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

REF NO: **BE/21/14/T**

LOCATION: Site 6
Land south of Aldwick Crescent
North Bersted

PROPOSAL: Fell 1 No Ash tree, remove deadwood from crown of 1 No Ash tree, remove deadwood and westerly stem from 1 No Ash tree and remove deadwood from 1 No Ash tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The trees the subject of this application are located adjacent to a drainage ditch that runs through the Site 6 Bersted residential development. It is proposed to fell one Ash tree (T16), remove the dead wood from three Ash trees (T7, T13 and T17)
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	The specimens are within a large group of mature trees a long the edge of the drainage ditch, all of which are covered by a group TPO.
BOUNDARY TREATMENT	n/a
SITE CHARACTERISTICS	Drainage ditch that runs along side of a new footpath link to the south of the Charles Church phase of Site 6 that is nearing completion. To the south of the site is a large drainage/amenity pond.
CHARACTER OF LOCALITY	New residential development.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - no objection but would like felled tree replaced.

Comments on Representations received:
Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:
Arboricultural Officer -

T7 Ash - remove dead wood - this tree is full of dead wood which should be removed along with any broken branches which will need to be removed for safety reasons and the wounds tidied up.

T13 Ash - remove dead wood + westerly stem which is undermined by decay and cavities- it is agreed that this branch is highly likely to fail soon and should be removed for safety reasons.

T16 Ash - remove tree - this tree grows up though the Oak and is all but dead with numerous woodpecker holes cracks and cavities in it - it should be removed for safety reasons but only after wildlife checks have been carried out.

T17 Ash - remove dead wood - this tree is full of dead wood which should be removed along with any broken branches which will need to be removed for safety reasons and the wounds tidied up.

Recommendation:
I raise No Objection to the works as described in the application documentation and illustrated on the plans that have been provided.

Comments on Consultation responses:
Comments noted

POLICY CONTEXT

Site 6

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140306 and 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

AMENITY ASSESSMENT

The works to the three specimens that are required in order to remove dead wood are minor in scale and will benefit the longer term health and amenity value of the Group. They are also required for reasons of safety.

The specimen that is proposed for removal grows up though the Oak and is all but dead with numerous woodpecker holes cracks and cavities in it. The Council Arboricultural Officer confirms that it should be removed for safety reasons but only after wildlife checks have been carried out.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

2 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

3 The works hereby approved shall involve:
T7 Ash - remove dead wood
T13 Ash - remove dead wood + westerly stem
T16 Ash - remove tree
T17 Ash - remove dead wood

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

4 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 branches which need to be shortened are to be cut at the correct angle and adjacent to a live bud or lateral as defined and illustrated in BS3998:2010.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

5 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.

6 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 amendd) 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.

7 INFORMATIVE: Attention is drawn to the fact that some trees could provide suitable habitat for bird nesting (ivy and cavities) and bat roosting (ivy, branch cracks and cavities) and this might at certain times of year influence and possibly restrict the form of management which can be applied. Given the legal constraints imposed by the Habitat Regulations and the Wildlife and Countryside Act and the fact that it is a criminal offence to disturb or destroy nest sites, this may necessitate expert ecological advice being sought before proceeding with these recommendations. As a minimum requirement it will be necessary for the appointed Tree Contractor to climb the trees and verify that there are no birds nesting or bats present in splits; holes and cavities prior to commencement of works.

This is particularly true for the dead tree T16 that is full of cavities and woodpecker holes and given its location next to a wildlife area is highly likely to have birds nesting in it and bats using cracks and crevices so it must be checked out by the Tree Surgeon before any works are attempted.