

**REFERENCE:** T/22/41/TPO

**APPLICANT:** BCBC - Communities Directorate, Level 3, Civic Offices, Angel Street, Bridgend, CF31 4WB

**LOCATION:** Western bank of Wilderness Lake, East of Ger Y Lyn, Porthcawl CF36 5ND

**PROPOSAL:** Selectively fell, coppice and crown reduce a line of failing trees on the western bank of the Wilderness lakes. The tree species comprise: Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp.

**RECEIVED:** 5 October 2022

### APPLICATION/SITE DESCRIPTION

The application seeks to undertake a variety of tree works at The Wilderness, Porthcawl. The programme of works includes the selective felling, coppicing and crown reduction of a line of failing trees on the western bank. The tree species comprise Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp. The trees are protected under Glamorgan County Council Tree Preservation Order No.01 (1953), are located in an area designated as a Site of Importance for Nature Conservation (SINC POR-6-5) and are also situated within an Ancient Semi Natural Woodland (15542).



Figure 1 - Area of Tree Works Outlined in Red

Members should be made aware that the Local Planning Authority has been advised that tree work has been undertaken in recent years at The Wilderness by a number of different parties without consent. Notwithstanding this and due to the complexities of the site, only the tree works listed in this application's Tree Report, compiled by Steve Ambler and Sons Tree Specialists Ltd. received on 3 April 2023, should be considered in the determination of the application.

The comprehensive Tree Report, compiled by Steve Ambler and Sons Tree Specialists Ltd. provides information regarding the species, location, condition and recommendation of proposed works to the trees the subject of this application. The report advises inter alia that the following works are required: -

Tree No	Tag No	Species	Remarks	Recommendation	Photo Ref
G1	202	Goat Willow	Small group of willow, having been poorly pruned to the path side, with subsequent weakly attached regrowth. Fractured stem at 2.5-m AGL and leaning over the lake. Fracture developing on a stem at 3m to the path side.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	1
1	203	Ash	Twin stemmed specimen from base. Ash dieback disease ( <i>Hymenoscyphus fraxineus</i> ) HS1. The two stems lean out from the lake bank, initially at 45 degrees soon to straighten, and 60 degrees respectively. Their lever arm, transfers wind loading forces down to the root system, and in wet ground conditions with reduced root cohesion the risk of windthrow (root plate failure) is dramatically increased.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. Monitor annually health during the summer months in light of Ash dieback disease, infection.	-
2	204	Goat Willow	Historic, incipient root plate failure, with tree leaning at 45 degrees, predisposed to the lake. Several branches are causing abrasion damage in contact with tree stems on the lake edge.	Climb and dismantle crown, and then coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	2
3	N/A	Goat Willow	Root plate failure with a fractured and failed buttress. The tree is now resting in the lake. May cause an obstruction for open water management activities. May cause an obstruction for fisherman as its only 5m from a fishing platform.	If it can be retained without causing an obstruction - significantly shorten it to 2m from the lake edge to avoid the build of sediment spurs, and facilitate any dredging operations. The tree is likely to produce new shoots and restabilise. Monitor stability every 3 years.	3
4	205	Goat Willow	Tree growing out from edge of the lake bank, leaning at 60 degrees. Crown dieback by an estimated 20%. Saprophytic fungi noted at the stem base in association with a localised decay pocket. Its lever arm, transfers wind loading forces down to the root system, and in wet ground conditions with reduced root cohesion the risk of windthrow (root plate failure) is dramatically increased.	Climb and dismantle crown, and then coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	-
5	206	Italian Alder	<b>Standing dead with crown intact. The path side stem was historically removed at 1m AGL. Ivy clad stem. The target is formed by the lakeside path and fishing platform.</b>	<b>Unsafe to climb. Use a winch to fracture and reduce to a 5-8m monolith in order to retain standing deadwood if possible – otherwise fell.</b>	4
G2	207, 208	Common Alder & White Willow	Two fractured and failed specimens from base. The retained stem of the willow now has an inadequate basal stem diameter to support it. In addition this large wound will be a site of decay, further weakening this basal section of stem.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. Monitor basal decay and stability every 3 years.	5
6	209	White Willow	Root plate failure, with the tree now resting in the lake. This may cause an obstruction for open water management operations, and for the fisherman as it blocks casting from the nearby fishing platform.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. The tree is likely to produce new shoots and may restabilise. Monitor stability every 3 years.	6
7	210	White Willow	There are structurally weak, developing compression forks with included bark, at 1.5m, 3m & 3.2m AGL.	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees.	7
G3	N/A	Common Alder, White Willow & Goat Willow	This group comprises of Common Alder x 12; White Willow x 14; Goat Willow x 2 along the lakeside edge of the whole survey site. These trees are leaning at an acute angle from the edge of the lake bank and are predisposed to failing into the lake. Their lever arm transfers wind loading forces down to the root system and in wet ground conditions with reduced root cohesion the risk of windthrow (root plate failure) is dramatically increased. In such scenarios the bank becomes destabilised and a site of soil erosion. Some coppice work has	Coppice to 30cm from ground level and finish with a clean cut at 20 degrees. Trees to be marked with a paint spot prior to works commencing, in order to ensure the correct trees are identified.	8

		already occurred to this effect along this embankment but further work is recommended.		
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It was noted that T5, an Italian Alder (*Alnus cordata*), was described as being standing dead and in a dangerous condition in the Tree Report (highlighted in bold above). The report also advised that the condition of the tree presented a significant liability, and the immediate implementation of the recommended remedial work was required. The Tree Report considered the option of monolithing to 5-8m in order to retain some standing deadwood at the site if possible but if that could not be done the tree would need to be felled. Due to the close proximity of both the lakeside path and fishing platform, an Exemption was issued on 24 February 2023 which allowed the applicant to undertake felling before waiting for a decision to be made on the application.

