

Delegated Decision Report

Application No:	25/0765	Statutory Period Expires:	4th November 2025
------------------------	----------------	----------------------------------	--------------------------

Site:	<i>Land At Sorrel Drive Coltsfoot Close And Comfrey Close Newport South Wales</i>		
Proposal:	VARIOUS TREE SAFETY WORKS TO TREES SUBJECT TO TREE PRESERVATION ORDERS		
Applicant:	C Remnant		
Type:	Tree Preservation Orders	Ward:	Allt-yr-Yn
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site location is within the Allt-yr-yn ward and is characterised typically with residential properties. The proposal site spans a larger area affecting multiple TPO trees/groups.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks works to 40no. individual trees and 17no. tree groups. Groups 5, 13, 15, 16,17, and Trees 6, 22 (NCC Tree), and 40 are TPO'd. Works range from appropriate herbicide treatment, pollarding, coppicing, and felling etc. The Tree Survey was undertaken by TreeCare consulting.

4. RELEVANT SITE HISTORY

None.

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.

6.4.2- which advises that replacement planting should be provided at a ratio equivalent to the quality, environmental and ecological importance of the trees lost, preferably on or adjacent to the site, and at a minimum ratio of three replacement trees for every one lost

6.4.38 Welsh native tree and hedge species, characteristic of the local area, provide a strong ecosystem resilience function, and they provide resources for local wildlife, particularly other native plants and species. Native tree and hedge species can also complement opportunities for natural regeneration. Alongside broader woodland habitat types, such as wood pasture, parkland and traditional orchards, native tree and hedge species help to define our cultural heritage and landscape, creating a strong sense of place and connection to the past.

6.4.39 Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function¹³⁶. Planning authorities should consider the importance of trees and woodland, particularly native woodland and valued trees, and should have regard to local authority tree strategies or SPG and the Green Infrastructure Assessment. Planning authorities should adopt appropriate, locally relevant, time sensitive, minimum tree canopy cover targets for their authority area to guide the protection and where appropriate the expansion of canopy cover. The Green Infrastructure Assessment and tools such as NRW's Tree Cover in Wales' Towns and Cities study and Forest Research's i-Tree Eco tool will help establish a baseline of canopy cover and guide the identification of appropriate and measurable canopy targets.¹³⁷ Tools to help with design and species choice in urban areas are also available.

6.4.44 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs)¹⁴⁰. They should also be incorporated into Green Infrastructure Assessments and plans.

5.3 Technical Advice Notes

Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 10: tree preservation orders

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)
Policy GP5 (Natural Environment)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

Trees, woodland, hedgerows and development sites SPG.

6. CONSULTATION RESPONSES

6.1 Tree Team:

I have looked over TreeCare Consulting's tree survey dated 03/10/24 the following trees and groups appear to be covered by TPO's.

Groups 5, 13, 15, 16,17
Trees 6, 22 (NCC Tree), 40

The works to these trees are agreed to with the following conditions:

- 1 – Works must be in line with the Tree Survey submitted.
- 2 – Works must be to BS 3998:2010 by a qualified and competent tree surgeon.

NCC will engage our own tree surgeon to undertake works to T22 as it is a NCC Tree.

The other trees are not covered by a TPO therefore NCC has no reemit over them.

6.2 Wildlife in Newport: No comments received.

6.3 Ecology Officer:

Some of the work proposed in this application relate to trimming of smaller branches to allow clearance from buildings, and other minor works to trees that I am not concerned about. However, other trees are proposed to be felled or pollarded, and we should understand the implications that this may have for protected species before granting consent.

For example, many of the trees are likely to support nesting birds, so we should secure an undertaking from the Applicant that works will take place outside the main bird nesting season, roughly March to August inclusive.

Secondly, some of the semi/mature trees, and especially tree groups within woodland, may support roosting bats. Prior to felling or pollarding mature trees we should understand the implications for any bats that may be roosting in them. Looking at the schedule of trees and the works proposed to them, T4, T34, G13 and G16 raise particular concern in this respect.

Therefore, the Applicant should set out how they plan to address the statutory protection of these species, both to allow us to discharge our statutory duties when determining the application, and also to protect themselves against the risk of prosecution for disturbing a bat roost or bird's nest during the works.

It may be the case that a preliminary assessment is undertaken prior to works, or that a watching brief is maintained while the work is taking place. Either way, we need to agree an approach with the Applicant which is compliant with our Environment (Wales) Act Section 6 duty and our Regulation 9 duty under the Conservation of Habitats and Species Regulations.

7. PUBLIC REPRESENTATIONS

7.1 Neighbour and Ward member notification letters were sent on 07/10/2025, Site Notice was put up on 10/10/2025.

- 7.2 NEIGHBOURS: 388 neighbours were consulted. Representations were received by 3 properties included below:

1) Support and welcome this proposal, the trees are in need of a good cutting back/down or clearing altogether. A number of the trees are unsafe, the ash trees are suffering from dry rot with branches falling off and vegetation growing on to residential fences and breaking them. We have had to remove vegetation and have a new fence installed, we contacted NCC at the time regarding this and an officer came out to visit and view the damage that had been caused. Children play here under the trees, close to the houses backing on to the park. It's a matter of time before one is seriously injured or even killed by falling branches.

