[redacted]

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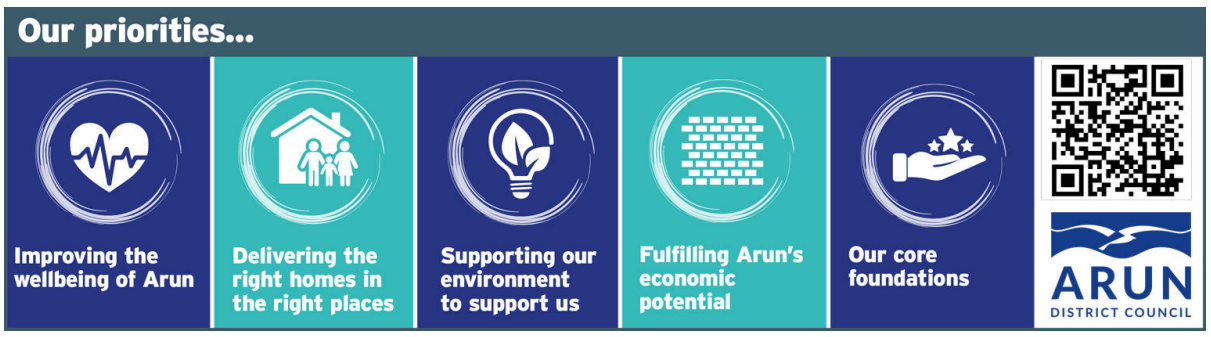

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From: Silvie Steiningerova <Silvie.Steiningerova@arun.gov.uk>
Sent: 06 August 2026 12:00
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: LY/13/26/TC

Good morning,

Please upload the below email and the attachment as an objection to Planning, LY/13/26/YC, Rep Letters, Public, Redacted.

Many thanks,
Silvie Steiningerova
Planning Officer, Planning Department

T: 01903 737702
E: silvie.steiningerova@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

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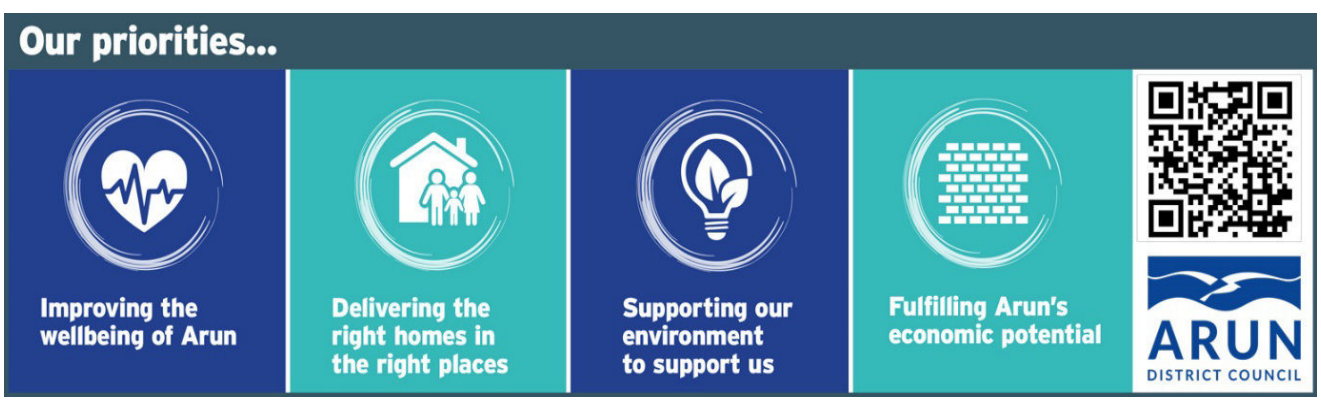

From: [redacted]
Sent: 06 August 2026 10:53

To: Silvie Steiningerova <Silvie.Steiningerova@arun.gov.uk>
Subject: LY/13/26/TC

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Dear Silvie,

Re: Application to fell and cut back trees at Old Granary, Church Lane, Lyminster, BN17 7QJ

Application Ref. No. LY/13/26/TC

Thank you for calling me back yesterday to discuss my concerns about the above application and providing me with the information I requested.

Having considered the matter carefully I write to confirm that I object to this application. While some limited tree felling pr pruning may be justified, for example where a tree is dead, the application as it stands seeks a degree of tree felling and radical tree surgery that is excessive and unjustified.

I am the owner of Lyminster Court which is close to the site in question so I am familiar with its circumstances, condition and setting. The trees on the site make an important contribution to the amenity and rural character of the local neighbourhood. They balance and complement the trees on the opposite side of Lyminster Road and at the junction with Church Lane. They fit in with and help to frame the immediately adjacent farmland. They are in harmony with the stone walls on both sides of Lyminster Road and at the junction with Church Lane. They play an important part in creating the distinctive ambience of the local neighbourhood.

This can only be protected at this stage by imposing tree preservation orders (TPOs) and urgently enforcing habitat protection.

So far as TPOs are concerned, your Council has powers to impose these immediately and I formally request you to do so to protect both individual trees and members of trees important to cohesion in line with the TEMPO considerations, excepting trees that are provably dead. This step needs to be taken now to protect viable trees with reasonable longevity from being felled or unnecessarily cut back. The TPOs should include those trees specifically assessed to merit such preservation as identified in the attached Report.

