

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 24 NOVEMBER 2021**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **GENERAL MATTERS - TREE PRESERVATION ORDER NO. 337 AT 36 WEPRE PARK, CONNAH'S QUAY**

1.00 **PURPOSE OF REPORT**

- 1.01 In response to a request by the owner/occupiers of 36 Wepre Park, Connah's Quay a provisional Tree Preservation Order (TPO) has been made under delegated powers.
- 1.02 The affected parties have been formally notified of the provisional TPO and given the opportunity to object to it. (If they so wish, interested parties can also submit representations in support of the TPO).
- 1.03 On occasions, where objections are made and they are not later withdrawn, it is necessary for them to be reported to committee for consideration. The report states the reasons for the objections, the officer's responses and other relevant factors in consideration of the matter.
- 1.04 It is recommended that the provisional TPO is confirmed and therefore remain in force.

2.00 **REPORT**

- 2.01 On 14th July 2021 the Council made the above provisional Tree Preservation Order (TPO) affecting a single mature oak tree along the rear boundary of the property. The TPO was made in response to a request by the owner/occupiers of the property who considered that the tree is a prominent and attractive feature in the area that merited protection, especially because it is situated on a boundary and branches over neighbouring land had been removed.
- 2.02 In response to the making and service of the provisional TPO the council has received an objection from a neighbour at 17 Richmond Road.

The reasons for the objection are summarised below:-

1. The tree is not at 36 Wepre Park it is in the property of 17 Richmond Road.
2. There was no consultation by the occupants of 36 Wepre Park prior to the application for the TPO.
3. I have strived to maintain the tree in an environmentally pleasant and safe condition. When I bought the property the tree was completely overgrown with ivy which I removed although some remains in the upper crown. Many branches are therefore rotten and potentially dangerous. I consulted a tree specialist and was going to have these branches removed. I trust that now the Council is responsible for the tree it will be maintained.
4. The tree causes a loss of sunlight and a dangerous environment due to falling dead branches. In winter months, due to the formation of moss beneath the tree it becomes slippery underfoot. This is especially dangerous to aged people living in 15 and 17 Richmond Road and children. These dangerous environments would have been addressed prior to the implementation of the preservation order.
5. At present, the tree is not in a safe environmentally friendly condition and needs imminent maintenance I therefore trust that this will be implemented should this preservation order be carried out.

2.03 In response to the reasons for the objection the following comments are made:-

1. The boundary fence around the trunk of the tree means it appears to be growing within the garden of 36 Wepre Park rather than 17 Richmond Road. When serving provisional TPOs the Council is required to notify interested parties but does not have to ascertain who actually owns a tree subject to a provisional TPO. The interested parties have been duly notified and it is not the Council's role, when making provisional TPOs, to arbitrate over land ownership.
2. The request for the TPO was submitted by the occupiers of 36 Wepre Park and it would have been up to their discretion, whether or not, to advise a neighbour of their request to the Council. Regardless, the provisional period for TPOs allows objections and other representations to be made to the Council.
3. If the TPO on the oak tree is confirmed it would not prevent work being carried out in accordance with good arboricultural

management. A TPO is a designation on land that restricts works to trees without the Local Planning Authority's consent. A tree afforded protection by a TPO is still the owner's responsibility.

4. An inspection of the tree has been undertaken from both gardens and the mature oak is healthy without any major defects. There is nothing to indicate the tree is dangerous and/or requires urgent maintenance. The crown contains minor dead wood which is not unexpected given the species and age of the tree. The dead wood could be removed by agreement with the council and the tree owner if necessary. The shade caused by the tree is minimal because it only overhangs the end of the garden. A tree is a living organism that supports a variety of associated plant and animal species including moss. Where moss is causing the ground to become slippery this can be removed or treated and does not outweigh the considerable amenity afforded by the oak tree.

2.04 The Council has received nine representations supporting the provisional TPO, including ones made by Cllr Martin White (Local Member for Wepre, Connah's Quay) and Jack Sargeant MS. The representations mention the benefits the oak tree provides and the need to protect the wider environment.

2.05 If TPO 337 (2021) is not confirmed by 14th January 2022 the provisional TPO will lapse and the oak tree will no longer be protected.

3.00 RECOMMENDATIONS

3.01 Notwithstanding the objection it is considered that the mature oak tree is healthy, affords significant amenity and is clearly worthy of protection, especially when the representations in support of the tree are taken into account.

That Tree Preservation Order No. 337 (2021) 36 Wepre Park, Connah's Quay is confirmed without modification.

LIST OF BACKGROUND DOCUMENTS

TPO request

Provisional TPO No.337 made 14th July 2021

Emails of Objection 11th August and 2nd September 2021

Representations in support of TPO

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