A few of the properties also have gates opening on to the park from their gardens, elderly neighbours are wandering around this area regularly and could easily be harmed by falling branches or overgrown vegetation.

The trees were smaller and less intrusive a few years ago. Now they are just a nuisance and the whole area is in need of clearing and tidying up.

2) they have been a problem for many years. They are too big they block out most of the sky. They are also very scary in high winds. I have on many occasions asked if anything can be done about them. After 35 years and watching them being planted they are still growing

3) Many, many trees have been felled in recent years around this area. I think consideration should be made for birds which have lost a lot of their nesting places, e.g. no owls now or certain small birds.

- 7.3 Councillor Pat Drewett, Matthew Evans and David Fouweather made no comment on the application.

8. **ASSESSMENT**

- 8.1.1 This application seeks works to 40no. individual trees and 17no. tree groups. Groups 5, 13, 15, 16,17, and Trees 6, 22 (NCC Tree), and 40 are TPO'd. Works range from appropriate herbicide treatment, pollarding, coppicing, and felling etc. The Tree Survey was undertaken by TreeCare consulting. TreeCare consulting states that all tree work recommended by Treecare Consulting should be carried out by professional tree contractors and they should follow the recommendations of BS 3998 2010 and industry good practice for green infra-structure.

- 8.1.2 Below denotes the trees and tree groups which are proposed to be felled and the reasoning:

T3- Whitebeam- Standing dead tree within rear garden adjacent to boundary fence

T8- Norway Maple- Self set sapling directly adjacent to building (no.29). Future management issues

T9- Sycamore- Directly adjacent to/at top of 1m retaining wall outside no.29. Future management issues

T10- Sycamore- Self set sapling directly adjacent to building (no.32). Future management issues
 T13- Ash- Self set sapling situated directly adjacent to boundary fence. Future management issues
 T16- Ash- Self set sapling situated 2m from adjacent building. Future management issues.
 T18- Unidentifiable- Standing dead tree adjacent to footpath featuring historic secondary stem union failure wound at 1.75m.
 T21- Ash- Self set sapling directly adjacent to building (no.48). Future management issues
 T23 Ash- Stage 3 Hymenoscyphus fraxineus infection. Main stem historically reduced to 7m
 T24- Ash- HF3 infection. Ivy obscuring main stem/principal branch unions
 T25- Ash- Standing dead tree at top of bank.
 T26- Ash- Self set sapling situated <3m from building/ on between no.15 &16. Future management issues.
 T27- Cherry- Standing dead ivy clad tree in front garden of no.17.
 T32- Ash- Self set sapling situated <1m from building (outside no.57). Future management issues.
 T34- Ash- HF3 infection. Within falling distance of no.10.
 G16- Ash +7- dying. Potentially within falling distance of public highway (St Mark's Crescent)

- 8.1.3 The felling of these trees is considered acceptable for the reasons outlined above. Some other works include herbicide treatments to diseased trees, coppicing due to poor physiology, pollarding due to proximity to buildings and overall health, foliage tip reduction and crown lifts away from footpaths and highways, ivy clearance etc.

- 8.1.4 The Councils Tree Team have reviewed the Tree Survey and state that Groups 5, 13, 15, 16,17 and Trees 6, 22 (NCC Tree), 40 are TPO'd. The works to these trees are outlined below.

G5- Hornbeam (x5)- Foliage tip reduction/lift to maintain 1.5m clearance from/over buildings. Ivy band 360 1m where relevant. Consider pollarding group at 6m
G13- Ash (x4)- Pollard at 6m. Retain as woodland habitat
G15- Sycamore (x4)- Foliage tip lift/reduction to provide 5.2m statutory clearance over highway
G16- Ash (7+)- Fell
G17- Sycamore/elm- Foliage tip lift/reduction to provide 5.2m statutory clearance over highway. Fell sycamore tag 6188/adjacent young sycamore. Apply appropriate herbicide to stumps

T6- Goat Willow- Coppice at 0.75m
T22- Willow- Pollard extended secondary stem at 6m to provide >1m clearance from lighting column and improve light splay
T40- Sycamore- Crown lift minor low branches/foliage tip lift to provide 5.2m statutory clearance over highway. Ivy band 360 1m.

- 8.1.5 The Tree Team have no formal objections to the works proposed however, the works should be carried out in accordance with the Tree Survey submitted and works done to the BS 3998:2010 by a qualified and competent tree surgeon. The other trees are not covered by a TPO therefore, NCC has no reemit over them. NCC will engage our own tree surgeon to undertake works to T22 as it is a NCC Tree.

