

WOODLAND APPRAISAL - GOED
RHYAL, LLANELLI AND
KIDWELLY, CARMARTHENSHIRE-
13.33 ACRES

THE SACRED GROVES

Carter Jonas

February 2021
Natural Capital Department

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1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

1.1.1 Carter Jonas Forestry Woodland and Arboriculture Department were asked to carry out a woodland appraisal on behalf of The Sacred Groves on the property known as Coed Rhyal, Burry Port, Llanelli and Kidwelly, Carmarthenshire south Wales to assess the woodlands suitability for purchase. The site was visited by Marc Liebrecht of Carter Jonas on the 3 February 2021.

1.2 Description and Area

1.2.1 The woodland of Coed Rhyal comprises of 13.33 acres (5.40 hectares) of mature oak woodland.

1.2.2 The woodland has a north western aspect with the northern boundary running along the minor road, the southern boundary is demarcated by a fence line, but the eastern and western boundaries are less obvious due to the nature of the woodland and the parcel being part of a larger woodland.

1.2.3 The Woodlands themselves comprise of predominantly oak high forest and very little management has been carried out in the past. The map portal on the National Resource Wales website shows most of the woodland is Ancient Semi Natural Woodland the extent of which is shown in the screenshots in Appendix 1.

1.2.4 There is a layby to park and a well-maintained path into the woodland which traverses the woodland to the top of the woodland where it joins the public right of way. There is also a public right of way on the south eastern boundary of the woodland.

1.2.5 As stated earlier it is predominantly mature oak with occasional regeneration of holly and hazel in the understorey and some ash regeneration along the edges of the woodland, the woodland has an extensive amount of deadwood both fallen and standing and a number of wolf headed and over mature trees with extensive cavities. These features promote biodiversity.

1.2.6 Initial inspection of the woodland Flora community in the late months reveals that there is a significant area of ancient woodland flora including bramble and ferns, there is also extensive bluebell cover starting to be visible through the ground flora.

1.2.7 The permissive path through the woodland is well constructed with wooden handrails and steps which are in good order.

1.2.8 The woodland is subject to a Tree Preservation Order which means that when any permissions are sought to carry out works form Natural Resource Wales the District council will also need to be consulted. While this can delay approval for any silvicultural permissions it is not considered to be a constraint. Information on Tree Preservation Orders is included in Appendix 4.

1.2.9 There is a viewpoint through the woodland and the River Gwendraeth estuary is visible and spectacular views of Carmarthenshire are visible through the trees.

1.3 Terms of Reference

1.3.1 These are understood to be and are as detailed in the Letter of Engagement: -

- Visit the location and take pictures and video (if possible) of the location.
- Map out GPS coordinates for us to geo-map the boundaries. (Low accuracy.)
- A high-level description of the biodiversity of the area. This will be used to describe the woodland to our Guardians on our website.
- Any existing rights or claims on the land and constraints.

2.0 WOODLAND APPRAISAL

2.1 Photographs

2.1.1 A range of photographs were taken and are included in Appendix 2.

2.2 Co-ordinates

2.2.1 These were mapped as best possible and a plan is included in Appendix 3 showing where these were taken and the output of the latitude and longitude of these points. Note as stated previously this was not a measured survey, but used ESRI Survey 123.

2.3 Biodiversity

2.3.1 The Woodlands themselves comprise of predominantly oak high forest with holly and hazel understorey in places. Very little management has been carried out, but the canopy is dense and the woodlands would benefit from some selective thinning in places.

2.3.2 The map portal on the National Resource Wales website shows most of the woodland is Ancient Semi Natural Woodland the extent of which is shown in the screenshots in Appendix 1.

2.3.3 The woodland contains extensive fallen and standing deadwood which is a valuable ecological resource. There are also many over mature and wolf headed trees with extensive cavities and deadwood in the crowns which are also ecologically diverse.

2.3.4 As stated earlier it is predominantly sessile oak with occasional regeneration of holly, hazel and rowan on the lower slopes and birch, sycamore and ash on the upper slopes.

2.3.5 Initial inspection of the woodland flora community in the winter months reveals that there is a significant area of bilberry and mosses on the woodland floor and as stated in the particulars the area is low in pollution and has a significant lichen population.

