

Delegated Decision Report

Application No:	26/0588	Statutory Period Expires:	7th October 2026
-----------------	---------	---------------------------	------------------

Site:	St Mary's Church Church Lane Marshfield Cardiff CF3 2UF		
Proposal:	WORKS TO 1NO. HORSE CHESTNUT TREE (FELLING) PROTECTED BY TPO 01/2014		
Applicant:	R Maidment		
Type:	Tree Preservation Orders	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is situated within the grounds of St Mary's Church Grade II* listed (2932) and is protected by TPO 01/2014. The application site is situated within the countryside, a special landscape area, green wedge, and an archaeological sensitive area. The surrounding vicinity is characterised by open fields and farm holdings. The tree is situated to the North West of the site and is visible from Church Lane.

Commented [AF1]: Can you add reference to the church being listed

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks the felling of 1no. horse chestnut tree covered by TPO 01/2014 as the tree is dead. The applicant is seeking to plant 2x standard (12-14cm girth) Sweet chestnut trees, including soil conditioner, mulch and staking as required.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0347	WORKS TO A REDWOOD TREE (CROWN REDUCTION AND PRUNING) PROTECTED BY T	GC	28.06.2024

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.4.42- Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

5.3 The Historic Environment Act Wales 2023

5.4 Technical Advice Note

Technical advice note (TAN) 10: tree preservation orders

Technical advice note (TAN) 24: the historic environment

NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP2 – General Amenity

GP5 – Natural Environment

SP8- Special Landscape Area

SP5- Countryside

SP7- Green Wedge

CE6- Archaeology

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Trees, Woodland, Hedgerows and Development Sites (2017)

6. CONSULTATION RESPONSES

6.1 **Tree Team:**

Upon reviewing the supplied information I can confirm from the photos the tree is dead and therefore exempt from the formal TPO application process. As it is exempt under the TCPA 1986 a 1990.

6.2 **Ecology Officer:**

We should remind the Applicant in this case To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

In addition, the dead tree may support roosting bats, so we should attach our bat advisory note as below.

6.3 **Wildlife in Newport:** No comments received.

6.4 **Heritage Officer:**

The Parish Church of St Mary (Cadw ref: 2932), a Grade II* listed asset, is set on the north side of Church Lane opposite Church Farm, leading from Marshfield Road. The church is surrounded by a low rubble wall, with a lych gate entrance to the western curtilage boundary against the road, where the masonry wall transfers to timber close-boarded fence. Considering the date of construction for the Lych Gate (1914), both boundary wall and lych gate are considered to fall under the GII* listing of the principal asset. The principal graveyard burial space is to the south of the asset, away from the proposed development site.

The graveyard curtilage is further surrounded by mature trees (including a swathe of mature TPO Horse chestnuts to its north-western boundary). These trees all provide for a strong sense of enclosure, isolation, and solitude; something which makes a very positive contribution towards the setting of this important religious asset. As such, they should be preserved wherever possible.

I note that that the tree proposed for felling forms a part of this protected standing of trees but is dead (and therefore exempt from the formal TPO application process, as confirmed by our tree team). However, I am pleased to see two new sweet chestnut trees are proposed for planting; something which will serve to mitigate for its loss and bolster the setting of this Grade II* listed asset over time. This planting should be secured by condition, if deemed necessary.

7. **PUBLIC REPRESENTATIONS**

Neighbour and Ward member notification letters were sent on 18/08/2026, Site Notice was put up on 21/08/2026.

7.1 2no. neighbours were consulted. No comments received.

7.2 Councillor Rhian Howells, Councillor Trevor Watkins, and Councillor Allan Screen were consulted on the application. No comments received to date.

8. **ASSESSMENT**

8.1 This application seeks permission for the felling of 1no. Horse Chestnut tree protected by 01/2014. The supporting information and photos submitted with the application demonstrates the tree is dead.

8.2 The Council's Tree Officer has reviewed the information and confirms from the photos the tree is dead and therefore exempt from the formal TPO application process. As it is exempt under the TCPA 1986 a 1990. However, the applicant has submitted an application for the felling, and this will be assessed accordingly.

8.3 The Ecology officer has no objection but stated that the applicant should avoid disturbance to nesting birds or roosting bats. An advisory note will be added.

8.4 The application site is within the grounds of the Grade II* listed Church, and therefore, development should preserve or enhance the setting of the listed asset as set out within HEWA 2023. Moreover, the site is within a special landscape area and countryside. Development should contribute positively within these areas. PPW12 in 6.4.42 states, *replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.* The applicant proposes to plant 2no. standard (12-14cm girth) sweet chestnut trees once the felling has been undertaken. This ratio in this location is deemed acceptable given the scale of development and the existing trees on site to be retained in line with PPW12. The Heritage Officer has commented on the existing trees providing a positive contribution to the setting of the listed building. The replacement trees proposed will serve to mitigate for the trees loss and bolster the setting of this Grade II* listed asset over time. It is therefore considered the replanting of the trees preserve the setting of the listed asset and are a positive contribution to the countryside and special landscape area. On this basis the proposal is considered acceptable in accordance with policies GP5, SP8, SP5, HEWA 2023 and TAN24.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 Newport's Well-Being Plan 2018-23

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The proposed felling of the protected tree is considered acceptable.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Photograph – Tree; Photograph - Site Plan; Job Sheet

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The two new Sweet Chestnut Trees at a girth of 12-14cm shall be planted no later than the end of the planting season following the felling of the Horse Chesnut as outlined in plan: 'Job Street' from TR33 Ltd. Thereafter the new trees shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, the planting season shall mean the period of November to March inclusive.

Reason: To secure the satisfactory implementation and maintenance of a tree compensation scheme in the interests of visual amenity, species diversity and landscape character having regard to policies SP5, SP9, and GP2 of the adopted Newport Local Development Plan, Planning Policy Wales (Edition 12) 2024 and The Trees, woodland, hedgerows and development sites SPG.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5, SP5, SP7, SP8, CE6 were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

03 To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

04 Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are known to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are found to be present, no works of tree felling or removal of major limbs should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-
Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-
5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228