The Tree Report from Steve Ambler and Sons, Tree Specialists Ltd., advises that the trees were assessed on 11 November 2022 and were inspected from ground level. The report states: -

*'The tree cover along the west bank often has a closed canopy other than the occasional gap formed by fishing platforms and sections of recently coppiced trees. Whilst the recent tree works have been undertaken in the absence of a management plan and the appropriate permission under its statutory designation (Tree Preservation Order), this report finds that the works generally have caused no harm from an arboricultural perspective but in fact, improved the current situation for all the reasons cited later in the report. It is notable that many other trees are leaning from the bank over the lake and, therefore, the shading issue here is somewhat exacerbated.'*

The Tree Report goes on to explain the reason for the type of work recommended: -

*'In accordance with the recommended management of the SINC designation (Reference : POR6-S (Dated 2011)), coppicing is considered here, along with pollarding as viable management options. Thinning is not considered appropriate as all of the tree species along the west bank will vigorously produce shoots from cut stumps (coppice) and, therefore, regenerate from the base, or higher up the stem in the case of pollarding. The exception would be the few Italian Alders (*Alnus cordata*) that coppice less reliably, although will regenerate via the production of root suckers, as does Common Alder (*Alnus glutinosa*) to a lesser extent and which are also light demanding. Both Willow and Alder species respond well to coppicing or pollarding, both of which are ancient traditional forms of management, undertaken for varying reasons.'*

The Tree Report states in summary:

*'This Report finds that in consideration of the above information, the management of woody vegetation along a lake embankment in this instance, and generally, is highly important for the following reasons (1) to diversify habitat conditions, (2) provide varying levels of shade and light (3) prevent windthrow (4) maintain bank stability (5) improve the longevity of species, and (6) to create a well-structured stand of trees.*

*Clearly it is about providing diverse habitats, and therefore this should be developed holistically across the site so management phases can be planned to create as much habitat variation as possible, which includes diverse stands of woody species at varying stages of development, ultimately across the whole range from identifying future ancient and veteran trees, to young coppice regrowth and naturally regenerated saplings, at the other end of the spectrum. This will require management interventions aimed to create a dynamic, diverse habitat through the careful manipulation of light levels, through regular*

and relatively low-impact operations, thereby providing varying conditions that will favour differing species.'



**Figure 2 - Photographs taken by Steve Ambler & Son's Tree Specialists Group 1, Tree 2, Tree 3**



**Figure 3 - Tree 5 (Exemption), Group 2, Tree 6**



**Figure 4 - Tree 7, Group 3, Turgor pressure on pathway**

The Tree Report compiled by the applicant advises of the reason(s) for the work: -

*'Funding for this work has been provided through the CTNN (Cwm Taf Nature Network) project that is funded through Welsh Government's Enabling Natural Resources and Well-being scheme. The Wilderness forms one of the 20 sites across Bridgend, Rhondda Cynon Taff and Merthyr Tydfil County Boroughs, where in part, the aim is to work with local groups in delivering biodiversity benefits. In this instance the CTNN is looking to work with the Porthcawl Angling Association to assist with the management of the lake to help support this fishery which is under stress through the increasing sediment levels and consequential drop in water and dissolved oxygen levels. In addition, the proposed tree works support of the site's ecological potential through seeking to help retain the lake's open water feature and retain this wetland's amenity value for visitors.'*

*Ideally the Angling Association would wish to dredge the lake to remove the build-up of sediment and detritus, but this is not feasible on financial grounds as the dredging would run into hundreds of thousands of pounds. Any dredging has the added issue relating to the disposal of the sediment which would need to be treated as contaminated waste. However, and albeit on a small scale, through the control of bankside vegetation it is possible to help mitigate organic material getting into the lake.'*

## RELEVANT HISTORY

**T/98/5/TPO (The Wilderness)** – Granted consent 22-01-98.

Felling within woodland

**T/99/59/TPO (5 Woodland Avenue)** – Granted consent 05-11-99.

Lopping branches of Poplar tree

**T/99/69/TPO (5 Woodland Avenue)** – Granted consent 30-12-99.

Coppicing of Poplar tree

**T/02/3/TPO (Land rear of Ger y Lyn)** – Granted conditional consent 20-02-02.

Lop branches overhanging gardens and remove decaying trees.

**T/05/82/TPO (48 Ger y Lyn)** – Refused (No further action taken on appeal) 26-01-06.

Fell unknown species of tree.

**T/11/61/TPO (36/37 Ger y Lyn)** – Granted consent 16-11-11.

Felling and remove 2 Elder trees and thin out coppice of Sycamore trees by 50%

**T/13/1/TPO (The Wilderness)** – Granted consent 04-02-13.

Fell dead Elm trees leaving 2m stump and fell twin stemmed Poplar tree.

**T/13/2/TPO (The Wilderness)** – Granted consent 04-02-13.

Cut back branches, remove deadwood and sever ivy at base of elm and poplar trees.

**T/13/28/TPO (Land opposite 1 Ger y Lyn)** – Granted consent 04-07-13.

Cut back limb overhanging carriageway.

**T/13/40/TPO (The Wilderness)** – Granted consent 12-09-13.

Fell and remove 5 dead trees.

**T/16/10/TPO (The Wilderness)** – Granted consent 21-03-16.

Various works to trees including lopping, felling, thinning to remove health and safety risk to park users.

## PUBLICITY

The application has been advertised on site via three notices, which were erected on 6 February 2023 at the northern and southern entrances to The Wilderness and on a footbridge adjacent to the west bank.



*Figure 5 - Site notice locations and plan  
1. Ger y Lyn, 2. Footbridge, 3. Heol y Goedwig, 4. Location plan*

Neighbours have been notified of the receipt of the application.

