

Tree Preservation Order 129 – Confirm with no Objection

Type: Tree Preservation Order

Reference: TPO129 – *St Justinians Church, Little Milford*

TPO implemented: 12th January 2016

Description:

TPO Tree 1 – Yew

The tree is a veteran specimen which makes a significant contribution to the historical and rural character of the area.

Tree Preservation Order History:

The Church Warden requested a TPO due to the historical and rural importance of the tree.

Consultee response:

Freystrop Community Council – Consulted

Public response:

No objections received

Officers Appraisal:

The tree has been confirmed as being a veteran specimen in excess of 500 years as confirmed by the Ancient Yew Group; with a recorded girth of 536cm at ground level.

The tree provides an important historical amenity feature within the churchyard; and is in close proximity to the adjacent road to the North and Footpath to the South. The location within the churchyard also increases public access; along with details of the tree made available on the Ancient Yew group website providing additional information and details of access.

The location of the tree within a churchyard is such that it is unlikely to have any future nuisance and will be allowed to continue to grow undisturbed.

The following National guidance is relevant to the consideration of the Proposal:

- Planning Policy Wales Edition 3 – Chapter 5 (paras. 5.2.9 and 5.2.10)
- Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:
 - Town and Country Planning Act 1990
 - Town and Country Planning (Trees) Regulations 1999
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012

Officer Assessment:

The tree is a significant specimen of historic and arboricultural importance that merits inclusion within a TPO taking into account the following criteria:

- Visibility -
Visible from public rights of way – immediately adjacent to the tree (North and South)

- **Individual impact –**

The tree has an unusual form and is of an age which makes it an important arboricultural feature with good public amenity

- **Wider impact –**

The form and age makes it an important feature (arboriculturally, historically and environmentally) that is also typical of the churchyard setting.

It is this officer's opinion that the tree should be afforded protection to retain the important character of the tree in regards to the immediate area.

Recommendation:

That Tree Preservation Order 129 be confirmed

Images for committee if required:

- Committee image - TPO 129 - internal structure of Yew tree

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- Committee image - TPO 129 – View from churchyard

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Tree Preservation Order 130 with objection received

Type: Tree Preservation Order

Reference: TPO 130 – Keepingstone, Newport

TPO implemented: 12th January 2016

Description:

TPO Group 1 – Comprises 2 No. Spruce

The group has a local historical significance and is a visual feature in the immediate landscape.

Tree Preservation Order History:

A member of the public requested a TPO be placed upon the group of spruce due to their local historical significance.

Consultee response:

Newport Town Council – Consulted

Public response:

2 Letters of Support

1 Letter of Objection

The main issues raised are in objection are:

1. Health and Safety hazard
2. Non-native
3. No particular amenity value

Officers Appraisal:

In respect of issue (1) – The objection considers that the trees are a Health and Safety hazard due to their location alongside the highway.

Although the trees are tall specimens located alongside the public right of way they have previously been managed to maintain a safe clearance above the carriageway; thus preventing impedence of traffic.

This management practice can continue to be implemented under TPO approval as and when is necessary for the duration of the trees retention.

The implementation of a TPO does not prevent management of trees for health and safety; it merely ensures that the works are clearly identified and implemented in accordance with good arboricultural practice.

If the trees were to become a significant health and safety issue – i.e. confirmed through arboricultural surveying that they are dead, dying or dangerous then the works to rectify the issue would be exempt from TPO legislation.

If work is carried out on a protected tree under this exemption the burden of proof to show, on the balance of probabilities, that the tree was dead, dying or dangerous rests with the defendant.

In respect of issue (2) - Although the trees are non-native this would not preclude them from TPO protection.

In respect of Issue (3) - The amenity value of a tree can be subjective; however in terms of this group the following has been considered in terms of their amenity; namely local historical importance and wider visual impact.

Through correspondence it has been identified that the group was planted in the 1930's by a local master ships carpenter; this has not been disputed by the owners/agents for the property so this is taken as a consideration on the local historical amenity importance of the group. They also accrue a definable degree of public benefit as the trees are visible from the immediate landscape as well as from other areas of the Town such as the Parrog. Their contribution to the landscape can again be subjective; however both letters of support have stated that they are considered as waypoints for the immediate area; which would suggest that they are afforded a certain level of amenity based upon their local prominence.

Their presence is atypical of an exposed natural coastal landscape; however the very nature of the location is such that numerous non-native trees have been planted in gardens throughout the area and have developed into identifiable features/markers.

The presence of the other tall, non-native trees soften the impact of these trees in the wider landscape; to a degree where they have become an amenity in terms of local value rather than a more typical benefit with the natural landscape.

The following National guidance is relevant to the consideration of the Proposal:

- Planning Policy Wales Edition 3 – Chapter 5 (paras. 5.2.9 and 5.2.10)
- Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:
 - Town and Country Planning Act 1990
 - Town and Country Planning (Trees) Regulations 1999
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012

Recommendation:

Although the visual aesthetics of a tree is subjective, the objective guidelines for implementing a Tree Preservation Order are all sufficiently met by the group in question; taking into account the following criteria:

- Visibility -

Visible from public right of way – immediately adjacent to the trees; they have also grown to a height in which they are also visible from other areas within Newport such as the Parrog

- Individual impact –

The trees are identified as being of local historical importance as a letter of support states that they were planted in the 1930's by a local master ships carpenter.

- Wider impact –

The group is publicly visible from the adjacent public road and other areas of Newport (including but not restricted to the Parrog); the letters of support have clarified that the

trees are identifiable in regards to their location and act as waypoints within Newport, providing a wider context to their retention.

Although the trees are non-native this would not preclude them from TPO protection.

The trees are tall specimens in an exposed coastal location however there are other tall, non-native conifers present within the immediate landscape and as such these would not be deemed to be out of context.

It is this officer's opinion that the group can be protected as they meet the criteria for inclusion of a TPO and will retain these trees for their local historical importance.

Recommendation:

That Tree Preservation Order 130 be confirmed

Images for committee if required:

- Committee image -TPO 130 – Overview of group

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- Committee Image - TPO 130 - View from adjacent landscape (The Parrog) – Other prominent non-native trees can also be seen in the adjacent landscape

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