

Denbighshire County Council

Report To: Planning Committee

Date: Wednesday, 22nd May 2024

Report By: Planning Officer (Georgia Crawley)

Subject: General Matters Report – Objections to Tree Preservation Order (TPO) No. 1 (2024) at Land at Town Hall, Castle Street, Llangollen made by Denbighshire County Council (DCC)

1. Purpose of Report

1.1. To inform Members of the Planning Committee that the Council have received an objection to provisional Tree Preservation Order (TPO) No.1 (2024) on land at Town Hall, Castle Street, Llangollen made on 31st January 2024; and to recommend confirmation of the TPO. The TPO affords protection to a single Robinia Pseudoacacia (False Acacia) (T1) on the pavement to the front of the Town Hall.

2. Report

- 2.1. On 12th December 2023 a Conservation Area Notification application 03/2023/0826 was received by the Council which proposed crown reduction works to the Robinia Pseudoacacia (False Acacia). The applicant was the Llangollen Town Council.
- 2.2. The reasons provided for the works were set out in a Tree Health and Safety Survey (Rev 6.1, Sherratt Landscape Contractors Ltd, dated June 2021). The report set out that the tree required works to resolve rectifiable major defects which included dead/dying leaders and deadwood. The works included removal of deadwood and crossing branches and crown reduction to alleviate loss of integrity. The report advised that the works should be carried out within 2 months.
- 2.3. The Councils Tree Officer reviewed the notification application and advised that the works set out within the Tree Health and Safety Survey had already been carried out during the Castle Street 2020 public realm improvement works (pavement widening etc). The works were commissioned by DCC Highways, Facilities & Environmental Services through their contractors delivering the project. The contractors had to excavate near the tree and resurfaced around it with a porous resin. On the 3rd November 2021, during this work, the tree trimming/pruning took place in line with the Tree Health and Safety Survey (Rev 6.1, Sherratt Landscape Contractors Ltd, dated June 2021).
- 2.4. No Conservation Area Notification was received by Planning, Public Protection and Countryside Services in advance of this work taking place, as would be required due to the trees location within the Conservation Area. The Town Council who are the landowner and were the applicant on application 03/2023/0826 hadn't even been made aware that the works had been carried out.
- 2.5. The Conservation Area Notification application 03/2023/0826 was withdrawn by the Town Council as the report was therefore out of date and works not therefore considered necessary as they had already been carried out in 2021.

- 2.6. Following receipt of the application for further works, the Tree Officer carried out an assessment of the tree and submitted a request that the Robinia Pseudoacacia (False Acacia) (T1) be covered by a TPO as the tree meets the relevant criteria and warrants protection. The Tree Consultant Inspection Notes (TEMPO) confirms that the tree is very prominent in the local landscape and is of high amenity, biodiversity and historical value to the area. The Tree Officer also noted a high level of public concern for the tree during the 2020 Castle Street works.
- 2.7. The County Council Tree Officer considers that the value of the trees contribution to the character of the area warrants it being protected above a TPO. By placing a TPO on the tree this highlights to all interested parties that it is protected and affords greater control over the tree in the future.
- 2.8. A provisional TPO was made with the owners and other interested parties being served with copies of the order on the 31st January 2024.
- 2.9. Following service of the TPO the Council received an objection from the Town Council. The objection sets out that the Town Council questions the need to place a TPO on the tree given its current protection through the Conservation Area (protected by the provisions in section 211 of the Town and Country Planning Act 1990) and the trees ownership by an accountable local authority.
- 2.10. Officers are still of the opinion that a TPO is necessary for the following reasons:
- *Placing a TPO on the tree is appropriate because, apart from its own merits as a tree and its value to the community, there has been an ongoing disagreement over its ownership.*
 - *The last time it was pruned there was no notification to Planning, Public Protection and Countryside Services and the Town Council were unaware the works had even taken place. Placing a TPO on the tree highlights to all interested parties that it is protected and hopefully avoids a repeat of this.*
 - *The protection set out in s211 includes a provision of tacit consent which could, if the notification is not brought to the Council's attention, lead the notice giver to believe that they have consent to carry out the works. The TPO adds an extra safeguarding layer as explicit consent to carry out works to the tree.*
- 2.11. In response, the Town Council advised that it has accepted that the tree is in the curtilage of the land owned by the Town Council.
- 2.12. Given that the situation remains as it would have been when DCC carried out the works to the tree (i.e., that the Town Council own the tree), it is considered that the TPO should be confirmed to ensure that the protection is clear to all interested parties. This does not question the integrity of any of those parties but serves to provide greater protection for the tree. In Officers opinion given the value of the tree, the Conservation Area regulations are not considered sufficient to protect and would in any event result in the serving of a Tree Preservation Order given the above considerations. This is protection for the specific tree and not the blanket Conservation Area Notification requirement.

2.13. If the TPO remains unconfirmed, it will lapse on 30th June 2024 (i.e. after 6 months) and the tree will no longer be protected.

3. Conclusion

3.1. Notwithstanding the objection it is recommended that the TPO is confirmed in accordance with the Council's Tree Consultant's recommendation.

4. Recommendation

4.1. TPO No. 1 (2024) Land at Town Hall, Castle Street, Llangollen is confirmed without modification to afford the Robinia Pseudoacacia (False Acacia) (T1) continued protection.

Background documents

Tree Preservation Order No. 1 (2024) Land at Town Hall, Castle Street, Llangollen

Tree consultant inspection notes (TEMPO) dated 18th December 2023

Objection from Llangollen Town Council