The period allowed for response to the original consultations and publicity expired on 27 February 2023 but was extended as a result of a reconsultation exercise.

The application was received on 5 October 2022 but due to the nature of the proposed work, an independent Tree Report was requested and submitted on 3 February 2023, along with a further Tree Report compiled by the applicant in support of the application and an amended description of proposed works.

A reconsultation exercise was undertaken on 6 February 2023. Porthcawl Town Council, two Local Members, 51 adjoining neighbours and two unnotified responders were re-consulted advising of the receipt of the additional Tree Reports and the amended description. A further reconsultation exercise was undertaken as a result of the receipt of an amended Tree Report on 3 April 2023, which included a revised description of works to Area G3 and an amended location plan. All statutory consultees, neighbours and unnotified responders were again reconsulted on 17 April 2023.

## **CONSULTATION RESPONSES**

**Porthcawl Town Council:** *'However, and albeit on a small scale, through the control of bankside vegetation it is possible to help mitigate organic material getting into the lake.'* (Quote from BCBC's Tree Report)

This does not suggest that the destruction of wildlife habitat is, on its own, a solution to the issue identified. Would it not therefore be better to ensure that there is a real viable solution ahead of any removal of natural habitat?'

A further objection from Porthcawl Town Council was received on 5 May 2023 as a result of the reconsultation: -

'The trees are protected under the TPO regulations. Porthcawl is losing far too many of its protected trees, by doing this we are destroying the wildlife habitat that has been thriving at The Wilderness for hundreds of years, when will this destruction and vandalism of our countryside stop.'

**Councillor N Farr:** 'After reading the independent report and meeting with officers I do not have any objections to the work as it has been deemed it is necessary.'

**Natural Resources Wales:** Standard advice notes were received in response to the consultation. The advice states interalia: -

'We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018).

This guidance is designed for use by planning authorities when making decisions on development proposals affecting Ancient Woodland.

Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss. We advise that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, given that Ancient Woodland is irreplaceable unless there are wholly exceptional reasons...Where a decision maker is satisfied there is a wholly exceptional reason, every endeavour should be made to minimise and compensate for loss...Although a compensation strategy cannot fully compensate for loss of Ancient Woodland it should include:-

- planting new native woodland or wood pasture to improve the resilience of Ancient Woodland

- restoration of or managing other Ancient Woodland, including plantations on ancient woodland sites, and wood pasture
- proposals connecting woodland and ancient and veteran trees separated by development with green infrastructure
- long-term management plans for new woodland and Ancient Woodland
- planting individual trees that could become veteran and ancient trees in future
- monitoring the ecology of the site over an agreed period.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3<sup>rd</sup> Edition' published by the Bat Conservation Trust 2016.'

### **REPRESENTATIONS RECEIVED**

Objections to the application have been received from the occupiers of the following properties:

44 Lewis Place

134 Newton Nottage Road

38 Pant Morfa

137 Newton Nottage Road

37 Esplanade Avenue

20 St David's Way

39 Ger y Lyn

The concerns are summarised below which incorporate comments received as a result of the reconsultation process: -

- The previous tree work was undertaken illegally and without permission. Significant and lasting damage to this wildlife habitat has occurred. Appalled by what's been done and what is planned.
- Previous tree works undertaken have decimated the Wilderness, has impacted on public enjoyment of the area and more trees should not be felled.
- Current application looks like a deliberate, cynical attempt to seek legitimacy.
- A public investigation should have been held to hold those accountable.
- The previous tree work has resulted in active nests being lost, less wildlife in the area, loss of habitat and a decline in songbirds by 99%.
- Birds have been forced to relocate as a result of the gaps left. Some birds have been there 25 years.
- A fine should be issued for those responsible for undertaking previous tree works without permission and they need to put right the wrongs they did.
- The manner in which the previous work was undertaken resulted in healthy trees succumbing to infection, disease and instability and the sequencing of work was questionable.
- The previous work left debris in and around the lake causing a blocked outlet pipe and resulted in the flooding of paths and gardens in Woodland Avenue.
- Machinery damaged the branches of other trees in the area.
- The TPO exists to preserve the woodland character of the area. The lake and fishing activities should not have priority.

- The ecological benefit of trees with regards to CO2 levels mean the trees should not be felled.
- Object to the felling of any trees as it is a place of beauty, it offers exercise and relaxation, is used by both walkers and children and people enjoy feeding the wildlife.
- The proposed work is equivalent to the removal of half a mile of wooded hedgerow.
- No bird survey was carried out prior to the previous work being undertaken and this current application does not include a proper evaluation of the impact on birdlife.
- The felling should not be undertaken between spring and autumn due to bird nesting / bat roosting opportunities.
- Consideration needs to be given to the wildlife in the trees, especially the birds, plus the ducks and swans on the water.
- Felling of trees will have a negative impact on the local environment and wildlife.
- Loss trees will lead to loss of habitat for birds and other animals as they provide protection against the elements and food and are essential to life. A guarantee needs to be provided regarding replacement trees.
- Disruption to local ecosystem and possible decimation in the population of species of birds and other animals. Birds will be forced to relocate, and their numbers will contract according to space available.
- BCBC does not care about displaced birds.
- Reason given for the work is a falsehood and illogical as leaves can blow into the lake from anywhere which means all the trees would have to be felled.
- Coppicing produces growth with just as many leaves.
- Solution would be to dredge the lake but due to a lack of funds and time, the trees are being used as scapegoats as the job can't be done properly.
- If the plan is to dredge the lake, the trees do not require removal.
- Siltation more likely caused by soil erosion and leaves falling into the water is a natural process. Leaves in the water provide food, shelter and case building materials for invertebrates.
- Other alternative options need to be considered.
- The cutting down of trees is merely a penny-pinching exercise and a quick fix for the sake of the Angling Society.
- Dispute the reason for the works is bank damage as the leaning trees were holding the bank together during recent floods. Actual cause of bank damage is angling platforms, which do not allow stabilising plants to grow underneath them. Trees are being killed for no other reason than they are leaning a bit.
- Lake level not fixed so defining trees on the edge is open to wide interpretation, according to the water levels at the time.
- Objection to removal of Weeping Willows due to their contribution to both wildlife and the environment. Leaves falling from them is entirely natural. Willows are adapted to wetland flood areas and are biological filters which provide many ecological benefits as their roots absorb excess water and also provide a nectar source for bees, butterflies and moths.
- Removal of the trees is to make way for development or other projects.
- Removal of trees will affect the waterfowls' ability to roost and rest which have been a feature of The Wilderness for years.
- Tree 3 – no work required as it appears healthy, and its removal would leave the local ducks and water birds with nowhere to sit and roost. The bird activity around the tree stopped the lake from freezing over in winter. Tree 3 is a well-loved local landmark and people feed the ducks which live on it.
- The Wilderness provides wellness for both mental and physical health and people travel a distance to visit The Wilderness.
- Adverse effect on the aesthetic appeal of the area as the pond and surrounding trees contribute greatly to the charm of the area.
- Replacement trees are required to offset the loss of those felled.



