

Delegated Decision Report

Application No:	26/0300	Statutory Period Expires:	11th June 2026
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Site:	<i>Lodge Woods Lodge Hill Caerleon Newport South Wales</i>		
Proposal:	<i>WORKS INCLUDING FELLING TO TREES PROTECTED BY 78 MON WOODLAND 7</i>		
Applicant:	<i>Fisher German</i>		
Type:	Tree Preservation Orders	Ward:	Caerleon
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is a protected woodland, protected by TPO number 78/mon.

3. DESCRIPTION OF DEVELOPMENT

3.1 The following works are proposed;

T16 – Coppice with a couple of dead stems.

T19 – Fell.

T20 – Fell.

T21 – Fell.

T22 – Fell.

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- GP5 – Natural Environment

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Trees, Woodland, Hedgerows and Development Sites

6. CONSULTATION RESPONSES

- 6.1 Ecology: The descriptions of many of the trees refer to features such as major deadwood, cracks and cavities in mature trees, which could be locations where bats may roost. All bats and their roosts are protected from harm because they are European protected species, and my concern is that bat roosts may be destroyed if they have exploited these defects in these trees.

The Applicant should set out how they intend to identify any potential roost features, to survey these features for potential bat presence, and to mitigate the impacts upon bats if any roosts are found. Normally we would expect an assessment of potential roost features by an Ecological Consultant, so that we can understand the impact upon protected species of granting consent to this proposal.

In addition, the Applicant should be reminded that it is likely these trees support nesting birds, and that nesting birds 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.

Dormice may be present in this woodland, and this is also a European protected species. Their breeding season is roughly June to August inclusive, so any clearance of woodland habitat should be timed to avoid this period, and also the bird nesting season as outlined above.

- 6.2 Tree: No objections for the works in line with the submitted report extract. Felled trees should be replanted at a ratio of 3 for 1 on site at a size of 10-12. The species and location can be agreed at a later time. The replacement planting should be completed the following planting season (November - March) from when the trees are felled. Evidence of planting to be submitted once the planting has been completed.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 28/04/2026 and a Site Notice was put up on 01/05/2026.

- 7.1 NEIGHBOURS: No comments received.

- 7.2 COUNCILLOR (COCKS): I have no objection to this application if the council tree officer agrees that this work is necessary.

8. ASSESSMENT

- 8.1 A section of a tree report has been provided that details the condition of the trees as well as the works required as follows. The sycamore tree (T16) is a mature tree with die back and dead wood, proposed to coppice. The beech tree (T19) has suffered significant decay in the base of the stem, weighted over the path, proposed to be felled. The silver birch (T20) is a dead tree adjacent to property woodland garden, proposed to be felled. The group of ash and cherry trees have significant decay, proposed to fell. The beech tree (T22) has extensive Ganoderma around the base of the stem and a major limb has failed in the past leaving significant scar, proposed to fell.

- 8.2 The descriptions of many of the trees refer to features such as major deadwood, cracks and cavities in mature trees, which could be locations where bats may roost. All bats and their roosts are protected from harm because they are European protected species. The Council's Ecology Officer raises concerns that bat roosts may be destroyed if they have exploited these defects in these trees. The Officer would expect the applicant to set out how they intend to identify any potential roost features, to survey these features for potential bat presence and to mitigate the impacts upon bats if any roosts are found. An assessment of potential roost features would be expected by an Ecological Consultant to understand the potential impact upon protected species before any consent could be granted.

- 8.3 Dormice may be present in this woodland and is also a European protected species. Their

breeding season is roughly June to August inclusive, so any clearance of woodland habitat should be timed to avoid this period. In addition, it should be noted that it is likely that the trees support nesting birds and nested birds 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.

- 8.3 The Council's Tree Team were consulted on the application and offered no objections for the works in line with the submitted report extract. However, they advise that felled trees should be planted at a ratio of 3:1 on site at a size of 10-12. The species and location of which should be agreed. The replacement planting should be completed the following planting season (Nov-Mar) from when any trees are felled. This could be secured via condition.

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 proposal will result in a significant adverse effect upon interests of acknowledged

importance, namely protected species by reason of direct impact to habitat and no information has been provided to mitigate this objection. This is contrary to policy GP5 Newport Local Development Plan 2011 – 2026 (Adopted January 2015), the Wildlife and Development Supplementary Planning Guidance December 2025, the Trees, Woodland, Hedgerows and Development Sites Supplementary Planning Guidance January 2017 and Planning Policy Wales TAN5: Nature Conservation and Planning.

11. DECISION

REFUSED

01 The proposal will result in a significant adverse effect upon interests of acknowledged importance, namely protected species by reason of direct impact to habitat and no information has been provided to mitigate this objection. This is contrary to policy GP5 and SP9 Newport Local Development Plan 2011 – 2026 (Adopted January 2015), the Wildlife and Development Supplementary Planning Guidance December 2025, the Trees, Woodland, Hedgerows and Development Sites Supplementary Planning Guidance January 2017 and Planning Policy Wales TAN5: Nature Conservation and Planning.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Tree Works Schedule Dated February 2025 and Tree Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP5 and SP9 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.