

DELEGATED REPORT

Application No: P/23/0103

Site Address: 17 Cwrt Bevan
Merthyr Tydfil
CF47 0AQ

Development: Undertake 1 to 2m crown reduction to previous selected points as previous reduction was done also remove all Ivy and sever at base. Remove lowest epicormic growth on main stem up to 5m.

Case Officer: Nia Chard

Application Expiry Date: 27th June 2023

Consultation reply date expired: 23rd May 2023

APPLICATION SITE

The application site relates to 17 Cwrt Bevan. Specifically, one Oak tree situated in the rear garden of the property.

PROPOSED DEVELOPMENT

The Oak tree is covered by Tree Preservation Order (TPO) No 3 'Trees on land at Mardy Hospital, Mardy Close'. The tree is an Oak (*Quercus robur*) and part of a group TPO consisting of 5 single trees, 11 group. This application seeks to undertake a 1 to 2m crown reduction (to previous selected points), remove all Ivy and sever at base, and remove lowest epicormic growth on main stem up to 5m.

PLANNING HISTORY

P/20/0312 Fell tree (Oak)
REFUSED 28.1.2021 – Appeal dismissed 13 May 2021

P/17/0103 Removal of dead wood and damaged lower branches to oak tree
Granted 19 April 2017

CONSULTATION

Council's Arboriculturalist: No objection.

PUBLICITY

Not relevant for in respect of this application.

POLICY CONTEXT

National Planning Policy

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 Planning 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

The application seeks to undertake work to an Oak tree located within the rear garden of 17 Cwrt Bevan. Essentially, this would involve a 1 to 2m crown reduction as well as the removal of all ivy and the removal of lowest epicormic growth on the main stem up to 5m. The application has been assessed by the Council's Arboriculturalist who has not raised any objections to the proposed works.

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 subject to the following CONDITIONS

CONDITIONS:

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.

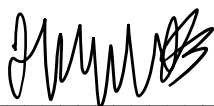
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

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

A handwritten signature in black ink, consisting of stylized, overlapping loops and a final flourish.

Director of Neighbourhood Services

DATE:

5/5/23