- Alders do not respond well to coppicing and will probably be killed outright.
- The trees should not be removed before they fall in the lake, only after.
- One tree (Photograph 8 – Group 3 in Steve Ambler’s Tree Report) has already been felled but is contained within the report for proposed felling.
- Tree Tag 202 should be pruned rather than coppiced as this contributes to the ecology and character of the area as it forms an arch with the Ash tree opposite.
- Tree Tag 203 – no real evidence of Ash Dieback and it should remain.
- Wilderness Lake has a build-up of sediment, *partly* due to issues such as the ongoing input of leaf and other organic matter but *main* reason is because of the toxic runoff from the dual carriageway and *other* surrounding roads. Said toxins carry poisonous pollutants such as PAHs (Polycyclic Aromatic Hydrocarbons) and are entering the lake. With climate change this is only expected to rise with increased rainfall. The bigger picture lies in the runoff from the surrounding roads, and more recently, albeit an accident; the sewerage coming from Fulmar Road, running down Newton Nottage Road, and flowing directly into the Wilderness Lake. Concerns that the dual carriageway and other surrounding roads’ filtering systems are not being cleaned robustly, nor on a regular basis.
- Tree 6 (Photo 6 – White Willow) is of vital importance to moorhens and coots as the birds have nested there in the past. It provides a habitat for birds even in winter.
- Tree No.206 is dead but could be a possible habitat for bats and nesting birds.
- Alders and Willows coppiced under previous work have died.
- Concerns about the suitability and competence of the contractor to be employed to undertake the work - their report is biased with a conflict of interest.
- Felling of the trees would result in lack of shade during hot weather.
- No tree survey undertaken with previous work, dead trees were left standing, and trees dumped around the park on wildflowers causing a mess.
- Siltation often caused by soil erosion and Weeping Willows prevent soil erosion. It makes no sense to remove them.
- Alternative solutions, such as selective pruning or transplanting, should be explored.

Comments received from 4 Ger y Lyn (incorporating comments received following the reconsultation): -

- Concerns raised regarding the proposed works being undertaken during bird nesting season.
- Diseased or dead trees need to be felled for safety reasons, but will they be replaced.
- Vandalism of saplings and creation of dens within the area.

Comments received from 21 Woodland Avenue (incorporating comments received following the reconsultation): -

- No objection to remedial maintenance works taking place to the town’s essential flood defences. However, the proposed works are limited in nature with only one bank being considered and no action to resolve the problems of the lake’s gradual conversion into a marsh because ongoing silting problems are not being addressed. The works should also include the removal of all fallen trees within the lake.
- The lake is part of the flood prevention plan and fallen leaves result in high silting levels and increase the probability of local flooding. Recent flooding was as the result of high-water levels in the lake and a water table rise. Anything which reduces silting levels in this lake would be welcomed.
- Query why routine maintenance of the town’s flood defences requires planning permission.

- No consultation received regarding the planting of 30 trees to the south of The Wilderness. Question whether the spacing of the trees is sufficient and the choice of species as Rowan is poisonous to dogs, Hawthorn has thorns and Elder is considered a fast-growing intrusive weed.
- Query the future maintenance of the planted trees in order to ensure no potential risk to nearby housing.
- Change of use from recreational park to forestry without planning consent.
- Planting of trees and blocked drainage in Upper Field.

### **COMMENTS RECEIVED FROM THE APPLICANT IN RESPONSE TO PORTHCAWL TOWN COUNCIL'S OBJECTIONS**

The applicant was asked to comment on the original objections received from Porthcawl Town Council. Their response is reproduced below: -

'Disagree with 'destruction of habitat'. Coppicing is a recognised woodland management technique that in part seeks to ensure the longevity of the trees that are currently falling into the Lake. Any management would be undertaken outside of the bird nesting season.

Dredging and the disposal of dredged material is a very expensive operation and not something the Council nor to my knowledge is Porthcawl Angling Association pursuing. However, albeit on a small scale through selective thinning of some of the suppressed trees on the bank, trees that are falling into lake can be removed, which cause anoxic conditions in the lake that undermines the lake's ecology through reduced oxygen levels. The selective removal of the failing trees also reduces the issue of root plate failure and soil getting into the Lake.

