

FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING & DEVELOPMENT CONTROL
COMMITTEE

DATE: WEDNESDAY, 7 NOVEMBER 2012

REPORT BY: HEAD OF PLANNING

SUBJECT: GENERAL MATTERS - TREE PRESERVATION
ORDER NO. 304 (2012) LAND AT THE GORSEY, LLYS
BEN, NORTHOP HALL

1.00 APPLICATION NUMBER

1.01 General Matters - TPO 304 (2012)

2.00 APPLICANT

2.01 Not Applicable

3.00 SITE

3.01 The Gorsey,
Llys Ben,
Northop Hall.

4.00 APPLICATION VALID DATE

4.01 Not Applicable

5.00 PURPOSE OF REPORT

5.01 To consider a letter of objection made in response to the service of Tree Preservation Order No. 304 (2012).

6.00 REPORT

6.01 The Council made the Tree Preservation Order (TPO) on 12th June 2012 that affects three oaks, one ash and a small area of woodland on land known locally as 'The Gorsey' to the north of Gardd Eithin and the east of the community centre. The Gorsey is an ungrazed field dissected by paths that contains a mixture of vegetation including mature trees and woodland. The TPO was made in response to 17 letters and other representations from residents concerned that the

trees might be felled and the area developed for housing, even though the site is outside the settlement boundary for Northop Hall.

- 6.02 A TPO made in 1992 (Reference FD114) already affects the land however taking into account public concerns regarding development and the fact that TPO FD114 does not accurately reflect the most significant amenity trees on the land it was considered expedient to make a new TPO.
- 6.03 If the new TPO is confirmed (i.e., made permanent) it is proposed to revoke the 1992 (Reference FD114) TPO because it will no longer be necessary. In the event that the new TPO is not confirmed it will lapse on 12th December 2012 and the 1992 will be relied upon to provide protection, even though it less accurate.
- 6.04 The land on which the trees are situated is registered to Allen Homes (North Wales) Ltd which is a company owned by Morris Homes Ltd. The letter of objection has been submitted by TPM Landscape who act on behalf of Morris Homes Ltd. The objection relates to an oak (T2) and whether, due to its condition, merits inclusion within the TPO. A tree survey carried out in April 2010, which accompanies the letter, states that the oak has a large 'ripped wound and decaying cavity in stem and into the crown'.
- 6.05 The letter of objection states that the tree is in poor condition and because of decay has a limited safe life expectancy. It is also stated the tree has the potential to fail and as it is so close to a public right of way it should be excluded from the TPO.
- 6.06 In response to the objection, the tree survey was carried out in April 2010 and since that date none of the main branches in the crown have failed even though no remedial work has been undertaken (e.g. reducing the length of long branches to lessen weight and leverage in strong winds).
- 6.07 Whilst it is evident that the stem and main branches have decay it is considered that this has been present for many years and the tree is an attractive feature with character that merits protection. In addition due to the tree's location within an area of open ground, away from buildings, roads and other frequently used areas, the risk the tree poses is low. This assessment also takes into account the proximity of the footpath, which passes near to but not underneath the canopy and its frequency of use.
- 6.08 In the event that the landowner proposes to reduce the risk further it is considered that pruning to reduce longer branches (for the reasons stated above in 6.06) would be sufficient remedial action. This type of proposal is likely to require the LPA's consent and would safeguard the tree as a feature in the locality.

6.09 The predicted slow progression of the decay in the oak means that it has the potential to live for many years with a lifespan estimated to be at least several decades compared to a few years. For this reason the tree meets the longevity criteria for protection by a TPO

7.00 RECOMMENDATIONS

7.01 Taking into account the reasons for the objection and the Council's consideration of them it is recommended that Tree Preservation Order No. 304(2012) Land at The Gorsey, LLys Ben, Northop Hall is confirmed without modification.

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