ARUN DISTRICT COUNCIL

WEST SUSSEX

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(TREE PRESERVATION ORDER) REGULATIONS 1969

FOR OFFICIAL USE ONLY
Appl. No M/45/07/T
Date Received 10/4/07

APPLICATION TO LOP, TOP OR FELL TREES

6 copies of this form together with 6 copies of a site plan accurately identifying the trees by this application should be completed and returned to the Planning and Development Officer. You are advised to read the notes for guidance (overleaf) before completing the form.

1. Applicant (in BLOCK CAPITALS)

Name HAREFIELD ESTATE (MIDDLETON MANAGEMENT LIMITED)
Address 4 EAST AVENUE,
MIDDLETON-ON-SEA, BOGNOR REGIS.
PO22 6EG.
Tel. No: 01243 584490

Agent (if any) to whom correspondence should be sent (in BLOCK CAPITALS)

Name .....
Address .....
.....
Tel. No: .....

2. Full address or location of the land to which this application relates

Harefield Estate Middleton Company Verge (AS ENCLOSED PLAN)

3. Particulars of applicant's interests in the land on which the trees are growing:

FREEHOLD OWNER.

4. Title of the Tree Preservation Order, Planning Permission or Conservation Area.

THE TREE PRESERVATION ORDER NO: M/1/ 1992.....

PLANNING PERMISSION REFERENCE

THE CONSERVATION AREA

5. Description of trees: (give particulars of each tree, group of trees or woodlands together with the number of trees involved so that those involved can be easily identified).

SCOTS PINE T 91 (as enclosed plan)

6. Extent and type of operation: (give details of the lopping, topping or felling for which permission is required).

FELLING OF VEHICLE DAMAGED TREE.

P.T.O.

7. If applicable, state how the selective lopping, topping or felling is marked for identification purposes;

The Tree in questian T91 will be marked with yaur orange notificatian Sticker

8. For what reason is the application made?

The main Trunk af the tree has been severely damaged by a vehicle which ripped aff a maja branch. In the opinian af the Company this tree is now dangerous.

9. Have you the applicant any proposals for replanting? If so, give details: (see Note (d))

yes - we propose to plant a replacement tree

We apply for permission to *LOP, TOP or FELL the trees described in this application and indicate on the attached plans. (*Delete where not applicable)

Dated ..3RD APRIL..2007.... Signed ..S.A. Sampsen - Chairman..

Applicant / ~~Agent~~

NOTES

(a) **In all cases,** plans should be submitted with this application in order that the trees to be lopped, topped or felled can be accurately identified. (6 copies are required). The plans should also clearly indicate the site to which the application relates edged in red.

(b) Where selective felling is to be carried out or isolated or hedgerow trees are to be felled, the trees to be felled should be accurately marked on a plan to a scale not less than 1:2500.

(c) When a wood or portion of a wood is to be clear felled, a plan to a scale of 1:10000 metric showing the boundary of the area to be felled and the acreage involved is required.

(d) In most cases where felling is proposed a certain amount of replanting is likely to be a requirement of any consent which may be granted.

(e) Any additional information in support of your proposal may be included in a letter accompanying the application. If you so wish.

(f) Address to:-

ARUN DISTRICT COUNCIL
ARUN CIVIC CENTRE
MALTRAVERS ROAD
LITTLEHAMPTON
WEST SUSSEX BN17 5LF

Tel: 01903 737500

DATA PROTECTION

The information contained in this form will be used by Arun District Council for the purposes indicated and will be further used or transferred to other organisations or individuals, only as the law permits.

M/45/07/T
10/4/07

ARUN DISTRICT COUNCIL
RESOURCES DEPT
10 APR 2007
ACTION

HAREFIELD ESTATE (MIDDLETON)
MANAGEMENT LIMITED

please reply to
"Squirrel House"4 East Avenue Middleton -on-Sea
Bognor Regis West Sussex PO22 6EG

Telephone and fax 01243 584490
Mobile 07910 474339
Date 3rd April 2007

Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Planning application to fell trees T26, T91 and T92

Dear Sirs.