2.3.6 Another very valuable restored woodland.

2.4 Existing rights or claims on the land and constraints

a) Access

There is access to the woodland via the small layby and permissive path which is suitable for walkers and access on foot.

It is also unclear whether the access is for use for forestry machinery/vehicles for forestry use as opposed to simple access to the Woodlands for its quiet enjoyment which should be checked in advance of any purchase as while there may be a desire to carry out non-intervention management, access may still be required for reactive works such as managing trees along the roadside.

b) Extraction

The site is steep and difficult to work so it is likely that any operations would need to be carried out using a skidder winch tractor. There is a range of management prescriptions, but these depend on the objectives for the woodland and can be discussed separately. Note permissions would be required for any silvicultural operations.

c) Mineral Rights

The mineral rights are not included in the sale and are held on a 999-year lease by the Coal Board.

d) Sporting Rights

The sporting rights are included in the sale and are not let.

e) Fencing Liabilities

There are no known fencing liabilities

f) Operational Access

Please also note that the current access infrastructure is not suitable for forestry machinery for woodland operations and timber extraction. Management should be intermittent and is likely to be minimum intervention, but active management may be required to maintain the ancient woodland through selective thinning for light management.

g) Tree Risk Management

The woodland is adjacent to a minor road and has an extensive permissive path and public footpath network and as such there will be a liability for management of trees adjacent to the roads, there are no current issues, but it is suggested that the roadside trees are inspected within a year of purchase and any remedial works carried out to ensure the long-term mitigation of any risks which are small trees along the roadside.

h) Ash Dieback

There is a small percentage of Ash in the crop mainly natural regeneration which is showing signs of Chalara Fraxinea or Ash Dieback which is a significant issue regarding ash nationally but due to the low proportion of ash in the crop this is not a threat to the overall woodland.

APPENDIX 1

Lie - Ancient Woodland Inv | Lie - Map

lie.gov.wales/map#m=-4.27382,51.70010,17&b=europa&l=60,0,39

Lie - Map Browser Advanced...

Layers Tools Legend

Ancient Woodland Inventory 2011 - AWI

- Ancient Semi Natural Woodland
- Restored Ancient Woodland Site
- Plantation on Ancient Woodland Site
- Ancient Woodland Site of Unknown Category

