

## 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. 13 of 2019) in relation to Woodland at The Kymin, Penarth.

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 TPOs 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.

TPOs 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 6th December 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.13 of 2019 which sets out the following issues:

1. The trees are in the Penarth Conservation Area and so are already protected;
2. The woodland TPO covers land without trees and trees that do not constitute woodland;
3. There are many ash trees in the woodland TPO area, and they are likely to have ash dieback disease;
4. The Council owns much of the land, making the woodland TPO unnecessary.

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

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 This is 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**