

## THE VALE OF GLAMORGAN COUNCIL

### REQUEST FOR THE USE OF EMERGENCY POWERS – CORONAVIRUS PANDEMIC

**SUBJECT:** To provide authority for the Head of Regeneration and Planning and/or Operational Manager for Developer Services to confirm Tree Preservation Order (TPO No. 11 of 2019) in relation to an Ash tree at The Lodge, 1 Coed Masarnen, Colwinston.

1. **Originating / Department / Service** – Planning

2. **Reason for Seeking Emergency Powers** –

PLEASE SPECIFY BELOW ~~and attach appropriate Committee report/minute/memo~~ ~~(\* delete as appropriate)~~

The making of TPO's is a delegated power but if the Council receives any objection to the making of the TPO then the matter must be taken to Planning Committee in the event that the officers consider that the TPO should be confirmed.

TPO's are only effective in the event that they are confirmed. The Council is able to provide the tree(s) in question with immediate protection for a period of 6 months under s.201 of the Town and Country Planning Act 1990. If a TPO is not confirmed within the 6 month period the tree(s) cease to be protected until such time as the TPO is confirmed. The TPO was made on 11 October 2019 and is now outside the 6 month protection period, as there is unlikely to be a Planning Committee before the end of June it is considered that the use of Emergency Powers is required to ensure the protection of the tree.

We received an objection to the making of TPO No.11 of 2019 which set out the following issues:

1. The TPO is not a White Beam;
2. The street name shown on the plan is incorrectly spelt being "Coed Marsarnen" instead of "Coed Masarnen";
3. The tree should not be protected due to the emergence of Ash Dieback which could infect the tree.

Having considered the objection it is the officers view that the TPO should be confirmed with modifications to correct the type of tree and the spelling mistake on the plan, as shown on the attached document and in accordance with Regulation 5 of the Town and Country Planning (Trees) Regulations 1999.

The tree was noted as being a White Beam by the owner of the Property in their TCA application which triggered the TPO. Following receipt of the objection the Council's expert conducted a review and confirmed that the tree

was an Ash. The change of species does not affect the trees amenity value to the area and can be remedied by modification.

The address is correctly spelt in the TPO itself, the typographical error is due to an issue with the GIS system and can be remedied by simple modification.

There is no evidence to suggest that the tree is suffering from Ash Dieback.

### 3. **Policy Framework and Budget** –

PLEASE INDICATE as appropriate that the matter that you are seeking the use of Emergency Powers for is a Cabinet or Council function.

Cabinet

Council

### 4. **Relevant Scrutiny Committee** –

N/A – Planning Committee matter

### **IMPORTANT**

The following sections **must** be completed **prior** to the request being submitted to the Democratic and Scrutiny Services Section for processing.

I confirm (delete as appropriate)

~~(a) — That there are no financial implications and the relevant Cabinet Member, Leader and / or the Deputy Leader has been consulted and is in agreement with the use of Emergency Powers; **or**~~

~~(b) — That, in view of the financial commitments, the Head of Financial Services, the appropriate Chief Officer, the relevant Cabinet Member, Leader and / or Deputy Leader have been consulted and are in agreement with the use of the Emergency Powers and that~~

(c) For matters relating to the Planning Committee the Chairman of the Planning Committee has also been consulted and is in agreement with the use of Emergency Powers;

~~(d) — For matters relating to the Licensing Committee the Chairman of the Licensing Committee has also been consulted and is in agreement with the use of Emergency Powers.~~

~~(e) — For matters relating to the Welsh Church Act Estate Committee the Chairman of the Welsh Church Act Estate Committee has also been consulted and is in agreement with the use of Emergency Powers.~~

~~(f) — For matters relating to policy the relevant Scrutiny Committee Chairman has been consulted and is in agreement with the use of Emergency Powers.~~

**Signed:** .V. Robinson.....  
**(Instructing Chief Officer)**

**Date:** 08.06.20

**Please print name:** .....Victoria Robinson

---

**I hereby approve under my Emergency Powers the attached recommendation(s) on behalf of the ~~Cabinet~~ / Council (please delete as appropriate).**

**Signed:** D.R. Thomas..... **Date:** .16 June 2020...  
**Managing Director**

**NB Should the relevant portfolio Cabinet Member be unable to be consulted only the Leader and / or Deputy Leader be consulted in their absence.**

**N.B. Cabinet: 23<sup>rd</sup> March, 2020 Minute No. 295**