1. Purpose of Report

1.1 This report seeks formal confirmation of provisional City and County of Cardiff Tree Preservation Orders (TPOs) served outside of the TPO review in Cardiff and one Variation Order linked to the review. The TPOs are located in St Mellons (in Trowbridge ward) and Riverside. The Variation Order is located in Lakeside in the ward of Cyncoed.

1.2 All of the Orders were served in October and November 2012 and will lapse if not confirmed within six months of the date of service. The Council may choose to confirm each Order as it stands, confirm it in a modified form, revoke it, or allow it to lapse. Modifications may include corrections to the scheduled information and plan, or the removal of specific trees from the confirmed Order.

1.3 Should Committee resolve that more trees should be protected a Variation Order will need to be made and consulted on after the original Order has been confirmed.

2. Background

2.1 Orders outside of the review have been served where trees are identified as being under threat and apply a standard methodology that seeks to apply criteria for a tree’s amenity value that will be as uniform as practicable across the built up parts of the County. The reasons for making each TPO are set out in the statements of reasons attached to each new TPO.

2.2 The Orders may protect individual trees (T1 etc), groups of trees (G1 etc) and woodlands (W1 etc).

3. The Issues

3.1 Table 1 shows the numbers of individual trees, groups of trees and woodlands protected by each order. It also shows the number of objections and representations made. The letters are available as supporting documents.

3.2 The letters of objection and representation have all been carefully considered. In all cases, those writing have been contacted by letter, e-mail, telephone or in person. Where specific trees were involved they have been re-assessed on site, and whenever practicable, the concerns
have been discussed with the objector. The issues of the objections / representations are set out in Appendix A, together with the suggested response.

3.3 Members will note that of the 1 tree, 1 group of trees and 1 woodland proposed for protection all have attracted specific objection, from a total of 3 objectors. It is recommended that, as a result of the consultation, and subsequent inspection and discussions with objectors, that no Orders be varied to remove the trees objected to. No objectors suggested including extra trees.

3.4 Members are asked to consider the recommendations in Table 2. The specific reasons for each Order are set out in its “Statement of Reasons”.

4. Achievability

4.1 It is within the power of a Local Planning Authority to confirm a TPO where no objections are received to the Order within the statutory 28 day period, or after consideration of any objections / representations that are received.

5. Legal Implications

5.1 The power to make a TPO is contained in the Town and Country Planning Act 1990 s.198. Further statutory requirements are contained in Town and Country Planning (Trees) Regulations 1999 (as amended) and further Department of the Environment Guidance.

5.2 A TPO must be the subject of a 28 day consultation period to allow persons interested in the land to make any objections/representations. Before confirming any Order the Local Planning Authority (LPA) must consider any objection/representation made within the 28 day period. Having considered any objection/representation received, if the LPA remain satisfied that the tree merits a Tree Preservation Order then it may confirm the Order.

5.3 The LPA will then notify the owners and occupiers of the land affected by the TPO of their decision and the date of confirmation together with the time within which a challenge may be made to the High Court and the grounds on which such a challenge may be made.

5.4 If the TPO has been confirmed subject to modifications, then a copy of the full TPO as confirmed (with modifications clearly indicated) will be sent to the owners and occupiers of the land affected with a copy being made available for inspection at the Council’s offices.

6. Financial Implications

6.1 There are no financial implications arising from this report; any costs of confirming the TPO will be met from within existing budgets.
7. The Recommendation

7.1 To confirm the TPOs, modified where indicated in Table 2

Phil Williams
Strategic Planning and Development Manager
### TABLE 1  The Orders and Objections

<table>
<thead>
<tr>
<th>Ref</th>
<th>Name</th>
<th>Year</th>
<th>Trees</th>
<th>Groups</th>
<th>Woodlands</th>
<th>Copies served on Public</th>
<th>Objections</th>
<th>Representations</th>
<th>Trees Affected by Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td>552 (v)</td>
<td>Rannoch Drive Area, Cyncoed</td>
<td>2010</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>24</td>
<td>1</td>
<td>3</td>
<td>1 tree, 1 Group, 1 Woodland</td>
</tr>
<tr>
<td>763</td>
<td>Mallard Close Area, St Mellons</td>
<td>2012</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>12</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>764</td>
<td>156 Cathedral Road, Riverside</td>
<td>2012</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>45</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 2  Planning Committee Recommendations by Order

<table>
<thead>
<tr>
<th>Ref</th>
<th>Name</th>
<th>No of Trees</th>
<th>No of Groups</th>
<th>No of Woodlands</th>
<th>Trees Removed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>552 (v)</td>
<td>Rannoch Drive Area, Cyncoed</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>Confirm as unmodified Order.</td>
</tr>
<tr>
<td>763</td>
<td>Mallard Close Area, St Mellons</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>Confirm as unmodified Order.</td>
</tr>
<tr>
<td>764</td>
<td>156 Cathedral Road, Riverside</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Confirm as unmodified Order.</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Ref</td>
<td>Tree &amp; Address</td>
<td>Reason</td>
<td>Details</td>
<td>Recommendation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>----------------</td>
<td>--------</td>
<td>---------</td>
<td>----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>552</td>
<td>W01 Woodland 40 Rannoch Drive</td>
<td>Objection – nuisance &amp; hazard</td>
<td>Request to alter the boundary of the woodland designation in order to exclude two oaks to the rear of 40 Rannoch Drive as it is perceived that they dominate the garden and are too close to the house. <em>Recent pruning work to these two oaks, prior to the Variation being served has to a great extent lessened conflict with the use of the garden, has provided substantial clearance to the rear facades of adjacent built structures and should serve to promote the development of smaller, more compact crowns. Cyclical maintenance will be required to maintain the crowns at a reduced size and this will not unduly be refused.</em></td>
<td>Boundary of Woodland designation to be left unmodified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>763</td>
<td>G01 – Group of 3x ash To the NW of Mallard Close, adjacent to</td>
<td>Objection – nuisance &amp; hazard</td>
<td>Concerns raised by a solicitor acting on behalf of the objector with regard to structural damage being caused by roots, the prevention of appropriate maintenance being carried out due to the serving of the Order leading to damage to third party properties and an increase in insurance premiums due to the serving of the order.</td>
<td>Retain in Order</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Greenway Road | Response sent addressing the concerns raised stating;  
|              | - that to the best of our knowledge there is no history of subsidence in this area of Cardiff  
|              | - that TPO do not preclude the management of trees but rather they seek to ensure that any work is done does not compromise the health and structural integrity of trees,  
|              | - confirmation that duty of care lies with the land owner  
|              | - the presence of trees may affect insurance premiums but unsure why the fact that they are protected by a TPO would also attract additional premiums.  

| 764 T01 Silver birch  
156 Cathedral Road | Objection – nuisance / hazard | Concerns were raised in relation to water demand and the impact of trees in relation to climate change, the negative effects of the tree on shrub planting in the neighbouring garden, the shedding of debris including leaves, the suitability of the species for protection by a TPO and the fact that birch are not suited to the site in question due to the level of exposure.  
Response sent highlighting;  
- the important and positive role that trees play with regard to sustainability and their widely recognised role in mitigating the affects of climate change.  
- the fact that birch feature a light and airy canopy that casts only limited shade and are considered to be a “low water demanding” species.  
- that the shedding of leaves and other debris is part of a natural and beneficial cycle and is not a reason for tree removal.  
- that a tree’s age and ultimate life expectancy, even if this is short (in tree terms) does not preclude its protection by a TPO.  
- that as a pioneer species birch are adapted to open sites and that the urban environment in question would not be considered as being overly exposed. | Retain in Order |