

DELEGATED REPORT

Application No: P/26/0009

Site Address: Ty Alarch
Pontmorlais West
Merthyr Tydfil
CF47 8UY

Development: Fell and replace Birch tree

Case Officer: Kate Glover

Site Visit: 28th January 2026

Application Expiry Date: 25th February 2026

Consultation reply date expired: 11th February 2026

APPLICATION SITE

The tree which is the subject of this notification is located within the garden of Ty Alarch, Pontmorlais West, and inside the Morgantown Conservation Area. The tree is a mature birch tree located close to the southeast boundary wall of the site. The tree is visible from the public realm and can be observed as part of the street scene from the road Pontmorlais West.

PROPOSED DEVELOPMENT

This notification is supported by a tree survey which advises the birch tree requires felling due to an unacceptable level of risk in respect of whole large branch failure. The cause of the health of the tree is damage likely to be a result of works carried out in the grounds of the adjoining property which has caused significant loss of structural roots and subsequent compromise to roothold.

It is noted that the recommendations within the tree report states that the birch to be felled is replaced with new semi mature silver birch (*Betula pendula*) and a new autumn flowering cherry (*Prunus subhirtella* 'autumnalis') as replacement for a birch and ash which have been removed since 2024.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

The following was consulted and their responses are summarised below:

Council's Arboriculturalist: The proposed works are acceptable and the applicant should plant 2 trees to adhere to biodiversity enhancement and preserve the historical vegetation.

PUBLICITY

Not applicable for this type of planning application.

POLICY AND LEGISLATIVE CONTEXT

Section 211 of the Town and Country Planning Act 1990.

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 2024) Paragraph 6.4.44 states "*The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.*"

Technical Advice Note 10 – Tree Preservation Orders 1997

CONSIDERATIONS

Under Section 211 of the Town and Country Planning Act 1990, notifications for works to trees in a Conservation Area allows the Local Planning Authority the opportunity to consider whether the tree should be afforded further protection under a Tree Preservation Order (TPO). To justify the need to serve a TPO, the tree must provide significant public amenity and be expedient to protect.

It is noted that the birch tree is clearly visible in the public realm and does make a contribution to the setting and character to this part of the conservation area. However, the tree is identified as being unstable and therefore represents a danger. Thus, the threshold for serving a TPO is not met.

As noted above the Council's Arboriculturalist has not objected to the trees removal.

The notification also states that 2 trees will be planted in place of the tree and others which have already been felled. The notification does not seek approval in relation to the trees that have been removed in the past and it is not known when these trees were felled and no enforcement action has been taken or registered. As such the proposed planting will be beneficial to the setting and character of the conservation area and be beneficial to biodiversity.

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

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.

3. The replacement trees (new semi mature silver birch (*Betula pendula*) and new autumn flowering cherry (*Prunus subhirtella* 'autumnalis') set out in the Tree Condition Survey by Technical Arboriculture, Tree Survey Schedule, Management Recommendations (received 15 January 2026), shall be planted in the next planting season following the birch tree identified to be felled.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 18.02.2026