

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AW/316/21/T

LOCATION: Stratton
9 Kingsway
Aldwick
PO21 4DQ

PROPOSAL: Fell and remove 2 No. Field Maple trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	2 No. Field Maple trees in rear garden of dwelling.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/12/96/T	Surgery to various trees	Withdrawn 25-03-96
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REPRESENTATIONS

1 Neighbour objection - Tree surgery or lopping to be done not felling unless dangerous or dead, if so replacement tree put in.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Parish Council objection - Members strongly objected to the application on the grounds that a full examination of possible remedial solutions (given that the trees are sited in a ditch) should be made by the Arun Arboriculturist before any felling is done, in particular in relation to the oak which is an iconic tree taking many years to mature and because the trees have an amenity value. Members recommended that should felling be decided upon after careful examination, similar mature trees should be planted in a suitable place as close as possible to their original site.

Arun District Council - Tree Officer comments:

There is limited scope for replacement planting as any tree of potential amenity value would struggle to establish beneath canopy of remaining trees. As such, we need not pursue replacement trees at this location but can take this opportunity to remind the applicant of the ecological value in standing deadwood and stump retention, wherever safe and practical to do so.

Conclusions:

- The work proposed to T1 and T2 (maple) is justified on arboricultural grounds.
- T3 (oak) - The applicant has indicated concern about the stability of this tree but has not provided any physical evidence in support. My own ground-level visual assessment of the tree did not reveal any obvious signs of pathogen activity, structural defect or root-plate displacement; to suggest the tree could be structurally unsound and/or present an unacceptable level of risk for its location.

Recommendations:

As it stands, I recommend REFUSAL for this application.

- I would like the applicant to be invited to agree to revise their work proposal (by removing T3 oak) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing undue loss to the landscape.
- For a tree of this age, stature, and apparent good health; a proposal to fell for the reason stated must be supported with evidence (e.g., ground disturbance, pronounced lean through to upper crown, video footage clearly showing atypical movement) to demonstrate the tree is most probably hazardous. If that evidence can be provided in support of a new application, it may be appropriate to propose crown reduction pruning instead of wholesale removal.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted.

Amendments to application made per Tree Officer recommendations and approval from applicant.

POLICY CONTEXT

TPO's on site.

Built-up area boundary.

Pagham Harbour Zone B.

Conservation Area.

2km buffer zone for Site if Special Scientific Interest.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-

090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the Tree Officer and subsequent alterations to remove the 1No. Oak tree from the application. It is recommended that the application be approved with the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE

- 1 - The work proposed to T1 and T2 (maple) is justified on arboricultural grounds. There is limited scope for replacement planting as any tree of potential amenity value would struggle to

establish beneath canopy of remaining trees. As such, we need not pursue replacement trees at this location but can take this opportunity to remind the applicant of the ecological value in standing deadwood and stump retention, wherever safe and practical to do so.

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Reasons - In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

3 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.