

DELEGATED REPORT

Application No: P/26/0163

Site Address: 15 & 16 Briarmead
Penydarren
Merthyr Tydfil
CF47 9BZ

Development: Routine maintenance to 2 no. lime trees involving pollarding of the trees

Case Officer: Rebecca Owens

Application Expiry Date: 12th August 2026

Consultation reply date expired: 10th August 2026

APPLICATION SITE

This application relates to two Lime trees which form part of a group of trees protected by Tree Preservation Order No. 33. The trees are located within the rear gardens of two residential properties.

PROPOSED DEVELOPMENT

This application seeks permission for routine maintenance works to the trees which involves the trees being pollarded.

The supporting information indicates that this work is necessary as the trees are encroaching onto the buildings and to provide more light to the dwellings.

PLANNING HISTORY

Recent application relating to the trees protected by the TPO are summarised below:

P/18/0063 Crown reduction to 3 Ash trees
Tree work(s) approved on 13 March 2018

P/97/0202 Felling of three trees covered by Tree Preservation Order in connection with residential development.
Tree work(s) refused on 6 November 1997

CONSULTATION

The following bodies were consulted and their responses are presented below:

MTCBC Arborist No objection

PUBLICITY

Not applicable for this type of planning application.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2021)

Paragraph 6.4.3 states “policies and development proposals must consider the need to:

- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity”

Paragraph 6.4.39 “Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function.”

Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

Section A32 in relation to section 211 TCPA 1990.

PLANNING CONSIDERATIONS

When assessing an application for works to a protected tree(s) a judgement must be made in regard to whether the works are justified in the context of the amenity value of the tree(s). It is recognised that the works would result in the upper tree branches being cut back which would affect the appearance of the trees in the short term. However, pollarding encourages new growth and would not impact upon the long term health or appearance of the trees. In this case, the proposal has been considered by the Council's Arborist who is satisfied that the proposed works constitute a routine maintenance practice for this species when located within tight locations.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”) has been taken into consideration when determining this application. In reaching the following

recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED

CONDITIONS/REASONS:

None.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED *G. Davies*
PP. Director of Neighbourhood Services

DATE: 27th July 2026