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APPENDIX 2



Road frontage



Ancient woodland



Footpath and stile



Permissive path through wood



Veteran tree



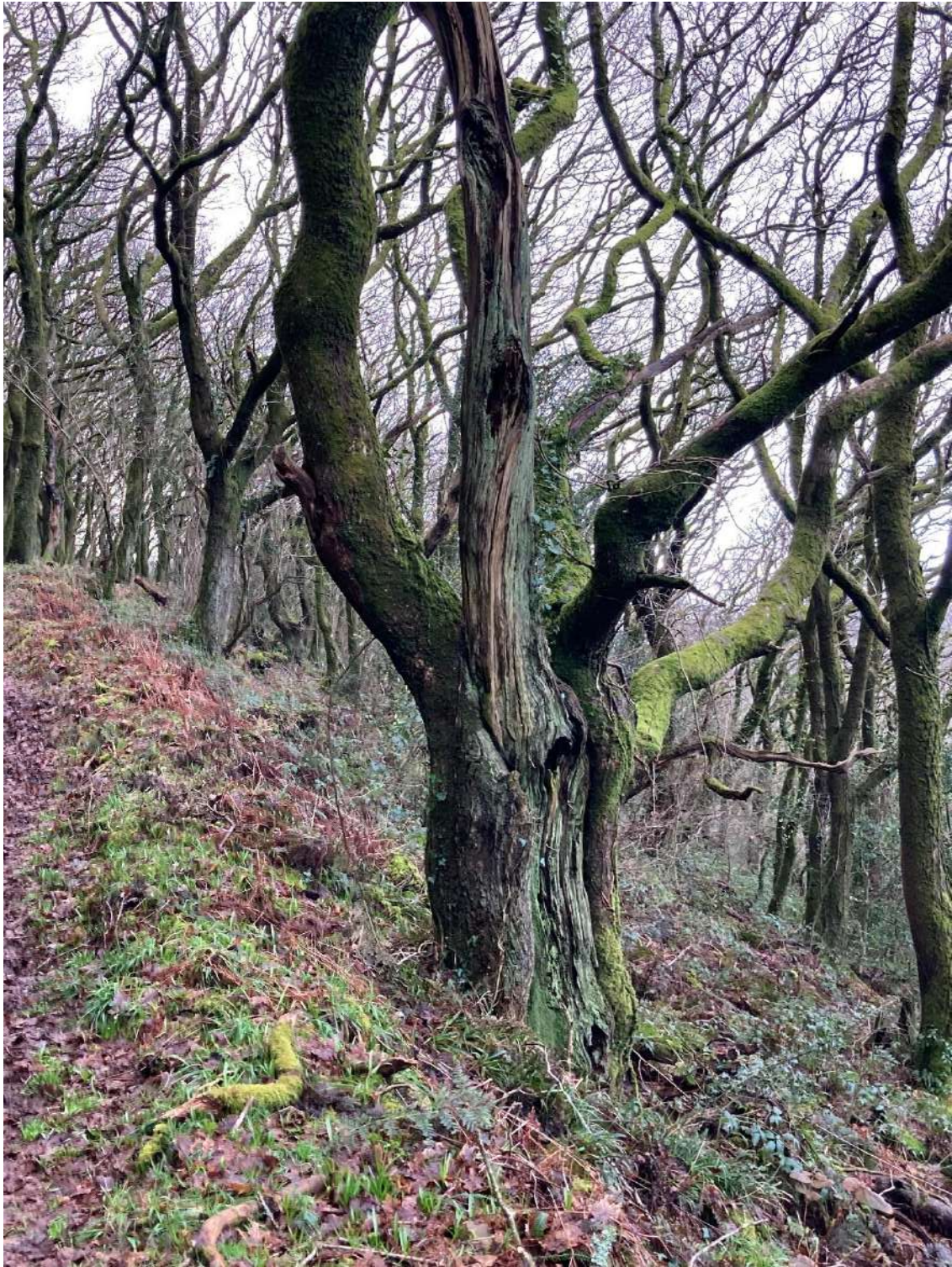
