

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

REF NO: FG/89/13/T

LOCATION: 39 Ferringham Lane
Ferring

PROPOSAL: Re-pollard 1 No Holm Oak tree by 5m, pollard 2 No Holm Oak trees by 5m, reduce crown by 1 m and crown thin by 10-20% to 1 No Sweet Chestnut tree and reduce east and west side radial spread by 2m to 1 No Beech tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	No significant trees other than those listed in the description will be affected by the proposed works.
BOUNDARY TREATMENT	Open frontage.
SITE CHARACTERISTICS	The trees are located on a grass verge that borders the road.
CHARACTER OF LOCALITY	The site is located beside a residential road that is lined by a mixture of dwellings that are set back from the road with grass verging and lines of trees along their frontages.

RELEVANT SITE HISTORY

FG/44/90/T	Lopping & topping of 5 Ilex trees and 1 Beech tree	ApproveConditionally 04-06-1990
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REPRESENTATIONS

Representations received:

Ferring Parish Council

Ferring Parish Council would like all trees to be replaced when they require radical reduction or come to the end of their life and need to be felled and such replacements must stand the test of time. Our concerns would be the dramatic reduction planned and there is again no mention of replacement in the vicinity for the future. The trees down Ferringham Lane have been reduced over the years (all with TPOs) and no replacements have been made so this continues to cause me concern for the future

Comments on Representations received:

The proposed works will not result in the loss of the trees and are considered to be an example of good husbandry and required maintenance given their proximity to the road. The

Council's Arboriculturalist has raised no concerns over the health of the trees and the action suggested is neither feasible or necessary.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

The Local Parish Council have commented suggesting trees requiring radical reduction should be felled and replaced. The Evergreen Oaks proposed for re-pollarding are however in a healthy condition. They were allowed to be pollarded many years ago and at that time had lost their natural crown shape. 'Pollard' is an extreme and frowned upon style of reduction. It is nowadays regarded as poor practice for urban locations and should not be carried out on mature trees if they have no previous history of harsh pruning/lopping. However the pruning history of the Evergreen Oaks denotes that a re-pollard is required to ensure the continued safety of the pollard points/knuckles. If work is not carried to these trees then it is likely that one of the over-extended limbs from the pollard points will fail to create a large wound. The attachment of other branches from the same knuckle near to the large wound would be compromised leading to the collapse of the knuckle, exposing other knuckles etc affecting the remaining crown and ultimately leading to the destruction of the entire tree. If preventative pruning can be carried out there will be a temporary loss of foliage for one season's growth. But this will lead to a smaller but safer tree and is the preferred method for managing and retaining good tree cover and where felling and replacement is not recommended at this time.

I would question the need for both a crown thin and reduction of the Sweet Chestnut. Unless the thin is to rid the tree of diseased and crossing branches the thin should not be included with the reduction work. The work to the Evergreen Oak trees and Beech is acceptable. All work should accord with the detail as specified in the application and should accord with the principles of BS3998 (2010).

Comments on Consultation responses:

The Council's Arboriculturalist has recommended a set of conditions that will be attached to any approval given. The applicant has confirmed that the thinning of the Sweet Chestnut relates to diseased and crossing branches.

POLICY CONTEXT

Within Built-Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

The trees that are subject of this application are an important and distinctive feature within the street scene, forming part of the mature tree line that borders the road and helping to bolster the verdant and semi-rural character of the street scene.

The works proposed will reduce the size of the trees. However, it is considered that the trees will retain a degree of stature that will ensure they continue to contribute towards the street scene. In addition, the works will encourage healthy re-growth within the trees, ensuring that they continue to prosper.

It is therefore recommended that the application is approved, subject to the following conditions.

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 for 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 it has been determined that its approval would result in a neutral impact 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).

As such, no specific mitigation measures are required.

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 In regard to the Sweet Chestnut. The Crown Reduction must not exceed the removal of branches greater than 1m in length for the Sweet Chestnut and 2m in length for the Beech. The pruning cuts should leave substantial side branch growths of at least 1/3rd or greater in diameter to leave their foliage bearing buds intact. Pruning cuts must be made flat and smooth, kept as small as possible and cut at an optimum angle to leave the bark branch collar/ridge intact. For all live branch removals, wound sizes must not exceed a diameter of 50mm. Thinning approved relates to diseased and crossing branches only.

REASON: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 3 In regards to the Evergreen Oak trees. The Crown Reduction must not exceed the removal of branches greater than 5m in length. A lesser amount must be cut to allow the retention of the original lopping points where multiple branch growth occurs. Pruning cuts must be flat and smooth, kept as small as possible and cut at an optimum angle. The pruning cuts should leave substantial side branch growths OR 50mm stubs to be left proud of the original lopping points for healthy regrowth to establish. All Pruning cuts for both crown reduction and crown lift operations should not exceed wound sizes of 100mm in diameter.

REASON: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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.

- 5 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.