Where there is any doubt, due to uncertainty, lack of information, or inadequacies or gaps in the case presented by the Applicant, the appropriate course is to resolve it in favour of immediate TPOs. In the Guidance you sent me it mentions that even trees of minimal amenity when under threat should be protected "allowing the widest range of options for negotiated tree retention". The Guidance also pointed out that: "TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting".

One of the key criteria for granting TPOs is "relative public visibility". This has not been addressed in the application. Church Lane is the route in and out of the heart of Lyminster and the site covers its entrance from Lyminster Road. Road users, including cyclists, and all pedestrians heading towards Arundel must do so down Lyminster Road alongside the site. A number of houses nearby look directly on to the site. Consequently, on a daily basis, numerous members of the public walk, cycle or drive past the site. The trees are prominently in view. There is therefore a very high level of relative public visibility.

Current Government policy emphasizes the importance of localism and your Council is bound to give weight to the considerable local opposition to this application and the views of the Parish Council about it.

The key test under Section 198 of the TCPA for preservation of trees is what is in the "interests of amenity" and this issue has not been adequately addressed by the Applicant.

Habitat issues likewise have not been adequately addressed in the application. Please see the attached Report which rectifies this omission.

I was surprised to see that Mr. Warwick, your Tree Officer, had written to support the application without waiting for the close of the consultation period and that he had simply relied on the Applicant's arboriculturist's report. The Applicant's arboriculturist cannot be the judge, let alone sole judge, of amenity questions and the public interest in them. In any case there is a legal problem when there is pre-judgment or apparent pre-judgment of the issues which occurs when an officer's discretion is fettered due to premature announcement of a position on the application before the full facts and full representations concerning the application are known.

I would therefore, respectfully, challenge both defects in due process and imbalance in assessment and evaluation concerning the tree officer's recommendation, as well as the inadequacies in the Applicant's supporting report and evidence.

I have therefore myself commissioned an independent arboriculturist's report to try to provide some balance in what so far seems to be lurching towards a lop-sided decision-making process. I have had no previous involvement or connexion with this arboriculturist. His report, which is attached, speaks for itself and I trust that you will give all due weight to it.

Yours sincerely,

Dr. Paul McCormick

Fallen&Found Arboriculture®

Independent Arboricultural Consultancy

Arboricultural Appraisal & TEMPO Assessment in Response to Section 211 Notice

Project Name:	Lyminster Conservation Area Tree Works Appraisal 2026	Document Reference:	Q0641/TheOldGranary/APPLY/ 13/26/TC-V1 2026
Location:	The Old Granary, Church Lane, Lyminster, West Sussex, BN17 7QJ	Date:	05/08/2026
Prepared By:	Mr Oliver Lower	Revision:	0.1

Executive Summary

This report provides an independent arboricultural appraisal of the Section 211 notice relating to trees at the Old Granary, Lyminster, within the Lyminster Conservation Area. The assessment focuses on the notified trees T27, T28 and T29, reviews the applicant's supporting arboricultural information, and applies the Tree Evaluation Method for Preservation Orders (TEMPO) to test whether statutory protection is justified.

The principal findings are that T27 is of declining condition and does not merit a standalone TPO, whereas T28 and T29 each achieve TEMPO scores of 19 and therefore definitely merit TPO protection. The applicant's submission contains methodological weaknesses, including species identification issues and inadequate survey robustness, which materially reduce confidence in the baseline evidence. Ecological matters are raised as material constraints on the timing, method and lawfulness of any works, not as a substitute for a formal ecological survey. The Local Planning Authority is therefore advised to prevent the notified works from proceeding unchallenged and, where appropriate, make Tree Preservation Orders before the expiry of the six-week notice period.

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Quality Control			
Author	**Oliver Lower**	**Checked by**	**Stephanie Smith** (05/08/2026)

1. Introduction

1.1. Instruction

This arboricultural report was commissioned by Mr Paul McCormick to provide an independent technical appraisal and professional representation regarding the Section 211 Notice (reference LY/13/26/TC) submitted to Arun District Council concerning trees situated at the Old Granary, Lyminster.

Specifically, instructions are to:

- Undertake an independent site inspection and arboricultural assessment of the subject trees identified within the notice (specifically T27, T28, and T29, alongside a review of wider site trees).
- Critically evaluate the accuracy, methodology, and conclusions of the tree survey schedule submitted on behalf of the applicant.
- Apply the Tree Evaluation Method for Preservation Orders (TEMPO) framework to establish the formal amenity value and defensibility of statutory protection.
- Provide an objective assessment regarding the necessity, proportionality, and appropriateness of the proposed tree works within the context of the Lyminster Conservation Area and foreseeable management threats.

1.2. Purpose of the Survey

The primary purpose of this survey and subsequent report is to provide an objective, evidence-based arboricultural assessment to inform Arun District Council, the client, and legal representatives regarding the true amenity value, structural condition, and management requirements of the trees subject to the Section 211 Notice.

Specifically, the survey aims to:

- **Verify Arboricultural Merits:** Independently assess the physiological and structural condition of the subject trees (T27, T28, and T29) to establish their safe useful life expectancy (SULE) and landscape significance.
- **Evaluate Statutory Suitability via TEMPO:** Systematically score the trees using the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO) to determine whether the service of a provisional Tree Preservation Order (TPO) is justified and legally defensible.
- **Critique Submitted Documentation:** Review the applicant's tree survey schedule against established industry standards (such as Arboricultural Association Guidance Note 7) to identify any methodological errors, species misidentifications, or omissions.