View of Estuary



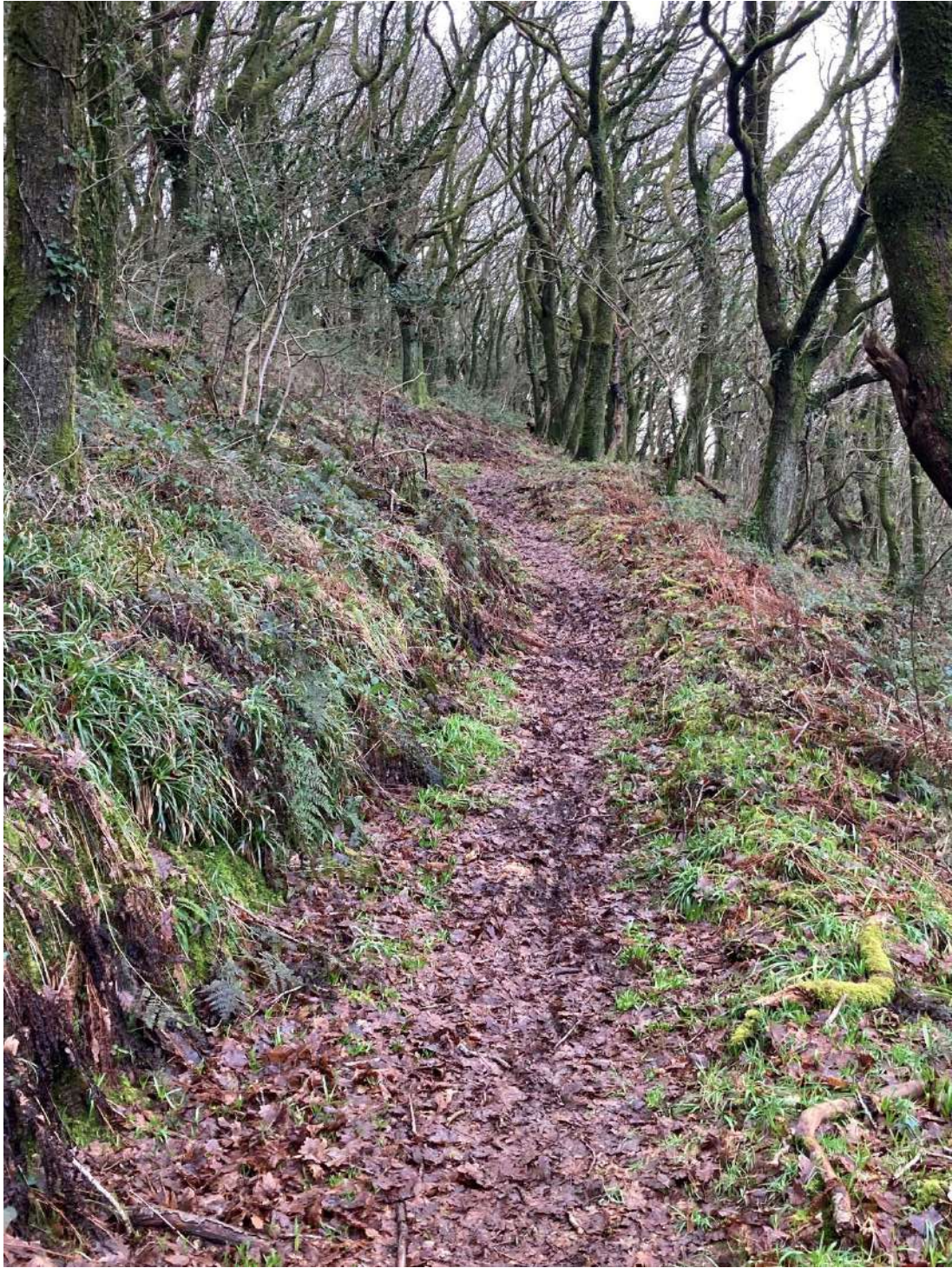
Permissive path



View of estuary through woodland view point



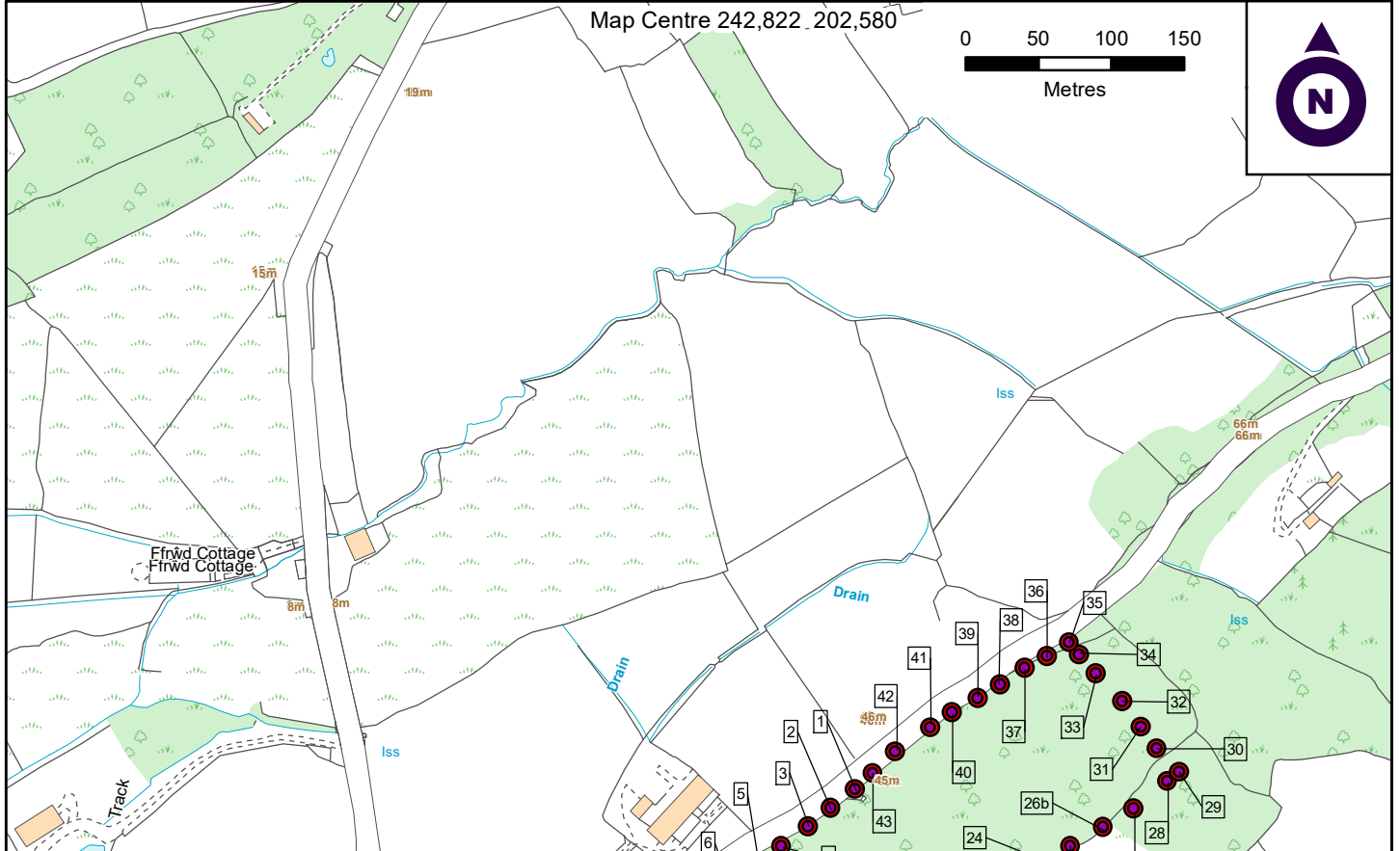
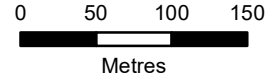
Veteran tree



