



Working in Partnership



Mr Ben Nicolson  
Ben Nicolson Tree Services  
1 Semongers Farm  
Peaslake Road  
Cranleigh  
Surrey  
GU6 7NR

Our Ref: SDNP/19/05893/TCA  
Contact Officer: Henry Whitby  
Tel. No.: 01243 534734

27 March 2020

Dear Sir/Madam

### **Town and Country Planning Act 1990 (as amended) Section 211**

#### **NOTIFICATION TO FELL OR PRUNE TREES IN A CONSERVATION AREA**

**Applicant:** Ms Lucy Moore  
**Proposal:** Notification of intention to fell 2 no. Red Oak trees, 5 no. Ash trees, 4 no. Sycamore trees, 1 no. Whitebeam tree and 1 no. Horse Chestnut tree. Pollard (down to fracture point) 1 no. Poplar tree.

**Location:** Land adjacent to Midhurst Methodist Church North Street Midhurst West Sussex GU29 9DU

**Cons Area:** Conservation Area Name: Midhurst Conservation Area

I refer to your notification under Section 211 of the Town and Country Planning Act 1990, received on 9 December 2019, to undertake the above works to tree(s) within a Conservation Area.

The Authority has viewed the above application and has determined that a Tree Preservation Order will not be made on the above tree(s). You may therefore undertake the works as described, provided that they are undertaken within a period of 2 years from the date of your notification.

#### **INFORMATIVE NOTES**

**These are advice notes to the applicant and are not part of the planning conditions:**

##### **1. Crime and Disorder Implications**

It is considered that the proposal does not raise any crime and disorder implications.

##### **2. Human Rights Implications**

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Chichester District Council, East Pallant House,  
East Pallant, Chichester, West Sussex, PO19 1TY  
Tel: 01243 785166 Email: [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk)

NOTCAZ

### 3. Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

1 Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:

- kill or injure any wild bird,
- damage or destroy the nest of any wild bird (when the nest is being built or is in use),
- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths),
- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact Natural England for further information (tel: 0845 601 4523).

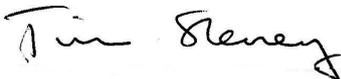
2 The Local Planning Authority support the proposal to plant 13 no. suitable replacement trees to replace the 2 no. Red Oak trees, 5 no. Ash trees, 4 no. Sycamore trees, 1 no. Whitebeam tree and 1 no. Horse Chestnut tree in the first planting season following the removal of these trees.

3 In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

### Plans Referred to in Consideration of this Application

There were no plans submitted for this application.

Yours faithfully



**TIM SLANEY**

Director of Planning

South Downs National Park Authority