Trees in the lake also add to the issue of the lake stabilisation and moving towards a marsh habitat. This is contrary to the Wilderness lakes' Site of Importance for Nature Conservation designation, that identifies the Lake as an important habitat feature.

Ideally the management of the bank side vegetation would be part of an on-going management regime involving local interest groups, volunteers and woodland groups such as the woodland charity Llais y Goedwig.'

### **COMMENTS ON REPRESENTATIONS RECEIVED**

In response to Porthcawl Town Council's further objections, Tree Preservation Orders (TPOs) do offer protection to trees, but the existence of a TPO does not mean that works cannot be permitted when justified on arboricultural grounds.

Reference to Porthcawl losing far too many of its protected trees is noted but since 1 January 2020, only four applications have been granted under the TPO regulations for trees to be removed within the Porthcawl Town Council area. The trees the subject of the four applications were fully assessed by professionals and supporting Tree Reports were received. The works were, therefore, fully justified on arboricultural grounds.

With regards to the Town Council's comments regarding the destruction of habitats, the point is addressed in the Comments from the Applicant section set out above.

Natural Resources Wales (NRW) in their comments on the application indicate that the loss of any Ancient Woodland should be resisted but where a decision maker is satisfied there are wholly exceptional reasons for such works, every endeavour should be made to minimise and compensate for any loss. In this instance, the exceptional circumstances relate to the preservation of the main feature of the Site of Importance for Nature Conservation, namely the lake. It should be noted that, although some of the trees are considered to be mature in age, none of them would be classed as veteran trees and only

one is proposed to be felled. NRW note that although a Compensation Strategy cannot fully compensate for the loss of Ancient Woodlands, it should include planting of new native woodland or wood pasture to improve the resilience of the Ancient Woodland. As a mix of native tree planting has been implemented to the south of The Wilderness, this addresses any concerns raised by NRW.

With regard to impact on protected species, it is noted that the submitted tree report states: *'the trees have negligible bat potential as they don't exhibit bat roost features such as fissures, cracks, hazard beams or missing limbs.* However, should consent be granted for the tree works, a note will be included on any consent issued advising the applicant of the obligations regarding bat legislation. This is not a material consideration to the determination of an application for tree works.

The detailed objections from the occupiers of neighbouring properties, summarised above will each be answered in turn:

- It is acknowledged that previous tree works were undertaken without consent at the site in recent years. This application must be assessed on its own merits and the previous works undertaken and their aftereffects are not material planning considerations. It is not possible to apply retrospectively for any works to trees and, in this respect, the application is not an attempt to seek legitimacy. It is understood that tree felling works were carried out to improve the quality of The Wilderness Lake for users and for the longevity of the lake and this has been reinforced by the recommendations and conclusions of the two tree assessments, one of which was independent (Steve Ambler and Sons Tree Specialists Ltd).
- Queries by residents regarding enforcement action have been noted. The taking of any enforcement action by the Council is a matter of discretion for the Council and any such action must be taken in the public interest and not as a punishment.
- The Wilderness is designated a Site of Importance for Nature Conservation (SINC – POR-6-S). The qualifying features are listed as open water and scrub. The secondary features are semi-natural broadleaved woodland and semi-improved neutral grassland. Therefore, one of the two main reasons for the area's designation as a SINC is the open water feature. In terms of this designation, the management of the lake would have priority with the woodland being of secondary importance. One of the recommendations for future management listed on the SINC citation is 'local woodland management by thinning / re-coppicing as needed, to maintain good canopy structure and encourage diverse woodland ground flora' which corresponds with the Tree Reports. TPOs may exist to preserve the woodland character of the area but that does not mean consent cannot be granted to undertake work to the trees situated within the TPO.
- It should be noted that only one tree is proposed to be felled (an Italian Alder) and the rest are proposed to be coppiced and, therefore, should regenerate over time. The provision of shade is not a material planning consideration.
- Whilst the ecological contribution both trees and hedgerows make to the environment is acknowledged, the amount contributed is dependent on their condition. The trees have been assessed and found to be of poor quality, with few lower lateral branches and top-heavy crowns ('lion tailing'). The work, in this respect, is not considered to be the equivalent to the removal of a hedgerow, as a standard hedgerow would typically offer more foliage density from ground to crown level and, therefore, more habitat diversity.

The trees aren't being removed in the sense that they are being felled and nothing will be put in their place. The selective management of these trees uses a technique known as coppicing which has been in place for hundreds of years and helps to stimulate new bushy growth in broadleaved trees. In essence this is similar to hedgerow management where hedges are laid, and the cut stems then regrow from the point of cutting resulting in a thick hedgerow.

- Wildlife Surveys are not required as part of the determination of tree applications. Should consent be granted, a note is always included advising the Tree Surgeon / Arborist of their responsibilities with regards to bird and bat legislation. The note also includes the annual timeframe for bird nesting season. The territories of woodland / garden birds and waterfowl can vary greatly and usually overlap slightly. Due to the condition of the trees BCBC's Tree Report advises that there is little opportunity for nesting and, should a nest be discovered, the tree would be left, and the birds allowed to fledge. The report also advises that the works will be programmed outside of the bird nesting season. BCBC's Tree Report states that the trees do not exhibit bat roost features.
- The works are for selective coppicing and crown reduction operations, not felling. These operations are well recognised tree techniques e.g., BS3998:2010 - Tree Works Recommendations and they are aimed at managing this line of trees not removing them as felling implies. Coppicing broad leaved trees stimulates new growth, particularly in respect of tree species such as willow. Currently the trees are competing for space and light and require selective management to avoid issues such as whole tree failure and poor tree form through suppressed growth. The coppicing will also benefit ground flora through greater light penetration to the lake banks side floor.
- As the Tree Report describes the condition of tree No.206 as unsafe with a Priority 1 classification, an exemption was issued under the regulations on 24 February 2023 permitting the removal of this tree (an Italian Alder). Notes were included within the exemption advising the enquirer of the obligations regarding bird and bat nesting legislation.
- Dredging and the disposal of dredged material is not a viable option as it is a very expensive operation and the relative impacts associated with such a process would have to be considered in balance with any benefits to the amenity of the area. Furthermore, it is not a solution the Council would be able to pursue and dredging is not for consideration as part of this application, which relates to works to protected trees. Whilst the falling of leaves into the lake is a natural process, BCBC's Tree Report has advised if this continues the build-up of sediment will convert the lake to bog, marsh and eventually woodland. This could compromise the main reason for the designation as a SINC which may undermine the area's continued protection. The trees have been examined by a professional and coppicing is recommended, not pruning. The transplanting of trees is not a viable option due to the cost, potential of failure and, above all, the condition of the trees subject of this application.
- The Tree Report submitted by Steve Ambler Tree Specialists Ltd. advises that a number of trees either have current or potential mechanical failure due to the root plate lifting. This issue has additional impact of bank erosion and lake sedimentation.

