

Delegated Decision Report

Application No:	26/0227	Statutory Period Expires:	20th April 2026
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Site:	<i>Roman Legion Museum High Street Caerleon Newport South Wales</i>		
Proposal:	<i>WORKS TO SILVER BIRCH TREE (T147) PROTECTED BY TPO 84/MON</i>		
Applicant:	<i>T. Coles</i>		
Type:	Tree Preservation Orders	Ward:	Caerleon
Decision:	Granted with Conditions		

1. BACKGROUND

- 1.1 The application form refers to a Norman Maple Tree and European Olive Tree, protected by the Caerleon Conservation Area. These trees are not considered within this application and are considered under a separate application (26/1043).

2. SITE LOCATION AND CONTEXT

- 2.1 The application relates to the Roman Legion Museum, located within the Caerleon Conservation Area. The application site is also located within an Ancient Monument Area and Archaeologically Sensitive Area. The tree referred to within the application is a Silver Birch Tree located within the rear garden of the museum.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks consent to undertake works to a Silver Birch Tree. The works include pruning back stubs from previous branch failures and removal of ivy. The works will be undertaken to avoid nuisance and hazards.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
11/0312	REMOVAL OF TWO FRUIT TREES WITHIN THE CAERLEON CONSERVATION AREA	No objections	21.04.2011
26/0143	WORKS TO TREES PROTECTED BY CAERLEON CONSERVATION AREA	Pending Consideration	N/A

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)
- 5.3.1 Policies GP2 (General Amenity), GP5 (Natural Environment), GP6 (Quality of Design), CE6 (Archaeology), CE7 (Conservation Areas), SP5 (Countryside), SP9 (Conservation of the Natural, Historic and Built Environment) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- 5.4.1 Trees, Woodland, Hedgerows and Development Sites (2017).

5.5 HISTORIC ENVIRONMENT WALES (ACT) 2023

5.6 TECHNICAL ADVICE NOTES

- Technical Advice Note (TAN) 5: nature conservation and planning
- Technical Advice Note (TAN) 10: tree preservation orders
- Technical Advice Note (TAN) 24: historic environment

5.7 Consideration is also given to the following documents:

- Caerleon Conservation Area Appraisal
- CADW Managing Conservation Areas

6. CONSULTATION RESPONSES

- 6.1 **Principal Heritage Officer:** Mature trees provide both public and visual amenity and make a very positive contribution towards the character and appearance of Caerleon Conservation Area.

Upon this basis, every effort should be made to retain the trees in good health. However, I will leave it to our Tree Team to comment upon the precise nature of these proposals and their potential impact upon tree health.

- 6.2 **Ecology Officer:** As we are now in the bird nesting season, the Applicant should be reminded via an advisory note 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.

We should also attach our Bat Advisory Note if consent is granted, as removal of large limbs or dense Ivy cover may disturb roosting bats.

- 6.3 **Tree Team:** No objections.

- 6.4 **Wildlife in Newport:** No response received

- 6.5 **CADW:** No objection.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 02.03.2026, Site Notice was put up on 06.03.2026

- 7.1 NEIGHBOURS: 4no. neighbours were consulted. The following representation was received:

At a recent meeting Caerleon Civic Society considered this application. The application was supported. Because of daily traffic congestion and extensive parking in the area, in relation to the adjacent primary school, it was suggested that a condition of any planning permission should limit the working hours to the period after 9.30am and before 2.30pm on school days.

- 7.2 COUNCILLORS: Cllr Jason Hughes, Cllr Claire Baker-Westhead and Cllr Steve Cocks were consulted. No comments were received to date.

8. ASSESSMENT

8.1 The Silver Birch Tree is protected by TPO 84/MON and is also protected by the Caerleon Conservation Area. Consideration is given to the impact of the works on the tree itself and the character and appearance of the Caerleon Conservation Area.

8.2 **Character and Appearance**

8.2.1 Given that the site comprises a listed building within the Stow Park Conservation Area, the heritage implications of the proposed works must be carefully considered. The Principal Heritage Officer has been consulted on the application and recognises that the trees make a positive contribution to the character and appearance of the area and should therefore be retained. However, they advise that it is for the Tree Officer to determine whether the proposed works are necessary. The tree is not being removed and the maintenance works are considered to be justified. CADW have offered no objection to the proposed works. The tree will be retained, resulting in minimal harm to the character and appearance of the area.

8.3 **Biodiversity**

8.3.1 The Council's Ecology Officer has commented on the application and advises that as we are approaching bird nesting season, an informative should be added to any consent to advise the applicant. It is understood that there would be no impact to European Protected Species. A suitably worded informative about this will also be added to any decision.

8.4 **Other matters**

8.4.1 Comments have been received with regards to the timing of works. Whilst this is noted, as this is a notification for works to trees in a conservation area, the Local Planning Authority cannot impose planning conditions. Additionally, given the limited nature and likely duration of the proposed works, any impact on residential amenity is considered to be minimal.

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 works are justified and no objection is raised to the proposed works to the 2no. trees.

11. DECISION

Granted with Conditions.

NOTES TO APPLICANT

01 This decision relates to plan Nos: Site Plans, Application Form

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies CE6, CE7, SP5, SP9, GP2, GP5, GP6 and GP7 were 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 Bats often roost in houses and other buildings and trees, and work on these buildings/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 building/trees in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

- a. 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.
- b. 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.
- c. Where bats or their roosts are present, no works of site clearance, demolition or construction 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.
- d. NRW can be contacted at: Natural Resources Wales, Rivers House, St Mellons Business Park, St Mellons, Cardiff CF3 0EY, 0300 065 3000
- e. Bat Conservation Trust can be contacted at: Bat Conservation Trust, Studio 15 Cloisters House, Cloisters Business Centre, 8 Battersea Park Road, London, SW8 4BG, 0845 1300 228

05 Trees may support nesting birds at certain times of the year. The applicant is advised 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.