Permissive path

APPENDIX 3

Map Centre 242,822 . 202,580



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4	242878.8	202687.5	51.70087	-4.27507
5	242861.8	202676.9	51.70077	-4.27531
6	242843	202663.8	51.70064	-4.27558
7	242827.5	202653.1	51.70055	-4.27579
8	242837	202645	51.70047	-4.27566
9	242823.2	202616.4	51.70022	-4.27583
10	242805.5	202585.9	51.69993	-4.27608
11	242790.3	202583.1	51.69991	-4.2763
12	242777	202564.4	51.69974	-4.27647
13	242765.1	202543.1	51.69955	-4.27664
14	242818.3	202539.3	51.69952	-4.27587
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16	242875.8	202537.5	51.69952	-4.27505
17	242898.5	202558.7	51.69972	-4.27472
18	242923.9	202578.9	51.6999	-4.27437
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20	242990	202625.1	51.70034	-4.27342
21	243008.9	202639.9	51.70048	-4.27317
22	243026.7	202652.4	51.7006	-4.27291
23	243040.7	202663.1	51.7007	-4.27272
24	243058.6	202676.8	51.70082	-4.27246
25	243076.8	202687.2	51.70093	-4.27221
26a	242968.1	202607.3	51.70018	-4.27373
26b	243099.4	202700.5	51.70105	-4.27188
27	243120.3	202713.3	51.70117	-4.27158
28	243143.3	202731.8	51.70134	-4.27126
29	243151.3	202738	51.7014	-4.27115
30	243136.4	202754.2	51.70154	-4.27137
31	243125	202768.9	51.70167	-4.27153
32	243112.4	202786.7	51.70183	-4.27173
33	243094.4	202806	51.702	-4.272
34	243083	202818.5	51.7021	-4.27216
35	243075.9	202827.3	51.70218	-4.27228
36	243060.7	202817.9	51.70209	-4.2725
37	243045.5	202809.6	51.70201	-4.27271
38	243028.8	202798.3	51.70191	-4.27295
39	243013.5	202789.2	51.70182	-4.27316
40	242995.7	202779.2	51.70173	-4.27342
41	242981	202768.5	51.70163	-4.27362
42	242956.6	202752.3	51.70148	-4.27397
43	242941.2	202737.1	51.70134	-4.27418

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Client: **The Sacred Groves CIC**