- Whilst the water levels of the lake may vary due to flooding or drought events, this is not a material planning consideration. The basis of the assessment of the application is for the works to the trees and their location has been clearly identified in both the Tree Reports and on the location plan.
- The proposal does not include any works to or removal of Weeping Willows (e.g. *Salix babylonica*). The willow trees in question, Goat Willow (*Salix caprea*) and White Willow (*Salix alba*) are falling into the lake which causes the tree and its canopy to lean. Works will be undertaken outside of the bird nesting season. In addition, the trees will not be removed in the long term. The tree works are employing a coppicing approach which is a traditional form of management. Coppicing stimulates bushy new growth of deciduous trees including willow trees. If no works were undertaken, the trees would continue to fall into the lake, and they would be lost. However, by undertaking selective coppicing, a sustainable form of tree management is being employed. In doing so, greater light penetration will reach the lake bank floor that will benefit ground flora and other species such as invertebrates. Whilst the falling of leaves into the lake is a natural process, BCBC's Tree Report has advised if this continues the build-up of sediment will convert the lake to bog, marsh and eventually woodland. This could undermine the main reason for the site's designation as a SINC and potentially compromise its future protection.
- In the Deposit Local Development Plan, The Wilderness is designated as Open Space and is protected by policy. In this respect, no development or other projects are proposed for the site.
- This is a selective operation and the whole of the lake is surrounded by vegetation that provide opportunities for bird resting perches. The freezing of the lake is not recognised as a regular occurrence. Feeding birds has implications for encouraging vermin such as rats which have negative impacts on birds and wildlife through predation.
- Tree 3 (Goat Willow) has been assessed by a professional Arborist and found to have a root plate failure with a fractured and failed buttress and is resting in the lake. The tree is not proposed to be removed but to be shortened to 2m from the lake edge to avoid the build-up of sediment spurs. The tree is likely to produce new shoots and restabilise.
- Tree 6 (Photo 6 – White Willow) has been assessed by a professional Arborist and found that due to root plate failure, it is now resting in the lake. The tree is not due to be removed but coppiced so it should produce new roots.
- Whilst the importance of both mental and physical health is acknowledged, they are not material planning considerations in respect of tree applications. However, the area's contribution as a valued open space is recognised through its protection in the Deposit Local Development Plan's Open Space Audit.
- The works are required in order to prevent the build-up of sediment in the lake and, ultimately, is an attempt to protect and retain the lake feature. Apart from one dangerous Italian Alder, none of the trees will be felled. The trees are proposed to be coppiced and as a result, they should regenerate and regrow over time.
- According to the Woodland Trust, Alder trees can respond well to coppicing. The trees have been assessed by a professional Arborist and it is recommended they are coppiced.

- To wait until a leaning tree has fallen in order to remove it is not considered to be good practice both from an arboricultural viewpoint or on health and safety grounds. The trees are in close proximity to both a well-used footpath and lakeside platforms so a major consideration in respect of the removal of a tree would be the safety of users of the area.
- The site was visited on 2 June 2023 and this particular tree (tree in Photograph 8 – Group 3) was located to the north of the western bank and had not had any work undertaken to it. The tree was, therefore, still in situ.
- The trees (Tree Tag 202 - a small group of Goat Willow) have been assessed by a professional and have been found to have been previously poorly pruned, have weakly attached regrowth, a fractured stem with a further fracture developing and are leaning over the lake. The coppicing of the trees is, therefore, recommended.
- The Tree Report was compiled by a professional Arborist with over 25 years of experience in both the public and private sectors. The tree (Tree Tag 203) was assessed and was found to be suffering from Ash Dieback. Coppicing was recommended and annual monitoring undertaken due to the disease.
- General climate conditions and the source of pollution cannot be taken into account and are, therefore, not material planning considerations with regards to applications for works to trees. The main consideration of the application is the condition of the trees and that responsibility for the assessment of the application lies with the Local Planning Authority. The trees are proposed to be coppiced and as a result, they should regenerate and regrow over time.
- Concerns about the suitability and competence of the contractor are unjustified and are not material to the determination of this application.

The detailed comments from the occupiers of 4 Ger y Lyn and 21 Woodland Avenue summarised above will each be answered in turn as follows:

- Should consent be granted, a note is always included advising the Tree Surgeon / Arborist of their responsibilities with regards to bird and bat legislation.
- Only one tree is proposed to be felled (an Italian Alder), the rest are proposed to be coppiced.
- Neither vandalism nor the creation of dens are Planning matters. Any evidence of acts of vandalism should be reported to South Wales Police.
- Each application is judged on its own merits and the Local Planning Authority cannot make recommendations for additional works to be included within the application.
- BCBC's Tree Report advises that the proposed works on a small scale, through the control of bankside vegetation, will help to mitigate organic material getting into the lake and reduce silting levels.
- Consent is required to undertake works to the trees on the western bank of The Wilderness as they are protected by a Tree Preservation Order (Glamorgan County Council Tree Preservation Order No.01 (1953)).

