



Arun District Council
Arun Civic Centre
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Littlehampton
West Sussex BN17 5LF
Planning & Building Control General Enquiries
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Mr A & Mrs S Byrne
Arundel Vineyard
Church Lane
Lyminster
West Sussex
BN17 7QJ

Please ask for: Tracey Headley-Smith
Email: Tracey.Headley-Smith@arun.gov.uk
Tel: 01903 737576
Our Ref: ENF/73/18
Your Ref :
Date: 22nd March 2018

Dear Mr & Mrs Byrne,

Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Tree Preservation) (England) Regulations 2012

Alleged Complaint: Alleged unauthorised work to trees
Location: Arundel Vineyard Church Lane Lyminster West Sussex BN17 7QJ

Further to our telephone conversation, I have now received a report from the Council's Tree Officer.

The report states that the two lime trees are over-mature and remain alive, although they are extensively decayed. There are multiple fungal fruit bodies of varying age, both active and redundant on all aspects of the main stem; which confirm a long-standing and ongoing decay event. The fungus was identified as *Ganoderma applanatum*, which has been responsible for significant wood degradation throughout their main stems. One of the trees has a large open cavity at ground level which on inspection revealed a 'hollowing out' of the stem base.

According to the Council's records, the works have been carried out without submitting the required notice under Section 211 of the above Act. Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a tree in a conservation area (if that tree is not already protected by an Order), or causes or permits such work, without giving a section 211 notice (or otherwise contravenes section 211 of the Town and Country Planning Act 1990) is guilty of an offence, unless an exception applies. The exceptions are :

the cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75 millimetres; or

the cutting down or uprooting of a tree, whose diameter does not exceed 100 millimetres, for the sole purpose of improving the growth of other trees (eg thinning as part of forestry operations).

In either case, the diameter of the tree is to be measured over the bark of the tree at 1.5 metres above ground level. These exemptions do not apply in circumstances where a tree has more than one stem at a point 1.5 metres above the natural ground level if any stem when measured over its bark at that point exceeds the relevant minimum.

The tree officer reports that, had a Section 211 notice been submitted, no Tree Preservation Order

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would have been made and as such the works would have benefitted from deemed consent. However, due to the condition of the trees, you are advised to submit a Section 211 notice to completely fell the two trees.

Yours sincerely



Tracey Headley-Smith

Senior Planning Officer (Compliance)