

From: Cllr. Carol Birch
Sent: 11 August 2026 15:01
To: Cllr. Mel Penycate; Mark Warwick; Cllr. Stephen McAuliffe
Cc: Neil Crowther; Karl Roberts
Subject: RE: LY/13/26/TC

Good afternoon Mark

As there has been strong local concerns raised about this on Facebook and by email to myself from residents I felt that I had to contact you.

Following on from the email trail below and other emails received from local residents.

I have looked at the report from Arboriculturist Consultancy, it does appear that most of the trees proposed for felling are already dead.

1. However, due to strong public concern, would it be possible to reconsider whether some of these trees do in fact need TPO's? In particular the two Limes T28 and T29?
2. As there is strong public feeling about this would it be possible to site visit and check the trees against the report as there are limited photos per tree?
3. Would it also be possible to ask for replacement trees such as for T27 and possibly others?

Kind Regards

Cllr.Carol.Birch

Chair Housing and Wellbeing Committee

Ward Councillor for Arundel and Walberton

Member of the Green Party Group

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
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From: Cllr. Mel Penycate <Cllr.Mel.Penycate@arun.gov.uk>
Sent: 08 August 2026 11:11
To: Mark Warwick <Mark.Warwick@arun.gov.uk>
Cc: [REDACTED]
Subject: Re: LY/13/26/TC

Dear Mark,
This is such a large area of tree work, felling 21 trees, that it isn't surprising that it has sparked local concern. The feeling locally is that it will be succeeded by a building application. If building plans had been submitted concurrently, a judgement about what trees could be preserved would have a context and there would also be a possibility of the Planning Committee having the opportunity to represent the views of residents and the residents themselves to speak at Planning. Their objections are passionate and informed and I sincerely hope they will be attended to. Many of them request an independent survey to establish whether so many trees need to be felled. If there were no building plans, then surely they don't.

If the suspected building should proceed later, it would be hard to calculate, should 21 trees be felled, what level of Biodiversity contribution could compensate for the loss. And although as you say there is no statutory obligation to consider Climate Change issues, it would be foolish not to whenever possible, and presumably the whole concept of a Conservation area implies that we have something to protect and should be diligent in so doing.

There also is an obligation to consider habitat and species loss, and no ecological report on this is evident. This from one resident in the consultation '*There is evidence of a large wildlife presence on this plot, with sightings of owls, nightingales, foxes and we know there is a bat nursery in residence. Bats being a protected species, we have to be mindful of this.*' Also '*There is a maternity bat roost in our property, adjacent to the property that is requesting the tree decimation. The bats use the adjacent garden and trees for foraging and as a sheltered flight path to your roost. I believe that the council has an obligation to treat bats as 'a material consideration' when assessing applications, so I would be grateful if a bat survey could please be undertaken. I am aware that although foraging areas and flight routes are not, in themselves, legally protected, they can be considered to be protected when they are vital for the protection of a bat roost, such as this. I have video evidence of the bats emerging from our roof at dusk and flying onto Old Granary's garden and of the bat droppings, should you need this evidence.*'

I have copied in an alternative email address for Dr McCormick in case the Planning department are ready to respond to him, though he believes his original email should be in service again today. There is quite a loud call from the residents for you, who have access, to assess the trees individually.

Very best wishes
Mel Penycate
Arundel and Walberton Ward

From: Mark Warwick <Mark.Warwick@arun.gov.uk>
Sent: 07 August 2026 10:12
To: Cllr. Mel Penycate <Cllr.Mel.Penycate@arun.gov.uk>
Subject: RE: LY/13/26/TC

Dear Cllr Penycate

Thank you for your email.

I am aware of several local resident’s interest in this application and currently assisting our planning department with their formal response to Dr McCormick.

You may be aware that I have not objected to the proposed work, having given it due consideration. My initial comments dated 24th July have been uploaded to the planning portal and so all interested parties can view online, but I also attach for ease of reference:

I hope this information is helpful.

Kind regards,

Mark Warwick
Principal Tree Officer, Environment and Climate Change

T: 01903 737974
E: mark.warwick@arun.gov.uk

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Supporting our environment to support us



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From: Cllr. Mel Penycate <Cllr.Mel.Penycate@arun.gov.uk>
Sent: 06 August 2026 21:43
To: Mark Warwick <Mark.Warwick@arun.gov.uk>
Subject: Fw: LY/13/26/TC

Dear Mark,
As you will see below there is a very concerned resident in Lyminster, Dr. Paul McCormick, with a good case for the preservation of a line of trees in a Conservation area. It appears to be in the hands of Officers entirely, nonetheless I'm about to get myself up to speed with all details of the application and the residents' comments. I have emailed you swiftly before investigating further as I understand the Consultation period is at an end.

Please will you reassure me that you personally have given the destruction of such an asset in a Conservation area due consideration, and that there is a pressing reason for it to be carried out. You will see attached that the resident has commissioned his own arboriculturist's report.

Our computer system doesn't seem quite sure about the identity of the sender and at present I've been unable to email him on the address he's given. I'm sending this a second time in case the first email was blocked.

Very Best wishes
Mel

From: Hampshire Chambers [REDACTED]
Sent: 06 August 2026 15:35
To: Cllr. Mel Penycate <Cllr.Mel.Penycate@arun.gov.uk>
Subject: Fw: LY/13/26/TC

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear Councillor Penycate,

I understand that you are an Arun District Ward Councillor for Lyminster. My house is in Lyminster Road opposite a site which is the subject of a substantial tree felling application. I oppose this both on its own terms and as a prelude (as I believe is the case) to a forthcoming development application.

The details of the application are as follows:

Application No. LY/13/26/TC

Site Address: Old Granary, Church Lane, Lyminster, BN17 7QJ

It has received strong objections from local residents and from the Parish Council. Please see:

<https://www1.arun.gov.uk/aplanning/OcellaWeb/planningDetails?reference=LY/13/26/TC>

I enclose a copy of my own letter of objection and of a report which I have commissioned about it.

The closing date for representations is today.

Are you able to make representations yourself or influence the decision or call this in for Councillors to decide? Currently it seems to be proceeding as a delegated matter to officers.

In view of your own environmental interests I believe that you may well share some or all of the concerns expressed by the objectors and will also want to promote amenity in the public interest in this conservation area.

Yours sincerely,

Dr. Paul McCormick

Lyminster Court

Lyminster Road, Lyminster

BN17 7QF

[REDACTED]

From: Hampshire Chambers [REDACTED]
Sent: 06 August 2026 10:53
To: Silvie Steiningerova <Silvie.Steiningerova@arun.gov.uk>
Subject: LY/13/26/TC

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 or 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,

