

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

REF NO: AW/317/21/T

LOCATION: Various Locations
Aldwick Bay Estate
Aldwick

PROPOSAL: Various works to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	56 No. various trees in various locations throughout the Aldwick Bay Estate.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/158/17/T	Various works to trees.	ApproveConditionally 13-09-17
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All relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - Members concur with the decision made by the Arun District Council Tree Officer (arboriculturist).

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun District Council - Tree Officer:

Full comments can be found on the Arun District Council website.

Conclusions:

Having considered the Tree Work Recommendations, I am satisfied that they are justified on

arboricultural grounds and either recommend APPROVAL or have no objection to the proposals.

- If significant pruning work is undertaken to a high standard and at the right time; then it is unlikely to have an adverse effect on the trees' long-term vitality and visual amenity.
- Those trees proposed for removal are of limited amenity value and/or not viable long-term prospects. In each case, local tree density and canopy cover is extensive enough such as to preclude a requirement for compensatory planting. Furthermore, most locations could be considered problematic due to restricted space and in some cases, removal would result in an improved vista.

Recommendation:

- I recommend CONSENT for this application, subject to the following condition.

- See also the standard pruning guidance notes BS3998:2010.

Advisory:

- The long-term vitality of horse chestnut and lime trees is best respected when significant pruning work such as 'crown reduction', is undertaken during the late spring to summer period (May to August). For poplar, the optimum time for significant pruning is mid-winter (late-December to early-February). The work proposed should only be undertaken during these periods.
- Where a tree is under 3rd party ownership; we are obliged to advise the applicant that any consent granted by the Local Planning Authority does not by association give authority to undertake the proposed work from/or cut back material to beyond the property boundary, without first seeking permission from the tree owner.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

TPOs on site.

Conservation area.

Built-up area boundary.

2km Buffer for Site of Specific 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

Having regard to the tree officer's comments it is recommended that the application be approved subject to conditions and the following 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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 CONDITIONALLY

- 1 Part a) Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
Part b) Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.
Part c) Where pollarding or crown reduction pruning has occurred previously, then the removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Part d) T3 Lime should be uniformly reduced in height and spread to leave a balanced structure on completion as shown in Figure 4 of BS3998:2010. Final dimensions of the tree should be a minimum of: Height 11metres, Diameter spread 9m.

Reasons: In the interests of the trees' 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.