

Mr & Mrs A J Woodward  
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Our Ref/Ein Cyf: JK/TPOMCC264  
Your Ref/Eich Cyf:  
Date/Dyddiad: 1<sup>st</sup> June 2016

Dear Mr & Mrs Woodward

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

I acknowledge with thanks receipt of your letter and enclosed photograph dated 22<sup>nd</sup> May 2016.

To begin with point 3 of your letter, the tree was fully and openly discussed in the pre-application meeting with Craig O'Connor the case officer and his written response to you is copied below in italics.

*"At the site I outlined that the existing mature tree on the site would be a material planning consideration when considering any new residential development. This tree adds to the character and appearance of the area and it needs to be protected as part of any development. You would need to engage with an arboricultural consultant to survey the root system of the tree and to provide advice as to what development could take place at the site."*

To clarify the above matter from my perspective, it is standard practise for the case officer to consult with other officers following a pre-application site meeting. I concurred with Craig's assertion that the tree does indeed add to the character and appearance of the area and therefore, in this Council's view merits retention. This was further borne out by a recent site visit to photograph the tree. The reason that the tree did not have an existing TPO is that it would not have been perceived at risk from proposed development. I again stress that I cannot answer for the actions (or lack of them) by a previous local authority. There are many other prominent unprotected trees throughout the County that may merit a TPO and, if an interest in developing the land on which they are growing is expressed we would consider issuing one.

With regard to your claim that the tree is causing an adjacent property to subside, presumably, this would have been an issue before the TPO was made and, in light of Craig's written response perhaps may have been raised at the pre-application stage. The legislation requires that a copy of the TPO is served on any property which adjoins the land to which the Order relates. Copies of the TPO were served on numbers 4 and 5 Berryfield Rise; however, I can confirm that we have not received any communication from the owners of either property.

I can assure you that all the points you have raised will be included as formal objections in my report. The Planning Committee meets on the first Tuesday of each month, commencing at 2pm and is open to the public. The Committee allow written representations only. Objectors may not speak at the meeting unless they have made a prior arrangement with the Committee Chair to do so. The date for confirmation of the TPO, in other words, when it has to be made permanent is 12<sup>th</sup> October this year. There is nothing to prevent the Council from confirming the TPO after this date however; the tree loses its protected status after 12<sup>th</sup> October 2016 where it may be legally removed without the consent from the Council.

Notwithstanding that the deadline for objections has passed we will still accept further written information from you to support your objection which would also be included in the Committee report. In order to give you sufficient time, I will not place this matter before Committee until the September meeting. Further information could be in the form of a professional opinion on why the tree is not considered to be a good specimen plus the engineers report on the subsidence of the adjacent property.

In conclusion as to the question of Amenity Value, this is a standard term used in evaluating trees in the landscape. The noun amenity in this sense equates with pleasantness or attractiveness and whether the loss of a tree detracts from this. I have attached some photographs which show the tree to be visually prominent from a number of viewpoints.



From Agincourt Road



From Berryfield Close



From Berryfield Park



From Highfield Road

Finally I should like to stress that the service of the TPO is in no way meant to obstruct your wish to develop your land. It simply allows the local planning authority to fully consider the tree. I would therefore reiterate Craig's comment in his pre-application response that you seek the assistance of a professional arborist in order ascertain if and how the tree may be incorporated it into a design.

Yours sincerely

Jim Keech

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

