

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

REF NO: **WA/66/12/TC**

LOCATION: Swallowshaw
 The Street
 Walberton

PROPOSAL: Removal of 1no. Mountain Ash (Rowan) tree within the Walberton Village Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site sloping upwards. Raised from properties to the south.
TREES	Trees are subject of the application.
BOUNDARY TREATMENT	Various hedging and fencing.
SITE CHARACTERISTICS	Public park.
CHARACTER OF LOCALITY	Residential properties surrounding park.

RELEVANT SITE HISTORY

WA/2/01/TC	Removal of one Black Poplar tree and lopping of one Beech tree within the Walberton Conservation Area	No Objection 14-03-2001
WA/99/01/TC	Reduction in height and re-shaping of crown of one Ornamental Cherry Tree within the Walberton Conservation Area	No Objection 08-02-2002

REPRESENTATIONS

Representations received:

Walberton Parish Council
No objection.

Comments on Representations received:

Comments noted. Informatives attached to decision advising applicants of the relevant wildlife acts.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

CONSERVATION AREA ADVISORY COMMITTEE: No comment,

TREE OFFICER: Inspected the tree and found it to be dead. It is therefore unworthy of a tree preservation order.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1 Circular 36/78

XXX2 DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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

TREES CA

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 dead and does not contribute to public visual amenity. As such, no Tree Preservation Order will be made and works can proceed as per the notification.

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.