

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

REF NO: FP/121/20/T

LOCATION: 9 Rife Way
Felpham
PO22 7BN

PROPOSAL: Fell 1 No. Ash tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located in the grounds of 9 Rife Way.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential
No relevant site history	

REPRESENTATIONS

Felpham Parish Council: No objection - Tree Warden advises work to go ahead using a professional and experienced Tree Surgeon and that the tree should be replaced.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree Officers Comments:

Ash / Fraxinus excelsior Approx. height: 11m Average spread: 5m Age class: Mature

· The applicant has employed Jonathan Rodwell of Beechdown Arboriculture Ltd to assess the tree and provide a report on its condition. This is comprehensive and recommends a balanced work proposal to manage the tree in an appropriate state for its location whilst respecting its age and acknowledging its ecological value and potential.

- The risk of whole and partial failure has been established, with little option other than to carry out an effective felling of the tree. There is no requirement to fell to ground level or grub out the stump.

- The condition and appearance of the tree is comprehensively described within Mr Rodwell's report and I endorse his conclusions and recommendations.

Conclusions:

· The work proposed is necessary to mitigate risk of structural failure and so justified on arboricultural

grounds.

· The intention (as described by Mr Rodwell) is to reduce the tree to a low limb framework and thus secure some of the ecological value which has accrued during its life so far. Any new growth from dormant buds would be a welcome response although even in a dead state the tree will be an asset. On that basis, I do not feel it is appropriate to condition a replacement tree, although if the tree is to be subsequently removed I would advise replacing with a suitable native tree type to ensure no long-term loss of biodiversity to the immediate area.

Recommendation:

· I recommend CONSENT for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

2km Buffer for Site of Special Scientific Interest

Tree Preservation Orders

Within the Built Up Area Bounrady

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments of the tree officer it is recommended that there be no objection to the works proposed.

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

- 1 **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.
- 2 **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.