

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

REF NO: A/182/21/T

LOCATION: Furzeffield Scout Campsite
Dappers Lane
Angmering
BN16 4EW

PROPOSAL: 1 No. Ash (T1) - Re coppice to a stool as one stem has already failed recently and blocked the road. Leaving the tree at approx 1m tall.
1 No. Oak (T2) - Reduce tree back to campsite boundary. Leaving the tree at approx 3m tall & 3 m wide.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	One Ash Tree and one Oak tree within confines of the Scout Camp.
SITE CHARACTERISTICS	Woodland, Scout Camp
CHARACTER OF LOCALITY	Semi rural
None	

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council - No Objection

ADC Tree Officer - Consent

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from site (April 2021) informs the process.

- Both trees are structurally compromised and contribute little in the way of public amenity, relative to their woodland setting. They possess ecological value that can be maintained by retaining stumps and/or managing future growth on rotation.
- Their proximity to and growth over the carriageway demands remedial pruning to achieve an acceptable level of risk for their location.

Conclusions:

- The proposed work is justified on arboricultural grounds.
- There will be no loss of public amenity on completion of the proposed work.

Recommendation:

- I recommend CONSENT for this application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

TPOs

Outside BUAB

Article 4 land

Area of special advert control.

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 Officers comments it is recommended that this application be approved with 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 INFORMATIVE: The applicant is aware of 3rd party ownership of this tree, nevertheless we are obliged to advise that any consent granted by the Local Planning Authority does not by association provide authority to undertake the proposed work without first seeking permission from the tree owner.
- 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.