

OFFICER REPORT

Application Number: P2026/0234

Site Address: Oak Tree Farm Lane From Station Road To Gorsto Farm
Lower Brynamman Neath Port Talbot SA18 1SN
Work to x8 trees protected under Tree Preservation Order no. T126:

Proposal: T435 - Oak- reduce height of crown by 4m and reduce laterals on south side by 2m.
T436 - Oak- reduce height of crown by 2m.
T437 - Oak- reduce height of crown by 4m and laterals on east side by 3m.
T438 - Oak- reduce height of crown by 3m and laterals on north side of crown by 2m.
T440 - Oak- fell to ground level.
T441 - Oak- fell to ground level.
T442 - Oak- fell to ground level.
T443 - Oak- reduce height of crown by 3m and laterals on east side by 2m.

Applicant: Mrs Joanne Isaac

Agent: Miss Liz Phillips

Ward: Gwaun Cae Gurwen & Lower Brynamman

Application Type: Works to a tree with a TPO

Valid Date: 13th April 2026

Statutory Expiry Date: 7th June 2026

Ext. of Time / PPA date:

Publicity Expiry Date: 6th May 2026

RECOMMENDATION - Refused

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Tree Officer Comments

The Authority's Arborist was consulted on 15/04/2026, to which the following comments were provided:

"The application seeks to reduce the height and lateral spread of a number of oaks on site. The stated justification for this is the removal of a block or larch plantation immediately to the west of the site which has exposed the site to prevailing winds. It also seeks to fell 3 of the trees on site, the justification being that they are subject to Phytophthora ramorum colonisation. In support of this application, a tree report "Oak Tree Farm Brynamman Tree Condition Survey 10th April 2026" has been submitted.

The assertion of the recent removal of a block of larches is supported in the arb report and confirmed via Google map imagery showing the block still present in 2021. According to the landowner this removal was due to 'disease', and although it is possible that this was the case, no supporting evidence has been given. This disease has been assumed to be P.ramorum and symptoms reported on T440, T441 & T442 in the arb report have therefore been attributed to P.ramorum. There is however no supporting evidence to show that a diagnosis has been confirmed. P.ramorum remains a notifiable disease in the UK, with suspected cases required to be reported via TreeAlert which is an online reporting tool.

A publication currently available on Forest Research website states that P.ramorum is yet to be found on Quercus robur and there has been only one confirmed case on Quercus petraea (UK native oak species) with the species

on site having been identified in the arb report as *Q.petraea*. Latest Forest Research guidance suggests that the impact of *P.ramorum* on UK oaks is minimal.

As *P.ramorum* affects the circulatory system of the tree, it would not itself cause areas of decay that would result in a loss of structural stability. This could happen through secondary infection due to stress conditions caused by *P.ramorum*. The provided Arb report makes no mention of any secondary pathogens present on T440, T441 or T442, and provides no data other than them being of 'poor' condition. If the trees were to decline to the point of death, they would be eligible for felling under exemption. The presence of *P.ramorum* in and of itself should not be grounds for removal, neither should it be grounds for removal without a confirmed diagnosis.

A site visit was conducted on 1/5/26, with observations being made from public areas/roadside only as permission for access had not been gained from landowner. During this site visit, the trees were assessed visually with regards their current physiological condition and their current amenity value. T440, T441 and T443 were highlighted as being unsuitable for current application. While the crowns of T440 & T441 were observed to have minor crown symptoms with their crowns appearing slightly more sparse with slightly smaller leaves than the surrounding trees, this may be attributable to them not having yet fully flushed. The arb report categorised both of these trees as poor condition, but this categorisation does not separate physiological and structural condition. Physiologically, the trees appeared to be in a fair condition, fully capable of continuing physiological function.

As observations were from the roadside only it was not possible to accurately assess their structural condition but the arb report does not quantify any specific structural concerns.

T443 is situated low down on the bank with a heavy growth bias to the east. The distribution of its crown is such that the requested 3m height and 2m lateral reduction would account for the loss of >40% of its current leaf cover. While this is not necessarily outside of the capabilities of the tree to contend with, it is above the upper limits recommended in BS3998 and could potentially cause loss of vigour and therefore amenity value.

T442 in the arb report is characterised as dead. During site visit it was observed to be subject to advanced dieback, with the only observed live leaf bearing branch observed @ 6m NW. Retention of some standing trunk for habitat would be preferable but felling would be considered applicable in this case

Whilst on site, multiple potential bat roosts (PBRs) were observed e.g. cavities, stubs from broken limbs and loose bark, as well as a number of vocal wood pigeons suggestive of possible nesting behaviours so any works would need to be undertaken with due consideration to all applicable wildlife legislation.

