

Delegated Decision Report

Application No:	26/0477	Statutory Period Expires:	19th August 2026
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Site:	<i>Land Encompassing Jackson Court Newport South Wales</i>		
Proposal:	<i>WORKS TO A MIXED TREE GROUP (PRUNING AND FELLING) PROTECTED BY TPO 01/77</i>		
Applicant:	<i>C. Remnant</i>		
Type:	Tree Preservation Orders	Ward:	Victoria
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The protected trees are sited adjacent to a residential car park and the associated neighbouring properties.

3. DESCRIPTION OF DEVELOPMENT

3.1 Consent is sought for the following works to 3no protected trees

- T1 Coastal Redwood – Remove ivy band in order to aid in future inspections.
- T2 Lime – Fell as the tree is diseased and could fail
- T3 Deodar Cedar – Remove damaged branch to make safe the damaged limb.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
18/1093	VARIOUS WORKS TO SPRUCE, LIME AND CEDAR TREES PROTECTED BY TREE PROTECTION ORDER 1/1977	GRANTED WITH CONDITIONS	20/12/2018

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- GP5 Natural Environment

6. CONSULTATION RESPONSES

6.1 Tree Team: No objection to works in line with the consultant's report.

Conditions:

1) All works must be to BS3998.

2) A replacement tree for the lime (TPO 1 of 1977 T3) is required due to the limited size of the site a ratio of 1:1 with evidence of establishment in two years should be provided. If the tree does not establish it should be replaced and the establishment re submitted. If they wish the option of the replacement tree may be planted on public open space (exact location to be agreed by NCC tree team) at the cost of the applicant/client but NCC will take ownership long term.

6.2 Ecology: No comments received.

6.3 Wildlife in Newport Group: No comments received.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 7th July and a Site Notice was put up on 10th July. No comments were received.

8. ASSESSMENT

8.1 The Council's Tree Team were consulted on the proposed works and offered no objection subject to conditions. One of the conditions relates to the planting of replacement trees. This would be required for the lime (TPO 1 of 1977 T3) due to the limited size of the site, a ratio of 1:1 would be considered appropriate.

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 It is considered that the proposed works are acceptable and consent is granted with condition.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Defective Tree List and Management Recommendations Dated 10/04/26.

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 Prior to the felling of any protected trees on the site, written approval of the Local Planning Authority is required to a scheme of compensatory tree planting. This shall comprise new planting at a ratio of no less than 1:1 for trees to be felled with the species, positions and heights on planting for new trees to be detailed and submitted to the Local Planning Authority. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the felling of the trees detailed in 'Defective Tree List and Management Recommendations Dated 10/04/26.'

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.

03 Any new trees shall be maintained for a period of 5 years from the date of planting and any which die or are damaged within that period shall be replaced and maintained until satisfactorily established.

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 This decision relates to plan Nos: Defective Tree List and Management Recommendations Dated 10/04/26.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP5 was relevant to the determination of this application.

03 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.

04 To discuss provision of a replacement tree offsite contact Richard Baron (Swyddog Coedyddiaeth / Arboricultural Officer); Richard.Baron@newport.gov.uk 01633 656656

05 All replacement trees benefit from the protection of the Tree Protection Order; Section 206 (4) of the Town & Country Planning Act 1990 (as amended).