- **Contextualise Wider Pressures:** Assess the broader site context, including local development history, ecological constraints, and the implications of the proposed works on local public amenity and wildlife legislation.

1.3. Document disclosure

To complete this assessment, the following documents, plans, and regulatory submissions have been reviewed and cross-referenced:

- **Section 211 Notice Submission:** The formal notice submitted to Arun District Council under reference **LY/13/26/TC**, detailing the proposed tree works at the Old Granary, Lyminster.
- **Applicant's Tree Survey Schedule:** The arboricultural documentation and tree schedule submitted on behalf of the applicant in support of the notification.
- **Local Representations:** Public and statutory consultee objection letters submitted to the Local Planning Authority regarding the application, including stakeholder observations concerning local wildlife and historical site context.
- **Planning History Context:** Information concerning previous pre-application discussions and planning history relating to the site.

1.4. Scope & limitations

- **Nature of Survey:** This assessment is based on a visual tree inspection conducted from ground level only, utilising visual assessment techniques in accordance with standard arboricultural practice (BS 5837 and BS 3998 principles). No climbing inspections, invasive diagnostic testing (such as resistograph or tomographic logging), or root plate investigations were undertaken unless explicitly stated.
- **Access Limitations:** The inspection was restricted to accessible ground-level vantage points within the site boundaries and public domain. Where dense vegetation, structural boundaries, or restricted access prevented close physical approach to specific trees, observations were made from the nearest available viewpoint.
- **Underground Services:** No subterranean investigations or service mapping (such as CAT scanning of root zones) were carried out.
- **Statutory and Wildlife Limitations:** While ecological constraints—including potential bat habitats and nesting birds—are highlighted within this report as material considerations, this document does not constitute a formal ecological impact assessment or Protected Species Survey.

- **Validity Period:** Due to the dynamic and living nature of trees, changing environmental conditions, and potential weather events, the findings, physiological assessments, and recommendations contained within this report remain valid for a period of **12 months** from the date of inspection, provided no significant changes occur to the site or surrounding infrastructure.

1.5. Background information

- **Site Setting:** The Old Granary is situated off Church Lane within the historic settlement and designated Lyminster Conservation Area. The immediate landscape comprises mature residential gardens and amenity trees that collectively contribute to the rural-historic character, green infrastructure, and visual continuity of the locality.

- **Planning and Notification Context:** A Section 211 Notice (reference LY/13/26/TC) was submitted to Arun District Council proposing the removal or heavy pruning of several prominent trees across the site (including T27, T28, and T29). This notification has generated significant public interest and formal objections from local residents and the Parish Council.

- **Wider Site Dynamics:** Local stakeholders have highlighted that the site owner has previously engaged in pre-application discussions concerning potential future site development. In the context of arboricultural consultancy, the timing and scope of the submitted tree works raise legitimate concerns regarding foreseeable management threats aimed at clearing mature landscape constraints ahead of prospective development proposals.

1.6. Statutory context

- **Town and Country Planning Act 1990:** Under Section 211 of the Town and Country Planning Act 1990 (as amended), anyone proposing to cut down, top, lop, uproot, or otherwise destroy a tree within a designated Conservation Area—and which is not already protected by a Tree Preservation Order (TPO)—must give the Local Planning Authority (LPA) six weeks' written notice before carrying out the work.

- **Role of the Local Planning Authority:** The purpose of the Section 211 notification process is to give the LPA an opportunity to consider whether a TPO should be made in respect of the tree(s). The primary consideration for the Council during this six-week window is whether the tree(s) make a significant positive contribution to the visual amenity and character of the Conservation Area.

- **Legislative Test:** Unlike a formal TPO application where works require explicit consent, a Section 211 notice is effectively a challenge period. The Council's only formal power during this period is to serve a provisional TPO if it is expedient to protect trees that possess public amenity value and are under a foreseeable threat of removal or damaging arboricultural works.

1.7. Legal protection of trees

- **Tree Preservation Orders (TPOs):** Where trees are formally protected by a TPO under Section 198 of the Town and Country Planning Act 1990, it is an offence to cut down, top, lop, uproot, wilfully damage, or wilfully destroy any protected tree without the prior written consent of the Local Planning Authority.

- **Conservation Area Protections:** Trees situated within a designated Conservation Area that are not individually protected by a TPO nevertheless enjoy statutory protection under Section 211. Carrying out prohibited works without serving notice—or proceeding before the expiry of the six-week review period or without the Council's formal waiver—constitutes a criminal offence under Section 210 of the Act, carrying significant legal penalties upon summary conviction.

- **Wildlife and Ecological Legislation:** Irrespective of planning status, trees frequently host legally protected species. Under the **Wildlife and Countryside Act 1981 (as amended)** and the **Conservation of Habitats and Species Regulations 2017 (as amended)**, it is an offence to intentionally or recklessly kill, injure, or take wild birds, or to damage, destroy, or obstruct access to any bird nest while in use or being built. Furthermore, all British bat species and their roosts are strictly protected; reckless or intentional damage or destruction of a bat roost—or the significant fragmentation and obstruction of established bat commuting routes and flight paths via inappropriate tree removal or heavy pruning—is illegal and subject to strict liability enforcement by statutory nature conservation bodies.

