

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: R/142/14/TC

LOCATION: The Tiled Barn
Station Road
East Preston

PROPOSAL: Fell 1 No. Oak within the Station Road, East Preston Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	1m high flint boundary wall to front of property and 2m high boundary fence to side and rear elevation of the property.
SITE CHARACTERISTICS	Two storey flint faced detached property with brown uPVC windows and brown tiled roof.
CHARACTER OF LOCALITY	Conservation area with open space and a number of mature trees. The church is located adjacent to the site but the area is predominantly residential featuring detached properties of various styles and designs.

RELEVANT SITE HISTORY

No comments.

REPRESENTATIONS

Representations received:

Rustington Parish Council:-

We question the reason of felling a perfectly healthy Oak tree in a conservation area that adds to the charm and to the balance of this picturesque part of our village. It would adversely change the pleasant aspect of this lovely section of Station Road/bend having been part of the history of this area along with the Norman Church of St Marys the Virgin and the thatched cottages on either side of the road.
thatched cottages for many years.

Conservation Area Advisory Committee:-

Refer to tree man.

Comments on Representations received:

Rustington Parish Council:-

Whilst, the tree would have been worthy of a Tree Preservation Order (TPO) due to its considerable amenity value and dominant position within the Conservation Area - it has been subject to illegal and unauthorised works in the form of 'ring barking'/'girdling'. As such, the tree is now dying and will not recover from these works. Therefore, the tree is no longer worthy of preservation and as such the Council are unable to object to this proposal.

A separate enforcement investigation has been created in order to investigate the illegal works to the tree and appropriate action will be taken against the offender(s).

Conservation Area Advisory Committee:-

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Council's Arboriculturalist:-

Comments on Application:

- Tree is highly visible from main highway, and has a definitive presence in the landscape.
- Unfortunately this tree has been clearly ring barked (removal of vascular system all the way around the main stem, which is the only live part of the stem) at 1 meter. This is a technique that is not recognised by any major uk Arb + forestry societies/agencies. This technique should only be used in extreme circumstances (e.g. to prevent the spread of pathogens), and should be avoided prior to any climbing operations.
- The end result of the demise of the vascular band around the host tree is a starving of the roots of glucose, and a starving of water and other important nutrients to the crown. This always results in death for the host tree.
- Also NO application was made to undertake this technique, nor would it be approved.
- As outlined on the application this tree has a large portion of its eastern and southern crown protruding the public footpath and the public highway.
- I did speak to the arborist who wrote the application and has assured me that the tree was ring barked prior to surveying it, and was shocked to see this practise used on this tree.

Recommendation:

- Due to the location and presence of high numbers of targets it would be my recommendation to fell and remove this tree. It should be noted the practise of 'ring barking', is not recognised as a current Arboricultural technique and in my opinion a inappropriate action to use in this instance. it is also troubling that this action (which has clearly been done but someone with chainsaw experience), was not applied for (tree works in a conservation area). If an initial application for the ring barking works was made, this tree would have been probably TPO'ed (because of the immediate threat to its presence).
- It should also made clear to the applicant the action of ring barking is a normally a unacceptable way to deal with Healthy trees and also an application has to be made for the practise of this technique in a conservation area.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Adopted Loc Plan
Class B Road
Cons Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 tree is a prominent feature within the street scene and makes a considerable contribution to the visual amenity of the wider conservation area. However, illegal and unauthorised 'ring barking' of the tree has led to the demise of the vascular band around the host tree which is starving the roots of glucose, and starving other parts of the crown of water and other important nutrients.

Were it not for this illegal activity the Council's Arboriculturalist states that the tree would likely have had a Tree Preservation Order (TPO) placed upon it due to the immediate threat to its presence.

Therefore, given the impending demise of this tree and the inability of the Council to place a TPO upon the tree we are unable to raise any objection to this proposal. However, it should be made clear that the action of 'ring barking' is an unacceptable way to deal with healthy trees and the practise of this technique in a conservation area without consent constitutes a criminal offence. The illegal works to this tree will therefore be the subject of a separate enforcement investigation.

RECOMMENDATION

NO OBJECTION

- 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.