



Eich cyf/Your ref P-06-1441
Ein cyf/Our ref LG/05303/24

Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru

03 July 2024

Dear Jack,

Your letter of 23 May, addressed to the Cabinet Secretary for Climate Change and Rural Affairs, regarding Petition P-06-1441, has been passed to me for reply as this issue falls within my Ministerial portfolio.

The Oak at the Gate of the Dead, the subject of the petition, stands in the park of Chirk Castle, which has been included in the statutory register of historic parks and gardens maintained by the Welsh Ministers. Registration does not impose any additional consent regime. Planning authorities, however, should value, protect, conserve and enhance the special interest of parks and gardens included on the register and their settings. When planning authorities are determining planning applications, the effect of a proposed development on a registered historic park or garden, or its setting, should be a material consideration.

In February, the Welsh Government updated national planning policy on the protection of trees and woodlands. *Planning Policy Wales* 12 strengthened policy for all trees (including ancient woodland and individual ancient, veteran and heritage trees). Paragraphs 6.4.37–44 set out the significant landscape, biodiversity and cultural value of trees, outlining policies for their protection and promoting positive interventions in the planning system to recognise their importance. Decision making and development plan policies in local planning authorities must be in conformity with *Planning Policy Wales*.

This ancient tree has been subject to a Tree Preservation Order (TPO) since 2010. The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of a tree without the consent of the local planning authority. A TPO is currently the most effective protection for a tree. The Agriculture (Wales) Act 2023 amended the Forestry Act 1967 to impose an unlimited fine for illegal tree felling, with the aim of providing better protection for the environment and wildlife.

Although Cadw is responsible for recommending historic parks and gardens to the Welsh Ministers for registration, it has no powers to afford protection to specific trees or plantings. The Welsh Government, however, is firmly committed to the protection of ancient trees and woodlands. The Cabinet Secretary for Climate Change and Rural Affairs is currently considering our approach to strengthening the protections for ancient woodlands as part of the Programme for Government.

Yours sincerely,

A handwritten signature in grey ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AS/MS

Ysgrifennydd y Cabinet dros Ddiwylliant a Chyfiawnder Cymdeithasol
Cabinet Secretary for Culture and Social Justice