2. Site visit & observations

2.1. Site description & inspection constraints

- **Site Description:** The Old Granary comprises a residential property and associated curtilage located immediately north of Lyminster Road (B2284). The grounds feature a dense, mature arboricultural layout, including several prominent boundary and specimen trees that form an integral part of the local green infrastructure and contribute directly to the setting of the Lyminster Conservation Area.

- **Inspection Methodology:** A ground-level visual tree assessment was carried out on the 5th of August 2026. All observations of the subject trees and wider site were conducted strictly from publicly accessible vantage points along the surrounding public domain (including Lyminster Road and adjacent rights of way), as access to the private property was neither sought nor undertaken.

- **Inspection Constraints:** The survey was necessarily constrained to external, ground-level viewpoints from outside the site boundaries. Consequently, no close physical approach, invasive diagnostic tools, climbing inspections, or detailed root-plate investigations of the private side of the trees could be performed. Furthermore, viewing angles of certain structural

elements and lower stem areas were partially restricted by boundary walls, fencing, and intervening vegetation. Nevertheless, sufficient visual data was obtained from public access points to robustly assess the overarching physiological and structural condition, amenity value, and landscape significance of the trees under review.

- **Evidential Weight of Observations:** Conclusions regarding public amenity, prominence, landscape contribution and visible crown condition are considered robust from public viewpoints. Matters requiring private-side confirmation, including concealed internal defects, detailed potential roosting features and root-plate condition, should be verified by closer inspection where they are material to works decisions.

2.2. Arboricultural observations

- **Tree 27 (T27):** Ground-level assessment from public vantage points indicates that T27 exhibits low vitality, characterised by sparsity of foliar density and a noticeable yellow coloration of its leaves. Furthermore, the subject tree has been identified as having basal decay within the tree survey carried out by The Arboricultural Consultancy Ltd. To maintain professional impartiality and test the statutory defensibility of the site, a formal TEMPO assessment was applied to T27, despite its declining condition.

- **Tree 28 (T28):** Visual assessment indicates that T28 is a well-established tree with a balanced crown structure and no significant structural defects visible from public vantage points. Crucially, T28 has been historically managed as a pollard, providing an important historic and cultural link to the past management practices of the site and the wider village setting. Its retention is vital for maintaining the established tree cover and landscape character along the frontage of the site.

- **Tree 29 (T29):** Situated in close association with T28, T29 demonstrates good developmental form and foliage density and has similarly been historically managed as a pollard, reinforcing its cultural and landscape significance. Together, T28 and T29 create a cohesive, high-value visual screen that softens the built environment and reinforces the rural-historic setting of the locality.

- **Frontage Boundary Canopies & Highway Interaction:** The majority of the boundary trees bordering Lyminster Road feature extensive overhanging canopies. Ground-level inspection reveals that lower canopy branches have periodically been struck by passing high-sided vehicles, with mechanical damage to the underside of limbs clearly evident. Despite these clearance impacts, the overlapping branches create a distinct and attractive "treed tunnel" effect along sections of Lyminster Road, greatly enhancing the enclosed, semi-rural character of the streetscape.

- **Wider Arboricultural Profile:** Beyond the primary frontage specimens, external observations confirm that the site contains a diverse assemblage of tree species. This population comprises a varied mix of native, non-native, and ornamental species distributed across different age classes, contributing to a multi-layered canopy structure within the curtilage.

- **Age Demographic and Ecological Distribution:** The site accommodates specimens ranging from early-mature growth stages through to mature and over-mature individuals. This varied age demographic underpins the continuity of the green infrastructure within the Lyminster Conservation Area, providing both immediate visual amenity and long-term ecological resilience.

- **Pathological Context & Disease Pressures:** External review notes the presence of regional tree health issues, including the impact of Dutch Elm Disease (*Ophiostoma* species) which affects elm populations across the wider locality. Where specific declining trees on or near the site exhibit classic symptoms of vascular wilt and structural failure typical of such infections, their removal is acknowledged as sound arboricultural management—thereby distinguishing between necessary sanitary felling and the unwarranted removal of healthy, high-amenity landscape assets.

2.3. TEMPO Assessment & Findings

- **Methodological Framework (TEMPO):** The Tree Evaluation Method for Preservation Orders (TEMPO) is a standardised, systematic scoring system widely accepted by local planning authorities in England. It provides a numerical evaluation of a tree's amenity value, condition, and expediency, acting as an objective decision-making framework to determine whether a tree merits formal statutory protection via a Tree Preservation Order (TPO).

- **Statutory Context and Relevance:** Within a Conservation Area, trees are already afforded a baseline level of statutory protection under Section 211 of the Town and Country Planning Act 1990 (as amended), requiring a six-week notice of proposed works. The local planning authority must decide whether to allow the works or issue a TPO to prevent unwarranted loss of amenity. In this case, applying TEMPO allows for a transparent, defensible assessment to test whether specific trees cross the threshold where a TPO should be served.

- **Targeted Application & Threat Context:** In accordance with standard arboricultural practice, formal TEMPO evaluations are specifically focused on and applied to those trees deemed to be directly under threat—either from proposed pruning works or from the wider potential development of the site.