- From a planning perspective, the tree planting did not require planning consent and, in this respect, no change of use has occurred. A consultation exercise, therefore, was not required.
- The trees have been planted by experienced professionals who have planted many trees and using the same spacings that have been applied at the Wilderness. The choice of trees are native species which are an extremely common feature throughout the country's parks and gardens. The mix of trees planted to the south of The Wilderness are Birch x 10, Field Maple x 5, Rowan x 10, Hazel x 7 and Common Oak x 2. It should be noted that no Elder trees were planted.
- Should consent be granted for the application, a condition will be included which requires a Management Plan for the recently planted trees to the south of the site to be submitted and agreed in writing by the Local Planning Authority.
- The objector also provided a photograph illustrating recent tree planting having been undertaken to the north of the site. It should be noted that Bridgend County Borough Council does not own this land and it does not form part of this application. Blocked drainage is not a material planning consideration.

## **APPRAISAL**

The application is referred to Committee due to the objections received from Porthcawl Town Council and a number of local residents.

The application seeks to undertake a variety of tree works at The Wilderness, Porthcawl. The works involve the selective felling, coppicing and crown reduction to a line of failing trees on the western bank. The tree species comprise: Alder *Alnus glutinosa*, Italian Alder *Alnus cordata*, Ash *Fraxinus excelsior*, Sycamore *Acer pseudoplatanus* and Willow *Salix* sp.

A site visit was undertaken on 9 March 2023 with the Case Officer and their Team Leader in attendance. The Wilderness is a Public Open Space situated to the north of Porthcawl. The site is roughly rectangular, mostly level area with a children's play area to the north and a large lake to the south. A variety of habitats are present within the site, including open water, amenity grassland, woodland, wet grassland and scrub.

The lake to the south was surrounded by woodland and the trees on the western bank are the subject of this application. The Wilderness Lake scheme was proposed by Porthcawl Urban District Council and constructed in the mid-1970s. The lake forms part of the town's flood attenuation system and links up via a drainage system to Porthcawl Marina to the south and Pwll y Waun, a natural lake situated approximately 500m to the east.

A small linear woodland was situated on the western bank of the lake, which was orientated north / south. A footpath runs through the centre of the woodland and joins Heol y Goedwig in the north with Ger y Lyn in the south. A small housing estate (Ger y Lyn) was situated to the west of the woodland.



*Figure 6 - Case Officer's Photographs – 1 & 2 looking south, 3 & 4 looking north*

The woodland to the west of the footpath appeared to be marginally denser than that bordering the lake. A variety of tree species were present within the site and along the western bank of the lake. The trees on the bank appeared to range in age from young to mature and were a variety of sizes.



*Figure 7 - Case Officer's Photographs – Trees in the lake*

It was noted during the site visit that many of the trees were overhanging the lake and some of the more mature trees were near horizontal within the water. These particular trees appeared to have failed at some point but, as they were still rooted, were still growing into the lake. Some of the upright trees did not have particularly good form with few lower branches and high crowns. This appeared to be due to their close proximity to each other and their density had resulted in them being in competition for light.

Evidence of the previous works undertaken was present along the bank, along with some subsequent regrowth. In certain areas along the footpath, root heave was present, with tree roots having forced their way through the tarmac resulting in an uneven surface.

A second site visit was undertaken on 15 May 2023, with the Case Officer and applicant in attendance. The purpose of the site visit was to examine the planting which was undertaken in Spring 2023.

The applicant advised that the planting was undertaken to the south of The Wilderness and to the north of Woodland Avenue. An existing line of trees was situated between the planting and the properties in Woodland Avenue.



*Figure 8 - Location of planted trees*

The trees were planted as whips in Spring 2023 and consisted of a variety of native species, namely Birch (x10), Field maple (x5), Rowan (x10), Hazel (x 7) and Common Oak (x2). A total of 34 trees were planted and all had thrived except one. The applicant advised that the whip which had failed would be replaced during the next planting season.





*Figure 9 - Case Officer's photographs of planting to the south of The Wilderness*

Site visits have confirmed that a large amount of tree planting has also taken place on land to the north of The Wilderness. This land is not within the ownership of the Council, and it is possible that the tree planting had been undertaken by the private landowner. Notwithstanding the fact that this area is still protected by a Site of Importance for Nature Conservation (SINC POR-6-S), any potential issues arising from the planting of these particular trees would not be a planning matter and planning consent was not required to undertake the planting of the trees.

A third site visit was undertaken on 2 June 2023 purely to address issues raised regarding the tree in photograph 8 in the Tree Report. In attendance were the Case Officer, applicant and a representative of Steve Ambler and Sons Tree Specialists Ltd.

It had been claimed by an objector that the tree illustrated in Photograph 8 (Group 3) had already been cut to stump level and, therefore, illegally felled. It was, therefore, queried why the tree was included in the Tree Report. Whilst on site it became immediately apparent that the tree in question was still in situ. The tree was located to the north of the western bank and had not had any work undertaken to it.



*Figure 10 Photograph 8 in Tree Report and Case Officer's site visit photo*

During the site visit, the applicant also confirmed that they had sought advice regarding a Natural Resources Wales Felling Licence and had been advised that The Wilderness was exempt on the basis that it is Public Open Space.

