

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **AW/76/14/TC**

LOCATION: Verge outside 79 The Fairway
 Aldwick Bay Estate
 Aldwick

PROPOSAL: Reduce 1 No. Eucalyptus tree by 2 metres (previous pollarded point) within the
 Aldwick Bay Conservation Area (Extended)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The tree the subject of this application but also a Willow tree adjacent.
BOUNDARY TREATMENT	None - open verge. 79 The Fairway has a part low white picket style fence and part 5 bar gate to the front. No. 80 next door has a 2.2m high close boarded fence.
SITE CHARACTERISTICS	This is an open grassed verge between 79 The Fairway and the estate road.
CHARACTER OF LOCALITY	Located in a private residential estate, part of which has Conservation Area status.

RELEVANT SITE HISTORY

AW/12/88/T	Top and deadwood one pine tree	Withdrawn 14-03-1988
AW/239/11/TC	Fell 1 No Pine tree within the Aldwick Bay Conservation Area	No Objection 07-11-2011

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council - no comments recieved.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

Arboricultural Officer - "This tree has already been heavy lopped in the past and the current crown is made up entirely of regrowth from the old pruning points. The prevailing winds have created an imbalance and the crown is weighted to the north side over the adjacent garden causing shading issues. This is a repeat pruning exercise that is standard practice once a tree has been as heavily topped out as this one has been in the past. I raise no objection to the pruning of this tree as described in the notification and would see no reason to apply a TPO to control same."

Conservation Area Advisory Committee - no comments.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to the site:

Within Built Up Area Boundary;
Tree Preservation Order; and
Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#) Conservation Areas

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014):

HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies are general and are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

"Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence."

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This is a notification of the intention to pollard one tree within the Aldwick Bay Conservation Area. The tree has been assessed by the Councils Arboriculturist who considers that the proposed works are standard practice given that the tree has been heavily topped in the past. No objection is raised subject to the following informatives.

RECOMMENDATION

NO OBJECTION SUBJECT TO CONDITIONS

- 1 **INFORMATIVE:** Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all shortened branches are to be cut at the correct angle (see also BS3998:2010) and adjacent to a live bud or lateral.
- 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 0845 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.