Project: **Coed Rhyal - Woodland Appraisal**

Title: **Point Location Plan**

Scale: 1:5000 @A4 Date: 17 February 2021

Drawn by: AS Dwg no: **J0043020 21-01**

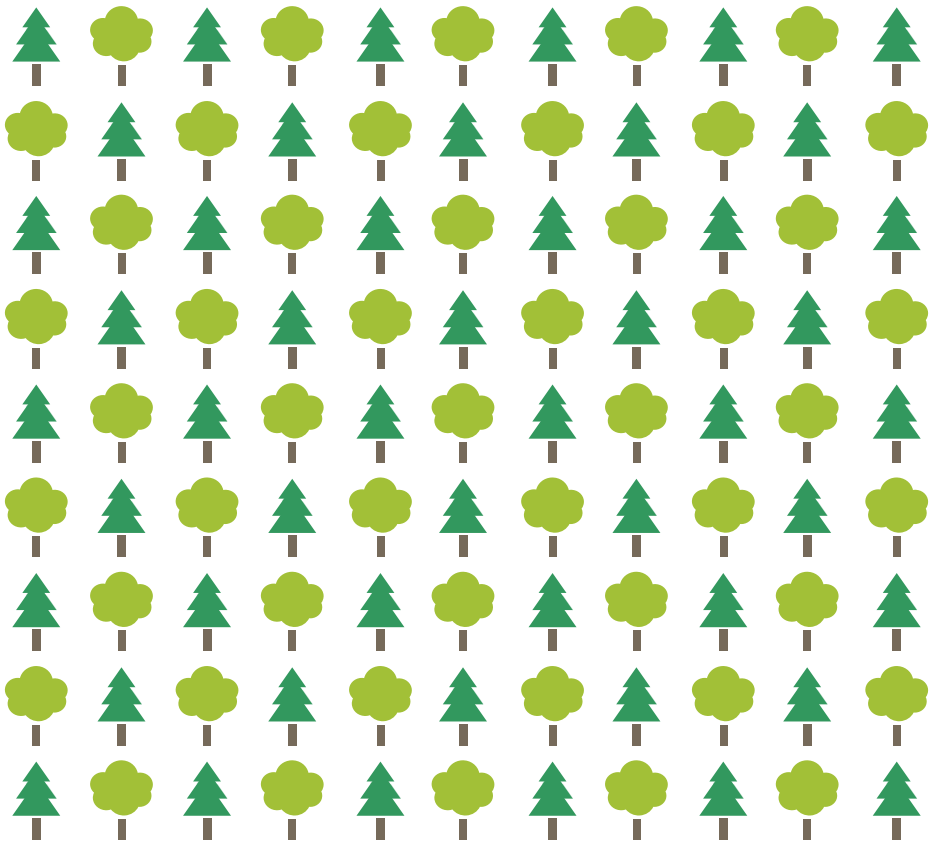
APPENDIX 4



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Protected Trees



Introduction

Local planning authorities have specific powers to protect trees by making tree preservation orders, although Natural Resources Wales is responsible for the control of felling of woodland trees (see question 11).

Special provisions also apply to trees within conservation areas designated by local planning authorities.

This leaflet is written for the benefit of tree owners, the general public and amenity groups and answers some of the most common questions about tree preservation procedures. It is for guidance only and is not a statement of the law. You should consult a solicitor if you are unsure of your legal rights or obligations.

1. What is a tree preservation order?

It is an order made by a local planning authority (county or county borough council and national park authorities) which in general makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the planning authority's permission.

2. What is the purpose of a tree preservation order?

To protect trees which make a significant impact on their local surroundings. This is particularly important where trees are in immediate danger.

3. What type of trees can be covered by an order?

All types, including hedgerow trees, but not hedges, bushes or shrubs. The order can cover anything from a single tree to woodlands.

4. How can I find out if a tree is covered by an order?

Details of orders are available for inspection at the local planning authority's offices. An official search of the local land charges register can also be made before you purchase a property. This should reveal the existence of a tree preservation order (or whether your property is in a conservation area). Make sure your solicitor tells you if any trees are protected.

5. If I see work being carried out on a protected tree, how can I find out if permission has been obtained?

Check with your local planning authority. It has a register of applications and decisions which you can look at.

6. There are trees which I think should be protected. What can I do?

Contact your local planning authority giving details of the trees, and the reasons why you think the trees should be protected.

However, if Natural Resources Wales has given aid under a forestry grant scheme, a tree preservation order can only be made with Natural Resources Wales permission.

Before an order can be made for trees on Crown Land, the planning authority must seek permission from the relevant authority. Crown Land includes land belonging to government departments or land held for the Queen by a government department.

7. Does an order come into effect immediately?

The local planning authority can, if it chooses, make an order which will come into effect immediately and will continue for six months, or until it is confirmed, whichever comes first.

When the planning authority confirms the order it can modify it, for example by excluding some of the trees.

