

CONSULTEE RESPONSE (Arun District Council - Arboriculturist)

Date of report: 10th August 2026

Reference: AL/35/26/RES

Proposal: Approval of reserved matters following outline consent AL/178/22/OUT for appearance, landscaping, layout and scale for the construction of 89no. residential dwellings, together with open space, landscaping and associated infrastructure, with access taken from Meadow Way (resubmission following AL/137/24/RES). This application is in CIL Zone 3 and is CIL Liable as new dwellings.

Location: Land rear of Meadow Way, Westergate

Case Officer: Amber Willard

BACKGROUND

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from site and familiarity with surrounding area provide further insight to the proposal.

The aforementioned reserved matters application was refused approval on 19-03-2025. Our reason 1 of 2 included *'the failure to ensure a sufficient off-set distance between important offsite trees and plots 38-46.'* 'Important' in this context is those trees which are subjects of a preservation order (TPO).

An earlier reserved matters application (our ref. AL/50/24/RES) was refused approval on 14-08-2024, with reason 1 of 4 including the same. Subsequently appealed, it was dismissed 23-05-2025. The planning inspector duly considered this line of argument and made the following comments in his report, which I consider most relevant to this latest proposal:

Appeal Ref: APP/C3810/W/24/3356352

43. The Council suggested that a 2m buffer zone should be applied along the site's western boundary to safeguard the overhanging protected trees. While it was not a specific requirement of the Parameter Plan it was open to the appellant to provide it as part of the overall open space provision within the development area. However, the absence of such a buffer is not an impediment to the scheme as I see no reason why a protected tree cannot overhang a garden. Therefore, the absence of such a dedicated buffer zone does not weigh against the proposal.

44. The reports submitted by the appellant indicated that the trees would not unduly restrict sunlight/daylight to the gardens of the affected properties. The Council did not challenge these reports. Furthermore, permitted development rights can be restricted in any affected plots to prevent building works impacting root protection areas. Therefore, the main concern would be leaf, twig and other detritus dropping from the trees and whether this would lead to pressure for pruning or removal.

45. In the case of plot 38, a large, protected oak would overhang the northwestern corner of the rear garden. However, the property would benefit from a large garden and being adjacent to the open countryside, future occupiers could reasonably expect some natural debris in a small part of their garden.

46. For plots 46-48 their context would be slightly different, being a terrace of three properties in the southwestern corner of the site. Plot 48 is unlikely to be particularly affected given the size and position of its garden. However, Plot 46 has one of the shortest lengths of rear gardens within the scheme yet some of it would be affected by the trees on the western boundary. Plot 47 would have a significant portion of its rear garden being overhung by the trees. The situation is likely to cause some inconvenience to the occupiers of these two properties and thus some pressure for pruning or removal of the trees in question. This attracts a small amount of adverse weight.

48. It was also suggested that having houses generally located along the western boundary in close proximity to the protected trees would prejudice the trees' public amenity value. Given that the site has planning permission for up to 89 houses, views of the trees would inevitably be interrupted by new houses, regardless of the precise layout or exact number of dwellings. There was no information to demonstrate that the appeal scheme would be any more impactful than any other layout when considering the wider public amenity benefit of the protected trees.

In summary, whilst I hold a view, consistent with previous RPA incursion in this area, that current layout proposals carry an avoidable risk of harm to important trees, the inspector's decision rather quashes our aspirations for a layout wholly sympathetic to them (and as promoted in our Supplementary Planning Documents. Arun District Public Open Space, Playing Pitches and Built Facilities (Appendix 9) and Arun Design Guide (E.02 Landscape Structures & Trees, p62) - [Supplementary Planning Documents \(SPDs\) and other guidance | Arun District Council](#)).

The inspector notes the negative impacts on households from trees overhanging plots 46 & 47. I should add that remedial pruning options for those important trees (their refs. T11 & T12) are limited by their intolerance of hard pruning and aesthetic considerations, as well as being contingent on the owner consenting to any operations and where planning consent has been given.

TREE SURVEY INFORMATION

The applicants have employed Aspect Arboriculture Ltd. to prepare a report inclusive of Arboricultural Method Statement, Tree Survey Schedule and Tree Protection Plan.

TPO/AL/2/23 affects the following trees (their refs.) and they should be afforded special consideration: T5, T11 & T12, T13, T17 & T18.

LAYOUT PROPOSAL

To visualise the arboricultural implications of this proposal, I have considered the following plans: Site Layout, dwg. no: SL.01 Rev. A and Tree Protection Plan(s), dwg. nos. 12083 TPP_02.