Tree Officer Recommendation:

Having regard to the above assessment, the following recommendation is made:

T435 - Oak- reduce height of crown by 4m and reduce laterals on south side by 2m –

Approve - works justified by land use change exposing the previously sheltered tree to

prevailing winds. Works considered proportionate to the risk and within the trees capability of responding to without overly reducing its amenity value for public, landscape, wildlife and ecosystem contribution.

T436 - Oak- reduce height of crown by 2m – **Approve** – reasoning as T435

T437 - Oak- reduce height of crown by 4m and laterals on east side by 3m –

Approve –reasoning as T435

T438 - Oak- reduce height of crown by 3m and laterals on north side of crown by 2m –**Approve** – reasoning as T435

T440 - Oak- fell to ground level – **Deny** – On the basis of the submitted materials and site visit, the assumed presence of *Phytophthora ramorum* is not justification for felling. Under current Forest Research advice, *Phytophthora ramorum* is not necessarily considered terminal for UK oak species. Site visit is suggestive of possible decline in the crown but not currently enough to justify removal. There has been no confirmation of the diagnosis provided and no indication that the suspected diagnosis has been reported.

There is not enough information provided within the survey to justify removal on safety grounds.

T441 - Oak- fell to ground level – **Deny** – Reasoning as T440

T442 - Oak- fell to ground level – **Approve** – Tree is in severe decline with > 60% of its structure already dead.

T443 - Oak- reduce height of crown by 3m and laterals on east side by 2m –

Approve with amendment – either achieve crown reduction by reducing crown volume by no more than 30% or phase works with the initial phase removing 2m height and 1m lateral spread (E) –

Due to the crown distribution of the tree, the removal of 3m height and 2 m lateral

spread would likely account for a considerably larger volume of foliar loss than BS3998 recommends. This tree sits to the E of the group, lower on the bank with its canopy below the height of the surrounding trees and as such is afforded some shelter by the other oaks within the group.”

Conditions

Condition 1

Tree works

All arboricultural works to be completed by a suitably competent person and to BS3998:2010 standards.

Condition 2

Replacement planting

Replacement tree/s for those removed under permission shall be planted in line with and at a ratio determined by Welsh Government policy, NPT policy and in line with BS8545:2014

Condition 3

Wildlife considerations

All works to be completed in line with relevant UK legislation e.g. Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2017

Condition 4

All works to be completed within 12 months of the date of decision.

The aforementioned comments were sent to the agent, and it was advised that the application, in its current form would likely receive an unfavourable officers recommendation. It was therefore suggested that the application be amended in accordance with recommendations provided by the Authority's Arborist.

The agent responded by stating that they will not amend the original application to reflect Tree Officer's recommendations. The agent also argued that the trees identified as T440, T441 and T442 met the criteria for dead, dying and dangerous trees and therefore be exempt from TPO regulations. Following receipt of these comments, the tree officer was asked to provide further clarification as to whether T440, T441 and T442 were exempt from the application process on the basis that they were dead, dying or dangerous.

The Arborist's response is summarised below:

While this may be reasonably applied to T442 (>60%), it is not supported in relation of T440 and T441. Recent site photographs show that both trees retain live foliage throughout their crowns. To be considered for removal under exemption, the trees would need to be demonstrably dead; which is not the case for any of the trees. Live foliage is visible within crowns of all trees.

*With regard to **dying**, T442 could reasonably be considered to be in a state of terminal decline due to extent of dieback (>60%). However, T440 & T441 both retain foliar cover throughout their crowns. Whilst the foliage is reduced in density, it does not demonstrate terminal decline. The assumption that these trees are affected by *Phytophthora ramorum* as a basis for them being "dying" is not substantiated. Such diagnosis of *Phytophthora ramorum* cannot be made without appropriate testing, and no appropriate evidence has been provided of:*

- Laboratory confirmation*
- TreeAlert reporting, or*
- Statutory plant health notification.*

*As such, the presence of *Phytophthora ramorum* remains unverified and cannot be relied on upon to demonstrate that the trees are in terminal decline.*

*The exemption for works to **dangerous** trees applies only where a tree presents and immediate risks to persons or property. In this case, the submitted evidence identifies a management timescale of up to 6-12 months and does not demonstrate an immediate risk of failure. There is no evidence given of structural instability or conditions that would give rise to an immediate hazard. As such, the trees cannot be considered dangerous in the context of*

the exemption.