- **Wider Site Implications:** While detailed internal evaluation is constrained by the lack of direct access to the private property, it is recognised that there are numerous other mature and high-amenity trees across the wider site. Based on external observations, many of these specimens would likely qualify for statutory protection via a TPO under the application of this evaluation methodology if subjected to future development pressures or inappropriate management.

TEMPO Evaluation Results (T27, T28, and T29):

- **Tree 27 (T27):** Despite its visual prominence within the streetscape, the TEMPO evaluation for T27 accounts for its low physiological vitality and documented basal decay. The resulting cumulative score places it firmly within the **"Does not merit TPO"** scoring band. It fails to surpass the numerical threshold required to sustainably defend the service of a standalone order, thereby supporting its removal as an act of sound arboricultural management.

- **Tree 28 (T28):** The TEMPO evaluation for T28 yields a high numerical score, placing it comfortably within the **"Definitely merits TPO"** scoring band. This reflects its structural integrity, public visibility, and cultural significance as a historically managed pollard, demonstrating that the tree is worthy of formal statutory protection against inappropriate removal or harmful works.

- **Tree 29 (T29):** Similarly, T29 achieves a high cumulative score that also falls securely within the **"Definitely merits TPO"** band. This is driven by its collective visual screening value, healthy developmental form, and shared heritage value as a historic pollard in close association with T28, confirming that the tree merits formal statutory protection to safeguard the local landscape character within the Lyminster Conservation Area.

- **Reference to Appendices:** Full numerical calculations, score breakdowns, explanatory framework and the accompanying photographic record for each evaluated tree are provided in **Appendix B** for reference.

3. Discussion / Technical Critique

3.1. Appraisal of Proposed Works vs. Tree Amenity

- **Methodological Weaknesses and Non-Compliance with Industry Guidance:** A review of the applicant's tree survey identifies material procedural and technical weaknesses. In particular, the absence of physical tree tagging reduces confidence in tree identification and cross-referencing. Basic botanical discrepancies, including recording Tree 1 (T1) as an Austrian pine (*Pinus nigra*) when it appears to be a Scots pine (*Pinus sylvestris*), further reduce the reliability of the baseline data submitted in support of the notification.

- **Arboricultural Value and Historic Context of T28 and T29:** Tree 28 (T28) and Tree 29 (T29) represent important historic pollards that contribute materially to the cultural identity and visual continuity of the site. As established through TEMPO evaluations yielding scores of 19 and 19 respectively, both specimens exceed the threshold for formal statutory protection. Their retention would help preserve historic management evidence and the established landscape character of the wider village setting.

- **Ecological and Wildlife Legislation Constraints:** Beyond arboricultural considerations, the proposed works may engage statutory ecological protections and wildlife legislation. The available documentation does not adequately address protected habitats, potential bat roost features within mature tree structures, or the potential importance of boundary trees as bat commuting and foraging corridors. These matters do not determine TEMPO amenity value directly, but they are material constraints on the timing, method and lawfulness of any works and should be assessed by a suitably qualified ecologist where works could affect protected species or habitats.

4. Conclusion

- **Summary of Statutory Context & Findings:** The application site falls within the Lyminster Conservation Area, thereby triggering the statutory six-week notification period under Section 211 of the Town and Country Planning Act 1990 (as amended). The submitted proposals raise significant arboricultural, legal and ecological considerations, and the available evidence does not provide a sufficiently robust basis to allow the loss or severe modification of key landscape assets without further scrutiny.

- **Baseline Data & Methodological Reliability:** The application is underpinned by survey information that contains material weaknesses. The absence of physical tree tagging reduces confidence in tree identification and cross-referencing, and botanical discrepancies—such as the apparent misidentification of Tree 1 (T1) as an Austrian pine (*Pinus nigra*) rather than a Scots pine (*Pinus sylvestris*)—materially reduce the professional reliability of the applicant's submission.
- **Amenity Value Versus Management Justification:** A clear distinction should be maintained between sound arboricultural management and unwarranted amenity loss. While the removal of compromised specimens such as Tree 27 (T27)—which sits firmly within the "Does not merit TPO" scoring band—can be supported, frontage historic assets such as **Tree 28 and Tree 29** represent important cultural and landscape features. Supported by TEMPO scores of 19 and 19 respectively, both specimens fall securely within the **"Definitely merits TPO"** scoring band. Their retention would help maintain the historic pollard network and visual continuity of the local streetscape.

- **Ecological and Wildlife Legislation Constraints:** The proposals may engage statutory wildlife protections and should not proceed without appropriate ecological checks where protected species or habitats could be affected. In particular, mature trees, dense vegetation and established boundary features may provide constraints relating to bats, nesting birds and other protected or notable fauna. These considerations require competent ecological assessment and should inform the timing, method and lawfulness of any works.

- **Bats and potential roosting features:** Mature boundary trees, particularly historical pollards such as T28 and T29, may contain cavities, split limbs, loose bark or other potential roosting features. Where such features are present, pruning or removal should be informed by appropriate inspection and, where required, survey by a licensed ecologist.

- **Wild birds:** Active wild bird nests, eggs and dependent young are protected under the Wildlife and Countryside Act 1981 (as amended). Any vegetation clearance, pruning or felling during the nesting season should be preceded by competent ecological checks and managed to avoid disturbance or destruction of active nests.

- **Other protected or notable species:** Dense understory, mature roots, connected boundary habitat and decaying wood may provide habitat or movement routes for other protected or notable fauna. In the absence of a formal ecological survey, these matters should be treated as potential constraints requiring competent assessment rather than confirmed species records.

