

Mr & Mrs A J Woodward
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Our Ref/Ein Cyf: JK/TPOMCC264
Your Ref/Eich Cyf:
Date/Dyddiad: 12th May 2016

Dear Mr & Mrs Woodward

TREE PRESERVATION ORDER (TPO) MCC264 CAE ELGA, HIGHFIELD ROAD, OSBASTON.

I acknowledge receipt of your letter of objection to the above TPO dated 3rd May 2016 which was received by me on 10th May 2016 and will respond to your points in the order they are raised. Before doing so however I would like to clarify that the TPO is provisional i.e. temporary for six months only. Before the expiry of the six month period, the Local Planning Authority (LPA) must either confirm the TPO, in other words to make permanent, or, not to confirm it and allow it to lapse thereby removing the protected status of the tree.

On receipt of an objection to a TPO, the matter is decided by Planning Committee for whom a formal report must be prepared and submitted. I will investigate all concerns raised before deciding whether to place it before Committee.

With regards to the points you raised:

1. A tree does not necessarily have to be a maiden, or any other classification of veteran tree in order to qualify for a TPO. Neither does the fact that it has lost its top preclude the making of a TPO though this will be evaluated as part of the decision process.
2. The presence of a TPO does not affect the management of a protected tree and applications in pursuance of appropriate tree management are usually granted consent. As to the question of subsidence to the adjacent property, this will also be investigated as part of the process. We were unaware of this aspect, however, the effect of the provisional TPO will ensure that the tree is fully considered in any subsidence claim and prevents the tree being arbitrarily removed as the first reaction which is often the case.
3. Central Government places a statutory duty on LPAs to protect trees as they are a material consideration to the planning process. An expression of interest in developing your land was made to the LPA in the form of pre-application advice. As part of the process it is standard practice for the Planning Officer to seek the views of the Tree Officer if he or she feels that any significant trees may be affected by proposed development. The issuing of a TPO is often carried out without consultation with the landowner or developer as it common practice for unprotected trees to be removed prior to the submission of a formal planning application, though I am not

suggesting that this would have been your intention. As to the question of Amenity Value this can be a somewhat subjective term, however, the main criteria for the placement of a TPO is the tree's value as a landscape feature and if the landscape value would be diminished if the tree were removed. Your tree is a particularly prominent feature of the locality.

4. The LPA which oversaw the development of the Berryfield Estate at the time was Monmouth Borough Council. They ceased to exist upon local government reorganisation in 1996 so unfortunately I cannot answer why this tree was not protected with a TPO at the time. As the tree was outside the development boundary of the Berryfield Estate the LPA Officers of the time may not have deemed it a material consideration of the development.

In conclusion, I will liaise with the Planning Officer as the scheme progresses and contact you when I make a site visit in future. In the meantime if you require clarification of any points raised in this letter please contact me.

Yours sincerely

Jim Keech

Tree Officer (Tree Preservation Orders, Conservation Areas, Development and Hedgerows)