***T440** and **T441** are not dead, are not demonstrably in a state of terminal decline nor have they been evidenced to present an immediate risk of serious harm. The claimed presence of *Phytophthora ramorum* is currently unsupported by any diagnostic or regulatory evidence. For these reasons, the statutory exemption does not apply to T440 or T441, and the felling of these would require formal consent.*

*The felling of **T442** could be undertaken under exemption but should still be undertaken in line with any applicable legislation e.g. Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981.*

Tree Officer Recommendations.

Agree with works proposed	No
Recommend Refusal of Works	Yes
Vary Works Proposed	N/A

If to vary works, suggested description of amended works.

N/A

Public Consultations

WARD MEMBERS- Notified on 15/04/2026. Requested clarification in regard to what conditions could be imposed in relation to planting appropriate species trees as replacement.

GWAUN CAE GURWEN- Consulted on 15/04/2026. No response received.

The Authority's Biodiversity Department- Consulted on 15/04/2026. Requested for a bat tree survey to be provided prior to the determination of the application.

The neighbouring properties were consulted on 15/04/2026. No response received.

A site notice was also displayed on 15/04/2026.

Planning Officer Assessment

Assessment

The application site comprises a detached residential property surrounded by agricultural land and adjoining woodland. The protected trees form a group of 18 Sessile Oak trees located adjacent to the public highway, and to the north of the application property. The trees are protected under Tree Preservation

Order T216 due to their prominence location, significant visual amenity value and their contribution to the established character of the area.

The application seeks consent for works to x8 of the protected Oak trees. The proposed works comprises of height reduction of x5 trees and the felling of x3 trees. The trees subject to the application are approximately 16-18m in height. The proposed height reduction relates to trees identified as T435, T436, T437, T438 and T443. The tree survey report submitted in line with the application outlines that these works are required to reduce the potential risk of windthrow and any further risk that may be caused to adjacent highway and neighbouring properties. The works to these trees have also been applied for to improve crown balance through the reduction of lateral branches.

Consent is also sought for the felling of trees T440, T441 and T442. The survey highlights these trees as suspected of being affected by *Phytophthora ramorum*. The applicant's agent further advises that the trees meet the criteria of being dead, dying or dangerous and, on this basis, their removal is considered necessary.

The Authority's Arborist has inspected the application trees, and their subsequent representation is detailed within the 'Tree Officer Comments' section of this report.

In summary, the Arborist advises that the felling of **T442** may be undertaken under the dead, dying or dangerous exemption. However, the Arborist objects to the felling of both **T440** and **T441** as site photographs demonstrates that both trees retain live foliage throughout their crowns. The Arborist considers that these trees are not dead nor have they been evidenced to present an immediate risk of serious harm.

The Arborist also recommend amendments to the proposed crown reduction works to **T443**. The applicant's agent was made aware of these comments but confirmed that they would be unwilling to amend the application in accordance with the Arborist's recommendations.

The Authority's Biodiversity Department were also consulted as part of the application process and requested for a bat survey report to be submitted prior to the determination of this application.

The comments received by the Biodiversity Department have been taken into account as part of the assessment. Had the proposed works been considered acceptable on arboricultural grounds, it would have been necessary for the Bat Survey Report to be provided prior to determination. However, in this case, as the application is recommended for refusal on arboricultural grounds, it is not necessary for a bat survey report to be submitted. Consequently, the absence of a bat survey report has not formed part of the recommendation for refusal.

Having regard to the above assessment, the following recommendation is made

RECOMMENDATION:

Refusal:

It is considered that insufficient justification has been provided on health and safety grounds to warrant the felling of two protected Oak trees identified as **T440** and **T441**, which as a collective contribute significantly to the character and appearance of the application site and the surrounding area as a whole. It is therefore considered that the loss of the trees, which are a natural asset, would be to the detriment of the area, contrary to the objectives of Policy EN7 of the Neath Port Talbot Adopted Local Development Plan and Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure).

RECOMMENDATION

Refused

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

0 Reason For Refusal:

It is considered that insufficient justification has been provided on health and safety grounds to warrant the felling of two protected Oak trees identified as

T440 and T441, which as a collective contribute significantly to the character and appearance of the application site and the surrounding area as a whole. It is therefore considered that the loss of the trees, which are a natural asset, would be to the detriment of the area, contrary to the objectives of Policy EN7 of the Neath Port Talbot Adopted Local Development Plan and Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure).

Case Officer	Lowri Jones
Telephone No.	01639 686740
Date of Recommendation	3rd June 2026