

[REDACTED]

[REDACTED]

From: David Owen [REDACTED]
Sent: 18 April 2018 21:34
To: Planning
Subject: Planning application R/14/18/T

I refer to my response as set out below

Please explain why as the resident and owner of the property affected no notice has been served upon us

DAVID M OWEN

**12 Bushby Avenue
Rustington**

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OBJECTIONS TO APPLICATION R/14/18/T

Re works to tree the subject of a TPO - Raise crown of 1No. Evergreen to 5.5m - 6m over carriageway at land R/O 12 Bushby Avenue Rustington

From:
DAVID MARK OWEN
12 BUSHBY AVENUE
RUSTINGTON
BN16 2BZ

NO GROUNDS FOR WORKS

The applicant has evidenced no grounds for the required works

- The applicant seeks consent to works to “abate potential nuisance to persons or vehicles”. No supporting evidence has been provided
- Reference should be made to relevant guidance on H M Government website

Guidance Tree Preservation Orders and trees in conservation areas

(<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>)

“Here ‘nuisance’ is used in its legal sense, not its general sense. The courts have held that this means the nuisance must be actionable in law – where it is causing, or there is an immediate risk of it causing, actual damage.

When deciding what is necessary to prevent or abate a nuisance, tree owners and, where applicable, their neighbours and local authorities, should consider whether steps other than tree work might be taken. For example, there may be engineering solutions for structural damage to buildings.

Paragraph: 082 Reference ID: 36-082-20140306”

- The tree is a significant mature tree with no evidence of disease or immediate risk of serious harm.
- The application does not relate to a dead tree or dead branches and the tree is and is likely to remain a healthy mature tree for the indefinite future.

BAT ROOST

The tree is the site of a bat roost.

- This application is linked to a prior application made by the applicant under reference R/248/17T relating to an adjacent Sycamore tree. Correspondence and objections related to such application refer explicitly to the existence of a bat roost in the cedar tree, the subject of the current application

- Reference should be made to government guidance at

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences#what-you-must-not-do>Activities that can harm bats

Specific guidance detailed below:

“Activities that can affect bats include:

- *renovating, converting or demolishing a building*
- ***cutting down or removing branches from a mature tree***
- *repairing or replacing a roof*
- *repointing brickwork*
- *insulating or converting a loft*
- *installing lighting in a roost, or outside if it lights up the entrance to the roost*
- ***removing ‘commuting habitats’ like hedgerows, watercourses or woodland***
- ***changing or removing bats’ foraging areas***
- *[using insecticides or treating timber](#)*

*In many cases you should be able to avoid harming the bats or damaging or blocking access to their habitats. **You’ll need an expert to do a bat survey. You can find one using the:***

The survey will show what type, how many and how the bats are using the building or area so you can plan to avoid harming them."

NATURAL LANDSCAPE

- The tree is a significant mature tree and forms a major part of the natural environment and amenity of this area. It has been in situ for many decades on the site without any identifiable interference with adjoining land owners.
- The works applied for would be completely distort the shape and visual amenity of the tree.
- This and other mature trees in this location provide a natural balance to the built environment and specifically provide some balance to the extensive recent development near the site which has increased the overall footprint and volume of buildings in the area.
- 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"*

NOTICE

No notice of this application has been made to the owners of the tree. The owners became aware of it purely coincidentally since the single notice appears on a lamp post in Waverley Road outside the boundaries of the land and to which the owners have no direct access.

No further consideration should be given to this application until proper notice has been given in accordance with statutory requirements.

D M OWEN
2nd April 2018