

DELEGATED REPORT

Application No: P/22/0001

Site Address: St Mary's RC Church
The Walk
Merthyr Tydfil
CF44 8RN

Development: Pines (G1) - Remove all unstable deadwood over 60mm in diameter.
Holly (T278) - Sever ivy at ground level and strip to 2m above ground level.
Lime (T279) - Reduce back to previous points and reduce lateral limbs to fit into shape of reduced crown.

Case Officer: Caroline Pulley

Application Expiry Date: 1st March 2022

Consultation reply date expired: 1st February 2022

APPLICATION SITE

The application site relates to a number of protected trees located within the grounds of St Mary's Roman Catholic Church, a Grade II Listed Building situated within the Morgantown Conservation Area. The pine trees which form part of this application are prominently located to the front of the church, alongside the north and north eastern boundary. The Holly tree and lime tree are positioned along the western and southern rear boundary and are visible from Brecon Road and the highway of Pontmorlais West.

PROPOSED DEVELOPMENT

The application site forms part of woodland covered by Tree Preservation Order (TPO/1975/005) at St Mary's Roman Catholic Church situated off Brecon Road in Merthyr Tydfil. This application seeks permission to undertake the following works:

- Sever Ivy from a Holly tree and strip to 2m at ground level;
- Reduce the limbs of a Lime tree back to previous points and reduce lateral limbs to fit shape into shape of reduced crown. Also, sever Ivy at ground level; and
- Remove all unstable deadwood over 60mm in diameter from a group of Pine trees.

PLANNING HISTORY

The most recent history relating to the site is as follows:

P/21/0171 Reduce height of 6 pine trees by 20% and thin their canopies by 20%.
Reduce the canopy of the small leaved lime by 25%
Approved – 23.06.2021

CONSULTATION

Council's Arboriculturalist: No objection.

PUBLICITY

Not applicable for this type of application.

POLICY CONTEXT

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant paragraph is:

Paragraph 6.4.27 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)*'

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

Section A32 in relation to section 211 TCPA 1990.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW11 – Sustainable design and Placemaking

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

As mentioned earlier, the application seeks to remove unstable deadwood from a number of Pine trees on the site, remove and strip back Ivy and reduce the limbs of a Lime tree. The application is supported by a professional tree survey which has been assessed by the Council's Arboriculturalist who raises no objection to the proposed works. His comments note that the works are all aimed at tree retention and pose little or no arboricultural issues. Taking this into account, the proposal is deemed acceptable.

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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

12/1/22