The Wilderness is designated a Site of Importance for Nature Conservation (SINC – POR-6-S), the qualifying features for which are listed as open water and scrub. One of the recommendations for future management listed on the SINC citation is 'local woodland management by thinning / re-coppicing as needed, to maintain good canopy structure and encourage diverse woodland ground flora'. Whilst it is acknowledged that leaves falling into the lake is a natural process, if this continues the build-up of sediment will convert the lake to bog, marsh and eventually woodland. This may compromise the main reason for the site's designation as a SINC which ultimately could undermine the area's continued protection. In this respect, the works listed within the Tree Report are in line with the SINC's recommended management programme.

With the exception of the Italian Alder, which has since been approved to be removed as an urgent Exemption, none of the trees are proposed to be felled. Coppicing is an effective ancient woodland management technique which allows woodlands to slowly regenerate. Whilst it is acknowledged that there will be some short to medium term loss to the amenity value in this particular area, few of the trees appear to be in good condition and many were suffering from defects, as confirmed by the Tree Report. The age range of the trees is between 10 and 20 years old and, as a result, their current biodiversity contribution is limited. Due to the coppicing techniques employed, it is hoped that this small section of the woodland will regenerate over time.

Should consent be granted, the requirement for the planting of a replacement tree to compensate for the loss of the Italian Alder will be waived in this instance, due to the tree planting which has already been undertaken to the south of The Wilderness. The ratio of planting is 1 tree lost to 34 planted, resulting in a gain of 33 trees for the area. The planting of a variety of native species will help to make the woodland at The Wilderness more resilient to any pests and diseases and enable future generations to enjoy the amenity space. The new planting is considered to be a suitable form of biodiversity enhancement which should also help to contribute towards the long-term ecological balance of the area.

The Tree Report from Steve Ambler Tree Specialists Ltd. recommends that the site be covered by a 5-year plan of tree works. To enable controls over the on-going management, it is recommended that a condition be imposed on this consent requiring the agreement of a detailed programme of works and its implementation. The 5 year period for implementation should ensure that the impact on the amenity value of the area is limited as only a specified number of trees will be coppiced every year.

It is considered that, due to the large number of trees which are to remain on the site, the proposed programme of implementation of the work over the space of 5 years and the native planting which has been undertaken to the south of The Wilderness, the proposed works will not have an adverse impact on the public amenity value of the area in the long term.

The works, on balance, can be justified in the interests of safety, good arboricultural practice and for the continued preservation of the Site of Importance for Nature Conservation.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines. The tree works are considered justified in the interests of safety and good arboricultural practice and would not result in any unreasonable long-term loss of public amenity.

## **RECOMMENDATION**

(R54) That permission be GRANTED subject to the following condition(s): -

1. The tree works shall be undertaken in accordance with the following:

Tree Condition Inspection & Management of Lakeside Trees Report – Steve Ambler & Sons Tree Specialists Ltd – Received 3 April 2023.

Reason: For the avoidance of doubt as to the extent of the permission granted.

2. Within 3 months of the date of this consent, a Management Plan for the newly planted trees to the south of The Wilderness shall be submitted to and agreed in writing by the

Local Planning Authority. The scheme shall include a plan showing the location and species of each tree, operations associated with the establishment of the new trees and a future management plan and shall be implemented in perpetuity. Should any of the trees either die or fail to thrive within a period of five years, it shall be replaced with a tree similar to that originally planted.

Reason: In order to ensure the future amenity value of the trees in the landscape.

3. No further tree works shall be undertaken until a detailed programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The tree works shall be carried out in accordance with the agreed programme of implementation over the space of 5 years from the date of this consent.

Reason: To avoid doubt and confusion as to the extent and scheduling of the proposed work

**\*THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

- a. This application is recommended for approval because the development complies with Council policy and guidelines. The tree works are considered justified in the interests of safety and good arboricultural practice and would not result in any unreasonable long term loss of public amenity.
- b. All works shall be carried out in accordance with good arboricultural practice.
- c. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643160/643196 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established. It is essential that before any work take place there should be a full investigation for bats by an appropriately qualified and licensed person to determine the site's significance. Suitably qualified ecological consultants can be found by in the first instance telephoning the National Resources Wales (0300) 0653000.
- d. The applicant is advised that all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Protection should be given to all nesting birds during any works and to proceed with caution, especially during the bird nesting season (early March to late July). Section 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.
- e. The applicant is advised that there are other protected trees within the site which are not subject of this application. These trees should remain protected at all times.
- f. The Arboriculturalist/Tree Surgeon is reminded that it is their responsibility to ensure the stability of the trees requiring maintenance is not compromised as a result of these works.
- g. The Tree Surgeon/Arborist is strongly advised that it is their responsibility to ensure the safety of the users of the adjacent footpaths when the works are being undertaken.
- h. The applicant is advised that should any tree work be deemed necessary which is not included within the Tree Report, a new application for the work will need to be submitted to the Local Planning Authority.

- i. The Local Planning Authority advise of the following information, should invasive non-native species be found to be present on the site. Invasive non-native species can cause problems for native wildlife and infrastructure. Whilst it is not an offence for a landowner to have an invasive non-native species growing on their land, under Section 14(2) of the Wildlife and Countryside Act 1981, it is an offence to plant or cause any species listed in Schedule 9 of this Act to grow in the wild. This means that any actions which cause the spread of invasive non-native species, including Japanese knotweed, such as strimming, flailing or moving contaminated soil, or allowing the plant to spread to a neighbouring property, may constitute an offence. In order to avoid contravening the Wildlife and Countryside Act (1981) the Council's Invasive Non-Native Species Policy, it is recommended that you seek professional help and contact Gareth Bowen (Invasive Species Officer) on [gareth.bowen@bridgend.gov.uk](mailto:gareth.bowen@bridgend.gov.uk) to discuss the necessary steps you need to take towards eradicating the invasive species from your land.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None