8. How will I know when a local planning authority makes a tree preservation order?

It will write to the owner and other interested parties, enclosing a copy of the order.

9. How can I object to or express support for an order?

If you or anyone else wants to object to or support an order, write to the local planning authority within the period they allow (usually 28 days) saying why and giving details of the relevant trees.

The planning authority will take these comments into account when it decides whether to confirm the order.

10. Does the local planning authority then become responsible for looking after the trees?

No. The owner remains responsible for the trees, their condition and any damage they may cause. But the planning authority's permission is required before carrying out work on them, unless they are dying, dead or dangerous (but see question 13).

The planning authority may be able to offer appropriate help and advice on how the trees should be managed.

11. Do I need a Natural Resources Wales felling licence to cut down trees covered by a tree preservation order?

Whether or not a tree preservation order is in force you must first apply to Natural Resources Wales for a felling licence if you want to cut down growing trees in any quantity. There are exceptions to this rule which are set out in the Forestry Act 1967 and Regulations made under that Act. For example, you do not need a licence for felling trees in gardens, orchards and public open spaces. Another example is that a felling licence is not required for the removal of trees in small quantities, that is where the total volume of timber felled in any calendar quarter by a person on his/her land does not exceed five cubic metres and the total volume sold by that person in that period does not exceed two cubic metres.

If a licence is required and the trees are covered by a tree preservation order, Natural Resources Wales will deal with your application in consultation with the local planning authority. Where Natural Resources Wales proposes to grant a licence it will first give notice to the local planning authority. In such cases the planning authority has the right to object to the proposal and if it does so the application will be referred for decision to the Welsh Ministers.

Natural Resources Wales may grant a licence unconditionally or subject to conditions. The conditions which may be attached to a licence are those that, after consulting with the applicant, Natural Resources Wales considers expedient for securing restoring of felled areas and the maintaining of those restored trees.

12. What if I want to work on a protected tree but don't need a felling licence?

Write to the local planning authority to seek permission, specifying the trees, what you want to do and why. You may find it helpful to consult a tree surgeon to clarify what you need to do. The Arboricultural Association has a list of approved tree surgery contractors write to;

The Malthouse,
StroudGreen,
Standish,
Stonehouse
Gloucester,
GL10 3DL

Email: admin@trees.org.uk Tel: (01242) 522152

13. Do I always need the planning authority's permission to work on a protected tree?

Yes, except for:

- cutting down trees in accordance with one of Natural Resources Wales grant schemes, or where the Natural Resources Wales has granted a felling licence – see question 11.
- cutting down or cutting back a tree:
 - which is dying, dead, or dangerous, or
 - in line with an obligation under an Act of Parliament, or
 - at the request of certain organisations specified in the order, or
 - which is directly in the way of development that is about to start for which detailed planning permission has been granted, or
 - in a commercial orchard, or pruning fruit trees in accordance with good horticultural practice, or
 - to prevent or control a legal nuisance (you may find it helpful to check first with a solicitor).

If you are in any doubt, check with your local planning authority.

14. If I don't need the planning authority's or Natural Resources Wales permission, do I still have to inform them of any work I intend to carry out?

Except in an emergency you are advised to give your local planning authority at least five days' notice before you cut down a protected tree which is dying, dead or dangerous. This is in your interests – you could be prosecuted if the authority thinks you have carried out unauthorised work. It could also decide that you do not have to plant a replacement tree. You must remember, however, that you will remain responsible for your trees and any damage they may cause.

15. When will I have to plant a replacement tree?

You will have to replant:

- if you cut down or destroy a protected tree:
 - in breach of an order, or
 - except in the case of woodland, because the tree is dying, dead or dangerous, unless the planning authority says you need not;
- if the planning authority gives you permission to cut down a protected tree but makes replanting a condition of its consent;
- in most cases where Natural Resources Wales grants a felling licence.

Local planning authorities have legal powers to ensure that you plant a replacement tree when required.



16. What happens if I carry out work on a protected tree without permission?

If you deliberately destroy a tree, or damage it in a manner likely to destroy it, you could be fined up to £20,000 if convicted in the magistrates' court. In determining the amount of the fine, the court will take account of any financial benefit arising from the offence. For other offences you could be fined up to £2,500. You will normally have to plant a replacement tree if the tree was cut down or destroyed.

