

# MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

**SUBJECT:** Confirmation Report:

Tree Preservation Order (TPO) MCC289 (2021) – Land at Well Farm Grosmont.

**DEPARTMENT:** Development Management - Heritage.

**MEETING:** Planning Committee

**Date to be considered:** 5<sup>th</sup> October 2021

**DIVISION/WARDS AFFECTED:** Grosmont

1. **PURPOSE**

To consider the confirmation with modification of Provisional Tree Preservation Order number **MCC289 (2021) Land at Well Farm Grosmont.**

2. **RECOMMENDATION**

That the County Council confirms with modification (by omitting T1 Oak) Provisional Tree Preservation Order No. MCC289 (2021) – Land at Well Farm Grosmont

3. **REASONS**

- a) The trees to which this Tree Preservation Order (TPO) relates are growing on land in the ownership of Mr Andrew Havard a local farmer in the Grosmont area. An Oak tree which is the catalyst for the issuing of the TPO is situated within the boundary hedge between farmland at Well Farm and the domestic garden of Graig Cottage, Grosmont NP7 8ET.
- b) During the second week of March 2021 I was contacted by a member of the Grosmont Community Council to say that persons were in the process of felling the Oak tree. They were advised by community councillors and local residents to stop the work as it was perceived that the tree was situated within the Grosmont Conservation Area and therefore protected. However, it was subsequently confirmed that the tree is outside the conservation area therefore no offence had taken place
- c) It is the statutory duty of a local planning authority (LPA) to protect trees. In my capacity as Tree Officer for the LPA, I visited the site on 31<sup>st</sup> March 2021 at the request of Grosmont Community Council to examine the remains of the tree. The crown of the tree had been completely removed leaving only the bole (trunk) and the stubs of the two leading stems remaining (**see Item 1**). Such was the size of the bole it was my opinion that the tree was the veteran stage of its life and consequently extremely valuable culturally and ecologically. It is not unusual for an Oak tree of this size to regenerate after such heavy pruning therefore, before the landowner removed the rest of the tree, I issued the TPO in the hope that it would survive and eventually regrow thereby continuing to make a contribution to both the visual amenity and ecology of the area. Unfortunately, a follow up inspection on Tuesday 10<sup>th</sup> August 2021, by which time I would have expected some regrowth, the tree had not recovered and should therefore be removed from the TPO.

d) At the initial site visit, four other mature hedgerow oak trees were identified as being important components of the landscape, and, given that at the time I had no understanding of the reasoning behind the destruction of T1, I felt it expedient to make a TPO. The landowner was formally identified via a land registry search and the TPO was prepared and served on 7<sup>th</sup> April 2021. The TPO is in Provisional form and valid for six months only after which time it must either be confirmed i.e. made permanent or allowed to lapse.

The protected trees are shown as T1 to T5 (**see Item 4**)

e) One letter of objection was received (**see Item 2**). The objector, Mr Havard states the reasons for his action were over health and safety concerns. During a subsequent telephone conversation with Mr Havard he assured me that his actions were a one-off and that he had no intentions to remove any other trees, which I accepted. At this point I had intended to allow the TPO to lapse after the six month period.

f) Unknown to me at the time was that part of this land is an allocated housing site in the Adopted Local Development Plan (LDP) (**see Item 3**). The allocated land is shown hatched in diagonal lines. This changes the picture completely in that it is possible that in the future more of this land may be included in the LDP. The presence of a TPO will afford extra protection and safeguards for these trees in the event they are put at risk from future development.

## 5. **RELEVANT POLICIES**

The protection of trees at this site is in accordance with **Strategic Policy S13 – Landscape, Green Infrastructure and the Natural Environment** and *Monmouthshire County Council's adopted Climate Emergency*.

## 6. **CONSULTEES**

Cllr. David Jones

## 7. **BACKGROUND PAPERS**

Item 1 – Photograph of the remains of the tree.

Item 2 – Letter of objection

Item 3 – Aerial photograph of allocated site

Item 4 – Aerial photograph of protected Oaks T1 to T5

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- **Date** 15<sup>th</sup> September 2021

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