

3. Proposed Confirmation of Tree Preservation Order T328 on land at rear of 5 Channel View, Bryncoch, Neath

3.1	TPO NO: T328	Page Nos:	Wards Affected: Bryncoch North
LOCATION:	Land at rear of 5 Channel View, Bryncoch, Neath		

DESCRIPTION

Request for confirmation of a Tree Preservation Order

SITE ADDRESS

Land at rear of 5 Channel View, Bryncoch, Neath

BACKGROUND INFORMATION

Tree Preservation Order ref. T328 was made on 28th August 2014 in respect of a single Oak tree on land to the rear of 5 Channel View, Bryncoch, Neath. Authorities can only confirm an Order within a six month period beginning with the date on which the Order was made.

People must be given the opportunity to object to, or comment on, a new Tree Preservation Order and, before deciding whether to confirm an Order, the local authority must take into account all 'duly made' objections and representations that have not been withdrawn.

Objections to a new Tree Preservation Order can be made on any grounds.

Having regard to receipt of an objection, the matter was reported to a delegated panel of Officers to confirm the TPO. Ward Councillor Bryant, however, has asked for the matter to be referred to the Planning and Development Control Committee due to his concerns that retention of the tree may impact on the safety of adjoining residents.

THE TREE PRESERVATION ORDER

The tree in question (T1) is situated on a public right of way to the rear of 5 Channel View, Bryncoch, and near the boundary of 3 Channel View. The land on which it is located is unregistered.

Following concerns from several residents that trees were being felled, the site was inspected by the Authority's Arboriculturist on the 28th August 2014. The tree was considered to be under immediate threat of being felled as the resident of number 3 Channel View had a similar adjacent tree felled the week before and was arranging an arboriculturist to fell this tree (on the day the Emergency Tree Preservation Order was served).

The Local Planning Authority may make a Tree Preservation Order if it appears expedient in the interests of amenity to make provisions for the preservation of trees or woodlands in their area.

In this case the Arboriculturist confirmed that the tree was healthy, clearly visible from a number of locations, and worthy of protection. Officers therefore considered the protection of the tree to be in the interest of the visual amenity and character of the immediate area, with the tree prominent above the roof ridgeline and contributing to a green backdrop behind the houses on Channel View.

Having regard to the above, under delegated powers an Emergency Tree Preservation Order was made on the 28th of August 2014 relating to an English Oak (*Quercus Robur*). Copies of notices and orders were posted on site on the morning of 29th August 2014 and hand delivered to neighbouring properties on the same day.

REPRESENTATIONS RECEIVED

One objection letter has been received objecting to the TPO on the following summarised grounds: -

- 1) The tree is large and unmanageable.
- 2) Fallen leaves can pose a slip hazard. Who is responsible for cleaning up fallen leaves?
- 3) Risk of the tree falling in storm conditions.

RESPONSE TO OBJECTIONS / APPRAISAL

The objections raised are addressed as follows:

- 1) The Tree Preservation order will not prevent the maintenance of the tree to arboricultural standards, only require the Authority's consent to ensure any works are necessary.

- 2) Trees losing leaves in Autumn is a natural phenomenon, and it is the responsibility of a landowner to clear up leaves landing on their own property. Such concerns do not, in any event, outweigh the contribution made by the tree to local character.
- 3) The Arboricultural Officer is satisfied that the tree is a healthy specimen with no visible areas of decay or disease. He notes that while trees do occasionally fall and damage property or injure members of the public, he did not identify any physiological problems or structural defects which could render this tree as being at high risk of collapse. Accordingly, it is considered that with suitable stewardship in future, there are no grounds to consider the tree to represent an unacceptable danger to the health or safety of residents nearby or using the public footpath. If the landowner is negligent in maintaining the tree they may be responsible for any damage caused.

In addition to the above, Ward Councillor Bryant asked for the matter to be referred to Committee due to his concerns that retention of the tree may impact on the safety of adjoining residents. Such matters have been addressed by point 3 above.

CONCLUSION

For the reasons given above, the tree is considered to merit protection and the objections raised to the TPO, and concerns raised by the local Councillor, are not considered sufficient to outweigh the contribution made by the tree to visual amenity. It is therefore considered expedient to confirm the Tree Preservation Order in order to protect the tree due to its contribution to the visual amenity of the area.

RECOMMENDATION

That Tree Preservation Order T328 be confirmed as an opposed Tree Preservation Order, and that all people previously served with the made Order are notified of the order's confirmation; the date it was confirmed; the time within which an application may be made to the High Court; and grounds on which an application to the High Court may be made.