It is unfortunate that the progressive layout at AL/137/24/RES (where it relates to plots 47 & 48) has not been maintained within the current proposal.

RPA INCURSION

There is significant development incursion into the RPA of important trees, most notably at the site's western boundary. To mitigate risk of harm it would be necessary to control permitted development rights for the most affected plots. This should affect outbuildings and hard surfacing.

SERVICES

It is assumed that foul water and other utility (gas, electric, mains water) apparatus can be located and routed away from the RPA of retained trees and connect with those existing off-site.

SURFACE WATER DRAINAGE

There does not appear to be an approved surface water drainage (and foul water sewer) strategy for the site. Ideally this fundamental element of the design ought to be addressed to our satisfaction in association with layout proposals (at this reserved matters stage), so that

we may not subsequently be held hostage to flood mitigation measures which could then impact heavily on retained trees/landscape plans/open space provision.

I draw attention to the nominal root protection areas (RPA) of retained trees and their growth potential as obvious constraints to the siting of any SUDS feature, soakaway or introduction of subterranean utility apparatus. The provision of appropriate buffer/easement around such features should take into account that growth potential (roots), to limit the risk of damage occurring during future maintenance of the same, from compaction/contamination of the soil structure.

Any improvements to existing or creation of new watercourses within the RPA of preserved/important trees should be avoided where practical and reasonable to do so. Where there is a risk of damage to those trees arising from such operations, then an alternative strategy should be proposed.

I am satisfied that Drainage Strategy drawings (sheets 1-3 incl., dwg. nos. B0457-1500/1501 REVP7 and /1502 REVP8) propose works compatible with retained trees of importance.

Conclusions:

There is no approved surface water drainage strategy. The planning inspectorate have previously included in a schedule of conditions (appeal reference: APP/C3810/W/23/3323858) the following:

11. No development shall commence, other than works of site survey and investigation, until details of a proposed surface water drainage scheme, including details of its maintenance and management set out in a site-specific maintenance manual, have been submitted to and approved in writing by the local planning authority.

28. No discharge shall flow from the development hereby permitted into any watercourses, and no culverting, diversion, infilling or obstruction of any watercourses shall take place on the site, unless otherwise approved by the local planning authority.

The imposition of such conditions seems to preclude any resolution of surface water drainage concerns at this stage. That could result in a circumstance where the condition cannot be discharged, resulting in a permission being invalid/undeliverable or that condition deemed unreasonable.

My previous objection to the layout proposal, so far as its impact on important trees overlapping plots 38 & 46-48 (effectively 41 & 52-54 incl. of this latest application) is overruled by the planning inspector's determination of appeal ref. APP/C3810/W/24/3356352

The development as described is broadly achievable without immediate detriment to retained trees, provided there is adequate site supervision at key stages by the project arboriculturist.

Recommendations:

1. The use of an Article 4 direction to control permitted development rights within the root protection areas of T11, T12 and T13, affecting plots 41, 53 & 54. This should prevent the introduction of outbuildings or hard surfaces (i.e. Class E and F of the relevant Order) within the existing root protection area of trees subject of a TPO.
2. If the above scheme is recommended for APPROVAL, the following conditions should be applied:

Condition 1

Before any machinery is introduced to the site or construction work takes place, a brief written report (with supporting photographic evidence) is required from the Arboricultural Consultant representing the site owner(s), confirming and demonstrating that all ground protection and protective fencing has been assessed and is 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the **Tree Protection Plan, dwg. nos. 12083 TPP_02**

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

Condition 2

Part a)

All activity at the site is to be carried out in strict accordance with: - **Arboricultural Method Statement, Aspect Arboriculture Ltd., ref. 12083_AMS.002, April 2026**

Part b)

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement

prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

Mark Warwick
Principal Tree Officer
Environment and Climate Change

[REDACTED]

From: Elaine Walby on behalf of Planning.Responses
Sent: 12 August 2026 16:35
To: Planning Scanning
Subject: FW: AL/35/26/RES
Attachments: AL.35.26.RES.pdf

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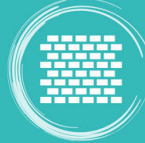
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From: Mark Warwick <Mark.Warwick@arun.gov.uk>
Sent: 10 August 2026 16:51
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Cc: Amber Willard <Amber.Willard@arun.gov.uk>
Subject: AL/35/26/RES

Please find attached my report for your consideration.

Regards,

Mark Warwick
Principal Tree Officer, Environment and Climate Change

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www.arun.gov.uk