considered: 6th January 2014

DIVISION/WARDS AFFECTED: Portskewett Community
Portskewett Electoral Ward

1. **PURPOSE**

To consider the confirmation of provisional Tree Preservation Order number MCC248/A1 (2014) without modification.

2. **RECOMMENDATION**

That the County Council confirms Tree Preservation Order No. MCC248 (2014) – Former Paper Mill, Sudbrook without modification.

3. **REASONS**

The former Paper Mill Site at Sudbrook is allocated for residential development for approximately 190 dwellings under the Monmouthshire Local Development Plan 2011 – 2021.

A planning application dated 31st March 2014 was submitted by Harrow Estates plc to demolish the existing buildings on the site. All vegetation was to be removed as part of the process.

Included in the planning application was a Bat Emergence Survey dated October 2013 (all species of Bat in the UK are protected by European Legislation). The Council's Landscape Officer was satisfied that this level of information was sufficient to consider Protected Species in association with the Building Demolition, as long as no trees were removed during the scheme. Trees previously identified as having bat roost potential must be reinspected and categorised in accordance with the Bat Conservation Trust Guidelines.

One objection to the TPO was received a copy of which is appended to this report. I would draw Members attention to Point 4 of the Objection Notice which states that during a previous application on the site in 2012, the previous Tree Officer did not consider trees at the site to be worth retaining with a TPO. Please note that these comments were given in isolation and in respect of landscape value only. Biodiversity issues were not considered at the time. The Council's letter of response to the objection is also appended to this report.

4 **RELEVANT POLICIES**

a) MCC ADOPTED UNITARY DEVELOPMENT PLAN.

3.6 EXISTING TREES/HEDGEROWS AND DEVELOPMENT.

DES5 - *Development will not be permitted if it results in unacceptable tree or hedgerow loss. Tree Preservation Orders will be made where trees worthy of such protection are under threat*

from development proposals. Where some loss of trees or hedges is considered acceptable adequate provision for mitigatory planting will be required.

3.6.1 (extract) *When granting planning permission, the local planning authority is under a statutory duty to ensure that adequate provision is made for the preservation and planting of trees and will seek in the first instance to retain existing trees and hedgerows, especially those subject to Tree Preservation Orders.....*

b) THE TOWN AND COUNTRY PLANNING ACT 1990

Extract from Tree Preservation Orders - A Guide to the Law and Good Practice
(Dept for Transport, Environment and the Regions 2000)

POWER TO MAKE A TPO

3.1 *LPA's (Local Planning Authorities) may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.*

Amenity

3.2 *In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPA's should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only.*

c) PLANNING GUIDANCE (WALES) TECHNICAL ADVICE NOTE (TAN) 10 TREE PRESERVATION ORDERS (to be read in conjunction with Part VIII of the Town and Country Planning Act 1990 Section 198)

Other consultees

None

5 RESOURCE IMPLICATIONS

None.

6 BACKGROUND PAPERS

- 1 Letter of objection from the Harrow Estates PLC dated 8th July 2014
- 2 Letter of reply to objection dated 23rd July 2014
- 3 Aerial Photos of site.

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