In light of the wider site context, including reported pre-application discussions, the notified works may reasonably be viewed as creating a foreseeable risk of anticipatory clearance ahead of potential future development. The local planning authority is therefore urged to consider the notification in the context of wider development pressure and to apply statutory protection where necessary before irreversible landscape harm occurs.

5. Recommendations

To ensure that the local planning authority maintains statutory compliance, protects local amenity, and addresses relevant ecological constraints, the following recommendations are submitted:

1. **Prevent the current Section 211 notice from proceeding unchallenged.** The local planning authority is advised not to allow the notified works to proceed in their present form. The baseline evidence contains material weaknesses, including inadequate tree identification controls and apparent species discrepancies, and should not be relied upon without substantial clarification or revision. Because the current Section 211 notice and associated proposals prescribe immediate or preliminary vegetation clearance that poses an active threat to protected species and habitats, the local planning authority must require the submission of fully compliant baseline data **prior to any tree works or site clearance taking place**. Specifically, the following must be secured before any operations commence:

   - **Fully Compliant Arboricultural Survey:** Submission of an updated arboricultural report adhering strictly to British Standard BS 5837:2012 and Arboricultural Association (AA) Guidance Note 7, incorporating physical tree tagging and correct botanical identification of all specimens.
   - **Comprehensive Ecological Assessments:** Completion of a Preliminary Ecological Appraisal (PEA) alongside targeted nocturnal emergence or dawn re-entry surveys for bats on any mature specimens with potential roost features (PRFs), undertaken by a licensed ecologist.
   - **Strict Seasonal and Legal Compliance:** Absolute prohibition of any pruning, felling, or vegetation clearance during the bird nesting season (March to August inclusive) unless preceded by an inspection from a qualified ecologist confirming the complete absence of active nests, alongside the enforcement of strict protective buffers to safeguard protected vertebrate and invertebrate pathways.

6. Limitations of the report

Trees are living, dynamic structures that exist within a constantly changing environment and are subject to pests, diseases, extreme weather events, and alterations to their rooting environment. This report reflects the condition of the trees at the time of inspection only. As such, the findings, conclusions and recommendations contained herein are based on observations made during the survey period and may change over time. Re-inspection may be required following severe weather events, significant site alteration, or where there is an obvious change in tree condition or appearance. Notwithstanding the above, this report is regarded as valid for a period of twelve months from the date of issue (**Wednesday, 05 August 2026**).

The survey and its conclusions are based solely on a ground based visual inspection and do not benefit from invasive investigation, climbing inspection, laboratory analysis, or third-party technical reports unless otherwise stated. The opinions expressed within this report are professional judgements formed using the author's arboricultural experience and accepted tree assessment methodologies.

This report relates exclusively to the arboricultural condition and management of trees and does not address ecological, archaeological, geotechnical, structural engineering, drainage, or other specialist disciplines which may be present on site.

There has been no instruction to assess the risk of indirect damage to surrounding or adjacent structures, services, or infrastructure. Accordingly, no consideration has been given to the potential for subsidence, heave, shrinkage, or changes in ground moisture regimes arising from tree removal, retention, or management. Specialist advice should be sought where such matters are of concern.

Only visible parts of each tree were inspected. Areas obscured by dense vegetation, ivy cover, or restricted access may limit the ability to fully assess structural condition. Where visibility was restricted, this has been noted and, where appropriate, recommendations have been made to facilitate further inspection. Defects identified from ground level may require further investigation, including climbing inspection or internal decay detection, to determine their extent and significance.

Trees exhibiting external characteristics suggestive of internal dysfunction or decay may require further assessment using specialist investigative equipment (e.g. decay detection devices). Any such investigations fall outside the scope of this survey unless explicitly stated.

No soil excavation, root exposure, or below ground inspection was undertaken as part of this survey. Observations relating to soil condition, compaction, or drainage are therefore based on surface indicators only.

Where observations or comments are made regarding non arboricultural matters—such as built structures, construction practices, or soil conditions—these should be interpreted as general observations only. Such comments are provided from an arboricultural perspective and should not be relied upon as specialist advice; confirmation should be sought from appropriately qualified professionals.

Cladoptosis (Sudden Branch Drop) is a natural phenomenon that remains difficult to predict and may occur in otherwise healthy trees, often during or following prolonged periods of hot, calm weather. There are typically no reliable visual indicators of imminent branch failure associated with this process. While inspections are undertaken with this phenomenon in mind, the author cannot accept responsibility for the occurrence of sudden branch drop.

This report has been prepared for the Client named within and for the stated purpose only. It should not be relied upon by any other party without the author's prior written consent. Any reliance on this report beyond its stated scope is at the reader's own risk.

Appendix A

Qualifications & Experience

This report was constructed and written by

[redacted]

Oliver Lower ND Arb L3, Dip Arb L4, Dip Arb L6

Founder & Principal Arboricultural Consultant

I have 27 years' experience in the arboricultural industry, having worked in both the UK and New Zealand during that time, and have attained a Level 4 Diploma (ABC) and Level 6 Diploma (ABC) in Arboriculture, together with the LANTRA Professional Tree Inspection qualification. I provide consultancy services to several local government authorities and a wide range of private commercial and domestic clients. I am a professional member of the International Society of Arboriculture, Consulting Arborist Society and a Professional Tree Inspection Expert.