8.1.6 In assessing the proposed removal of trees, regard has been given to the provisions of Planning Policy Wales (Edition 12) paragraph 6.4.2, which advises that *replacement planting should be provided at a ratio equivalent to the quality, environmental and ecological importance of the trees lost, preferably on or adjacent to the site, and at a minimum ratio of three replacement trees for every one lost*. The surrounding area is characterised by groups of trees and wooded areas. The proposed removal of a limited number of individual trees is therefore not considered to result in a significant reduction in overall tree coverage or to adversely affect the established character of the area or the wider streetscene. The trees identified for felling are either dead, in poor condition, or present a risk to nearby structures and public safety. In view of these factors, it is considered that replacement planting for these particular specimens is not necessary, as their removal would not result in an unacceptable loss of amenity or environmental value. However, Tree Preservation Order (TPO) Group G16, comprising a cluster of seven or more Ash trees, is proposed for removal due to concerns regarding their potential falling distance towards St Mark's Crescent. Given that these trees form part of a protected group, it is considered reasonable that some form of compensatory replanting be secured. Whilst the full 3:1 replacement ratio set out in national policy may be disproportionate in this instance, appropriate mitigation can be achieved through the planting of alternative species more suited to the available space and character of the area. Accordingly, a planning condition will be imposed requiring details of a compensatory planting scheme to be submitted and approved by the Local Planning Authority prior to the removal of the TPO trees. This will ensure that suitable replanting is provided to maintain the overall tree cover and visual amenity of the locality in the longer term.

8.2 Ecology

8.2.1 When assessing the ecological impacts of the development, the Ecology Officer was consulted on the development. The Officer does not hold concerns over the trimming of branches, however, the trees to be felled or pollarded, further information is needed to understand the implication that this may have for protected species before granting consent. Concerns were raised over nesting birds, and the officer states we should secure an undertaking from the Applicant that works will take place outside the main bird nesting season, roughly March to August inclusive. Moreover, concerns were raised over roosting bats, where prior to felling or pollarding mature trees, we should understand the implications for any bats that may be roosting in them. The Ecology Officer suggests that, looking at the schedule of trees and the works proposed to them, T4, T34, G13 and G16 raise particular concern in this respect. The Ecology Officer has concluded that the applicant should set out how they plan to address the statutory protection of these species. The officer has stated that a preliminary assessment should be submitted prior to works, or that a watching brief is maintained while the work is taking place. Given the applicant has not provided a PEA, a condition securing a watching brief shall be secured for the duration of the works compliant with the Environment (Wales) Act Section 6 duty and our Regulation 9 duty under the Conservation of Habitats and Species Regulations.

8.3 Neighbouring comments

8.3.1 Some neighbouring properties provided comments on the application and state that they are in support of the proposal as the trees are in need of cutting back and clearing altogether. A number are unsafe, and some have ash die back, the overall scale of the trees are unsafe in high winds, creating a hazard for pedestrians.

- 8.3.2 One comments suggest that consideration should be given to nesting birds considering how many trees that have been felled in recent years. This has been addressed above.

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 felling and tree works proposed is acceptable subject to a watching brief, and it is recommended that permission is granted with conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Tree Survey

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 Before the felling of TPO tree group 16 as provided within TreeCare Consulting *Defective tree list and management recommendations* hereby approved, written approval of the Local Planning Authority is required to a scheme of compensatory landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs and having regard to the submitted Ecological Survey). 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 completion of that development. Thereafter the trees, grasses and shrubs 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 October to March inclusive.

Reason: To secure the satisfactory implementation and maintenance of the soft landscape scheme in the interests of residential and visual amenity and rural character having regard to policies SP5, GP2 and GP6 of the adopted Newport Local Development Plan.

03 No development or works to trees, buildings, or structures that could provide potential roosting opportunities for bats or nesting sites for birds shall take place until a watching brief has been implemented in accordance with the following requirements:

1. **Appointment of Ecologist**

A suitably qualified ecologist shall be appointed to undertake a watching brief during all relevant works, including demolition, tree works, and vegetation clearance.

2. **Scope of Watching Brief**

The watching brief shall include inspection of features with potential for bat roosts or bird nests prior to and during works. If evidence of bats or nesting birds is found, works shall cease immediately, and appropriate mitigation measures shall be agreed with the Local Planning Authority (LPA) and implemented before works recommence.

3. **Compliance with Legislation**

All works shall be carried out in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), Environment (Wales) Act Section 6 duty and our Regulation 9 duty under the Conservation of Habitats and Species Regulations, and any relevant guidance.

4. **Reporting**

A brief report confirming the outcome of the watching brief and any mitigation undertaken shall be submitted to the LPA within 12 weeks of completion of the relevant works.

Reason: To ensure the protection of bats and nesting birds, which are protected species under UK and EU legislation, in accordance with Policy GP5 of Newport Local Development Plan 2011-2026 and Environment (Wales) Act Section 6 duty and our Regulation 9 duty under the Conservation of Habitats and Species Regulations.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP5 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.