We write this covering letter to the above applications to explain the background for our reasons for requiring consent for these 3 trees to be felled.

Your department has in the past refused tree planning applications to both T26 and T91 and we wished to have a meeting to fully explain our legal liabilities that we have to our residents and to the general public having free access to our private Estate.

We previously provided evidence from a tree surgeon that T91 was considered unsafe but your department has refused to accept this – despite your solicitor saying that the Councils Legal Liability only extends to "making the Tree Preservation Order"

Furthermore your solicitor underlines the Principles of the Tree Preservation Order when he says in Para 2 "if the tree is dead, dying or dangerous then it can be felled without needing consent".
In the legal opinions which we have sought and the tree opinion we have submitted previously - there is no doubt that Tree T91 is in a dangerous condition and you have no legal authority to object to us felling this tree.

As you may remember and I record here, I attended a site visit meeting with your Ms. Kate Brocklebank and Mr. Mark Everson on the 7th of November 2006 at the location of T91 to discuss- not only this tree but also T 92 and T26, and the general future wellbeing of all the trees on the estate (which is 75 years old this year) with most trees being planted at least 60 years ago.

ARUN DISTRICT COUNCIL:M/45/07/T 10/04/2007

- I explained that on behalf of our Company we were responsible for the condition, management and safety of all of our trees under the Tree preservation order M/1/92.

- I also explained quite clearly the clauses – particularly clause 3 of the TPO which clearly states that only an application, a plan showing the relevant tree and the operations that are going to be carried out on the tree need be stated.
  Nowhere does the TPO requiring consent require "confirmation" or any other professional opinion as "back up information" to our application for consent.

- Clause 4 states that "the authority shall grant consent so far as accords with the principles of good forestry". The caveat about retaining the special character of the woodland is not relevant as there are so many trees on the estate that the woodland character would remain unchanged – and in fact enhanced in the future by strategic, planned and balanced felling and re-planting.

Whilst we attempted to have a sensible conversation with your staff on the legal liability of say a child or resident having to walk under these damaged trees and suffering injury or fatality– your staff were contemptuous in their concern for our legal liability and I wish you to arrange for a personal apology to our Company for this extremely condescending and crass behaviour.

We now wish to move forward and resolve all these tree issues without further delay and we trust that if required a further site meeting can be arranged with senior staff to resolve these problems which we as an Estate Company need to deal with to satisfy our legal liabilities.

T91 was severely damaged by a delivery lorry and in our last application we supplied copious information which we know you have retained and which is still relevant.

T92 was damaged in a storm and the trunk was split at the head, and emergency treatment was required to lop the top off the tree and we now need to fell this tree to make it safe.
We therefore now make a formal submission to fell this tree as it has been damaged by storm and is considered dangerous.

Again, I underline that it is not the Councils prerogative to question or refuse permission to fell a dying or storm damaged tree.

T26 was the subject of a previous application to fell from Mr. Coster in November 2002. This application was also refused.
This Scots Pine has exposed surface roots and is not only precarious but has caused a nuisance in legal terms and we now wish to fell this tree before it falls and damages adjacent property and causes further damage.

Under the terms of the TPO dated M/1/92 we expect that these applications will be approved without further investigation. However we are of course available to meet with you at any time to answer any further questions that you may have.

We wish to re-assure you that our Company applaud the use of TPO's and whilst we look after the trees on our Estate most carefully we must be responsible owners and protect our Residents and Public safety .

If you feel that you must refuse these applications, We give notice that we will actively pursue your Council Solicitor to obtain ADC agreement to accepting full legal liability in perpetuity for these trees (from the date of any refusal) in the event of them falling and causing death, injury or damage as a result of your decision not to grant the required consent for felling at this time.

As a Company we cannot have a situation whereby we have identified a legal risk and liability to the public, but have not alleviated that risk. You must as a Council understand our position as indeed you frequently face this very dilemma.

We await your consents to all these applications within the course of the prescribed time limits.

Yours Truly

Steve Sampson

Steve Sampson
Chairman and Director
CC. to the Council Solicitor