17. What if my application to carry out work on a protected tree is refused, or I object to the conditions imposed by the planning authority?

You can appeal to the Welsh Ministers in writing within 28 days of receiving the decision. Appeals are dealt with by the Planning Inspectorate, you can write to them at:

The Planning Inspectorate,
Crown Buildings,
Cathays Park,
Cardiff,
CF10 3NQ

The Inspectorate's telephone number is 029 2082 3856 for inquiries about appeal procedures.

For policy inquiries telephone 029 2082 3883, or write to:

Decisions Branch,
Planning Division,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

18. Can I get any compensation if my application to carry out work on protected trees/woodland is refused or conditions are imposed?

If consent is refused – or granted with conditions – you can seek

compensation from your local planning authority for any loss or damage which results. If the tree preservation order was made after 2 August 1999, the claim must be for £500 or more. However you cannot make a claim where, under the terms of the order, the planning authority has issued a certificate saying either:

- that the refusal or condition is in the interests of good forestry, or
- that the trees or woodland have an outstanding or special amenity value.

You can appeal to The Welsh Ministers against such a certificate. Local planning authorities will not be able to issue these certificates under tree preservation orders which were made after 2 August 1999. But they will be able to issue them under orders made before that date.

Where a felling licence application has been refused by Natural Resources Wales (see question 11) you may get compensation from Natural Resources Wales under the relevant forestry legislation.

Replanting of woodland: You can also seek compensation from the local planning authority where, on giving permission to cut down protected woodland, it has required replacement planting. But such compensation is only available if the Natural Resources Wales will not give a grant for the replanting on the grounds that it would not be in accordance with good forestry practice.

19. How do I go about claiming compensation under a tree preservation order?

Write to your local planning authority within 12 months of its decision or that of The Welsh Ministers if you appealed.

20. Are there any extra restrictions in a conservation area?

Yes. In relation to trees not protected by tree preservation orders you must give your local planning authority six weeks' notice in writing if you want to carry out work on them. You must not carry out any work during that period without permission. If you do, you could be fined as described in question 16. You may also have to plant a replacement tree.



But you do not need permission if you want to cut down or work on trees less than 7.5 centimetres in diameter (measured 1.5 metres above the ground) or 10 centimetres in diameter if thinning to help the growth of other trees.

The exceptions in question 13 also apply. If in doubt, check with your local planning authority.

21. How are trees on development sites affected?

Trees on development sites can be protected by tree preservation orders or by conditions attached to the planning permission, or both. Planning conditions may also require you to plant trees which may be covered by a tree preservation order. The order will take effect once they are planted.

22. Can I carry out work on protected trees which are in the way of proposed development?

You can only cut down or cut back protected trees if they are directly in the way of development which is about to start, for which you have detailed planning permission. You cannot carry out tree work if you have outline planning permission. Check first with your local planning authority. It may prosecute you if it thinks you have cut down or cut back excessively.

If the development does not require planning permission (for example, putting up a garden shed) you must apply to your local planning authority for permission under the tree preservation order in the normal way.

23. Can I stop planning permission being granted – or prevent approved development being carried out – by getting a tree preservation order imposed on trees on the site?

No. A tree preservation order does not prevent planning permission being granted. But a local planning authority will consider the risk to protected trees when deciding planning applications.

Once detailed planning permission is granted, any felling may be carried out which is directly required to enable the development to go ahead.

Further information

You can find out more about tree preservation orders in the following:

- town and Country Planning Act 1990 (in particular sections 197-214 as amended)
- the Planning and Compensation Act 1991 (section 23)
- forestry Act 1967 (as amended)
- the Town and Country Planning (Trees) Regulations 1999 (Statutory Instrument number 1892)
- planning Guidance (Wales) Technical Advice Notes (Wales) 10 – Tree Preservation Orders.

These are all available through The Stationery Office and some may be seen at main libraries or on the websites at www.hms.gov.uk and ww.wales.gov.uk

You may also find it helpful to obtain a copy of the Natural Resources Wales booklet *Tree Felling – getting permission*. Write to:

Natural Resources Wales,
Rhodfa Padarn,
Llanbadarn Fawr,
Aberystwyth,
Ceredigion
SY23 3UR.

Telephone: 0300 068 0300



**Cyfoeth
Naturiol**
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