Qualifications:

Professional Tree Inspection (LANTRA)

National Diploma Arboriculture L3

Level 4 Diploma Arboriculture (ABC)

Level 6 Diploma Arboriculture (ABC)

Member No: 384093

Appendix B

TEMPO Evaluation and Explanatory Framework

The Tree Evaluation Method for Preservation Orders (TEMPO): An Explanatory Framework

1. Introduction to TEMPO

The Tree Evaluation Method for Preservation Orders (TEMPO) is the nationally recognised, systematic scoring system devised by Julian Forbes-Laird for evaluating the suitability of trees for statutory protection via Tree Preservation Orders (TPOs). Local Planning Authorities (LPAs) across England and Wales widely adopt TEMPO to provide a defensible, consistent, and transparent framework for decision-making, removing subjective bias when determining whether a tree or tree group merits legal safeguarding.

2. How the TEMPO System Works

TEMPO is structured into a sequential evaluation process comprising three distinct parts:

- **Part 1: Amenity Assessment**
  - **Condition (Part 1a):** Evaluates the structural and physiological health of the tree, scoring from 5 (Good) down to 0 (Dead, dying, or dangerous). *Crucial Rule:* If a tree scores 0 for condition, it automatically fails the assessment, rendering it unsuitable for a TPO regardless of its other attributes.
  - **Retention Span (Part 1b):** Estimates the safe useful life expectancy (SULE) of the tree, ranging from 5 points (100+ years) down to 0 (<10 years). Like condition, a zero score here acts as an immediate disqualifier.
  - **Relative Public Visibility (Part 1c):** Assesses how readily the tree can be seen by the general public, scoring from 5 (highly prominent from multiple viewpoints) down to 1 (virtually invisible).
  - **Other Factors (Part 1d):** Awards additional points (up to 5) for redeeming features such as historical importance, ecological value, rarity, or a crucial role as a principal member of a cohesive tree group.
  - *Part 1 Threshold:* A tree must achieve a cumulative score of **12 or more** in Part 1 to even be considered a viable candidate for a TPO.
- **Part 2: Expediency Assessment**
  - Evaluates the immediacy and degree of threat facing the tree, scoring from 1 (precautionary only) up to 5 (immediate threat, such as unauthorised felling underway). This determines whether serving a TPO is an urgent administrative necessity.

- **Part 3: Decision Guide**
    - The combined score from Parts 1 and 2 yields a final tally aligned with strict statutory defence thresholds:
        - **0–6:** TPO indefensible / Does not merit TPO.
        - **7–11:** Does not merit TPO.
        - **12–15:** TPO defensible.
        - **16+:** Definitely merits TPO.

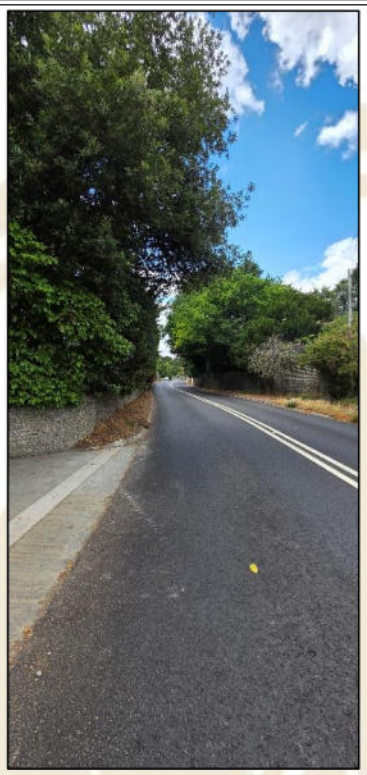
3. Relevance to the Old Granary Assessment (Lyminster)

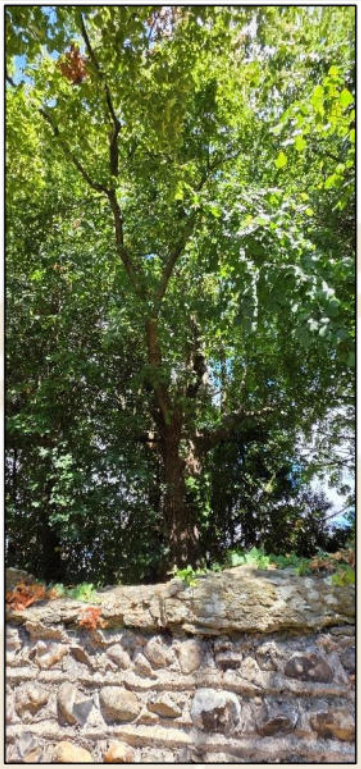
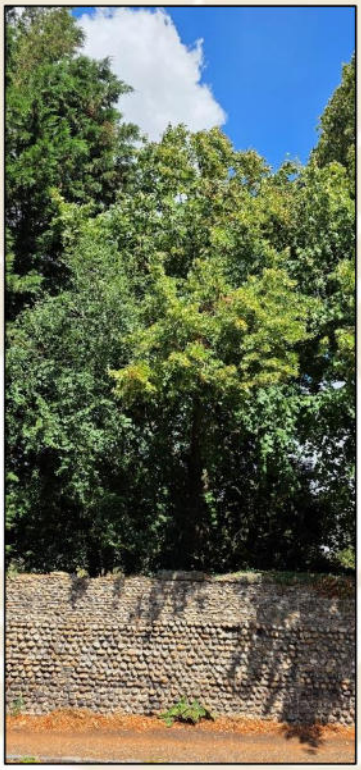
Applying TEMPO to the three lime trees subject to the Section 211 notice is vital for several key reasons in this specific case:

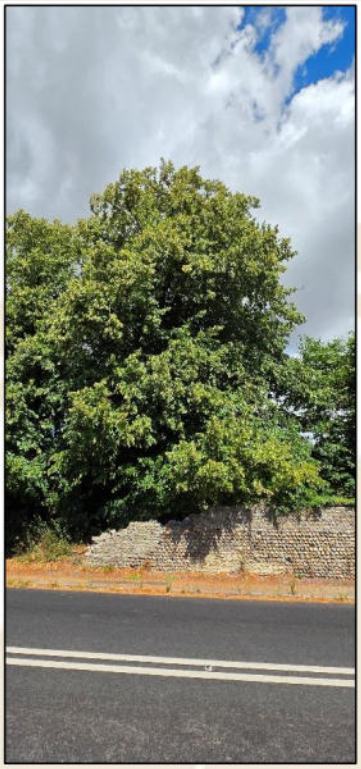
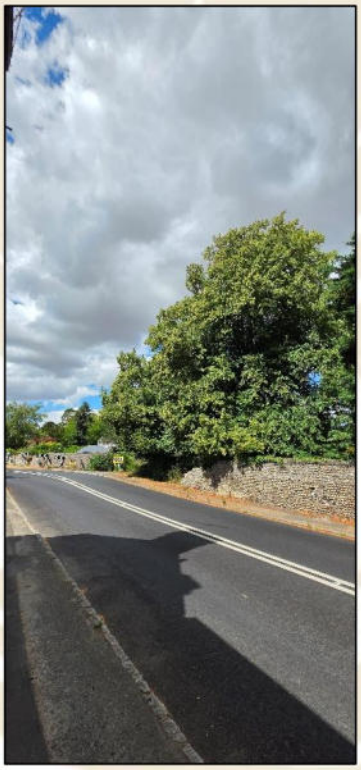
- **Objective, Impartial Rigour:** By utilising TEMPO, your assessment provides Arun District Council and the client's barrister with an unassailable, evidence-based methodology that proves absolute impartiality. This is powerfully demonstrated by your inclusion of **T27**—where your objective scoring aligned with the applicant's consultant by identifying severe basal decay (scoring 0 in Condition and Retention Span), confirming that a TPO is neither necessary nor defensible for that specific specimen.
- **Challenging Unjustified Works:** Conversely, applying TEMPO rigorously to **T28** and **T29** objectively highlights their exceptional landscape value. Both score **16+** (reaching 19 and 19 respectively), proving that they clearly merit statutory protection. This quantitative evidence directly challenges the proportionality of the applicant's proposed pruning or removal works within the Conservation Area.
- **Defensibility in Appeal or Legal Scrutiny:** Because TEMPO is judicially recognised as an industry benchmark, framing your technical representation around its scoring matrix ensures that any formal objection or recommendation submitted to the LPA holds up under cross-examination or formal planning appeals.

Assessment Category	T27 (Common Lime)	T28 (Common Lime)	T29 (Common Lime)
Latin Name	*Tilia x europaea*	*Tilia x europaea*	*Tilia europaea*
Condition (Part 1a)	**0** (Dead / Dying / Dangerous)	**3** (Fair / Satisfactory)	**3** (Fair / Satisfactory)
Retention Span (Part 1b)	**0** (< 10 Years)	**5** (100+ Years)	**5** (100+ Years)
Public Visibility (Part 1c)	**2** (Visible with difficulty)	**4** (Large trees clearly visible)	**4** (Large trees clearly visible)
Other Factors (Part 1d)	**1** (None)	**4** (Principal member of group)	**4** (Principal member of group)
Part 1 Amenity Sub-Total	**3** *(Disqualified due to zero scores)*	**16**	**16**
Expediency (Part 2)	**1** (Precautionary only)	**3** (Foreseeable threat)	**3** (Foreseeable threat)
Total TEMPO Score	**4**	**19**	**19**
TPO Decision Guide	**Does Not Merit TPO**	**Definitely Merits TPO**	**Definitely Merits TPO**
Final Recommendation	**Do Not Serve TPO**	**Serve TPO**	**Serve TPO**
Survey Date & Time	05/08/2026 @ 12:04	05/08/2026 @ 12:13	05/08/2026 @ 12:19
Summary Comments / Rationale	Basal decay identified in previous inspections; structurally compromised.	Large, prominent specimen visible from road, dwellings, and multiple public vantage points.	Prominent tree growing as part of a pair; high public amenity value and strong visual cohesion.

Photographic Evidence Log

No.	Photograph	Notes
1		A view of the "Treed Tunnel" aesthetic of Lyminster Road Looking west with The Granary located on the right hand side of the road.

T27	 	Photos of T27 showing sparsity of foliar density and low chlorophyll chlorotic leaves.

T28	 	Photographs of T28 showing its relationship with neighbouring T29 and its cohesive canopy. Multiple vantage points show the trees high amenity value.

T29		Photographs of T29 showing its prominent location and high amenity value.

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