

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999-2012**

**APPROVAL OF WORKS TO TREES UNDER  
A TREE PRESERVATION ORDER**

**Name and address of the applicant**

Mr Gerald Fowler  
9 Rhiwlas  
Wauanceirch  
Neath  
Neath Port Talbot  
SA10 7RB

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**DATE REGISTERED:** 29 July 2020

**APPLICATION NO:** P2020/0682

**LOCATION:** 9 Rhiwlas, Wauanceirch, Neath, Neath Port Talbot, SA10 7RB

**PROPOSAL:** Removal of dangerous Ash Tree protected under Tree Preservation Order T276/T7

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL** as the Local Planning Authority in pursuance of its power under the above mentioned Act, Regulation and the Tree Preservation Order hereby **PERMITS** the work to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

**Conditions:-**

Time Limit Conditions

- 1 The development hereby permitted shall be begun before the expiration of twelve months from the date of this permission.  
Reason  
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

Regulatory Conditions

- 2 A replacement tree shall be replanted in the next planting season following the felling, and shall be of a suitable size and species which will not cast excessive shade e.g. Silver Birch, Wing Nut, Hop Hornbeam or a species of Cherry such Prunus avium or Geum. The tree should be a minimum 'standard' size of 8 to 10 cm stem circumference at one metre above ground level as specified in BS3936-1:1992 Nursery Stock- Part 1: Specification for trees and

shrubs. The supply, planting and post planting maintenance should be completed in accordance with BS8545:2014 Trees from nursery to independence in the landscape.

Reason

In order to protect future biodiversity, and visual amenity.

Informatives:

1 Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended). If any features that may be used by bats (crack, crevices, gaps, loose bark etc.) are identified during the works then the branches shall be section felled, lowered carefully and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. In addition, if bats are discovered during the works, work shall stop immediately. NRW shall be contacted as a licence may be required to continue.

#### REASON FOR GRANTING PERMISSION

Whilst it is acknowledged that the tree being felled is visible from the surrounding neighbouring properties, the overriding issue of Health and Safety must have precedence and therefore the removal of the tree outweighs any adverse effects on visual amenity. Hence, the proposal is in accordance with Policies SP15 and EN7 of the Neath Port Talbot Local Development Plan. In addition a condition will be included on the Decision Notice for a scheme for replacement tree of the same or similar species to be planted as near as possible location of the original tree.

Signed:



**Ceri Morris – Head of Planning & Public Protection**

**Date: 28 August 2020**

### **IMPORTANT:**

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning) to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com).

## IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
  - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
  - (2) Householder Appeal <sup>see endnote i</sup> Within 12 weeks
  - (3) Minor Commercial Appeal <sup>see endnote i</sup> Within 12 weeks
  - (4) Listed Building or Conservation Area Consent appeals Within 6 months
  - (5) Tree Preservation Order (TPO) Consent Within 28 days
  - (6) Advertisement Consent Within 8 weeks
  - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
  - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### Making an Appeal

- (9) Please note that for all applications received by the LPA after 5<sup>th</sup> May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

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THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact [buildingcontrol@npt.gov.uk](mailto:buildingcontrol@npt.gov.uk) or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

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<sup>i</sup> Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3; or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.