

TPO

Code No. P/23/0069

TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR TREE WORKS

To: Mr Stephen Fitzgerald The Gables 7 The Ferns Quakers Yard Treharris

WHEREAS you did on the 20th day of March 2023

make an application in writing to notify the Council of the Crown reduction of mature oak tree by 30 per cent at The Gables 7 The Ferns Quakers Yard Treharris CF46 5LQ short particulars of the application being as follows:-

Name of the Applicant

Mr Stephen Fitzgerald
The Gables
7 The Ferns
Quakers Yard
Treharris

Description of Proposed Development

Crown reduction of mature oak tree by 30 per cent (Tree Preservation Order)

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL as the Local Planning Authority hereby PERMIT the proposed works being carried out in accordance with the plans submitted with the said Application:

CONDITIONS

None.

Date: 05.04.2023

Signed:.....



.....

(Director of Neighbourhood Services)

(Please See attached Notes)

INFORMATIVES

1. This 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.

NOTES

1. APPEALS AGAINST DECISIONS

- (1) Where an application is made to the Authority for consent under the order and that consent is refused by that Authority or is granted by them subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he/she is aggrieved by the direction, may notice under this Section appeal to The National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.
- (2) A notice under this Section shall be served in writing within twenty eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as The National Assembly for Wales may allow.
- (3) Where an appeal is brought under this Section from a decision, certificate or direction of the Authority, The National Assembly for Wales, subject to the following provisions of this Section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to it in the first instance.
- (4) Before determining an appeal under this Section, The National Assembly for Wales shall, if either the appellant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by The National Assembly for Wales for the purpose.
- (5) The decision of the National Assembly for Wales on any appeal under this Section shall be final.

2. APPEAL IN DEFAULT OF DECISION

Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the Authority, the Authority either –

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him/her that the application has been referred to The National Assembly for Wales in accordance with directions given under Section 35 above;

The provisions of the last preceding Section shall apply in relation to the application as if the consent to which it relates had been refused by the Authority and as if notification of their decisions had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to condition. Claims for compensation under this Section are to be made to the Local Planning Authority who made the Tree Preservation Order.