

Jonny Cooper

From: Silvie Steiningerova
Sent: 13 August 2026 09:10
To: Jonny Cooper
Subject: FW: LY/13/26/TC - and matters arising.

Please upload the below email to Planning, LY/13/26/TC, Consultation, 'Further Tree Officer Response 12-08-26', Public

From: Mark Warwick
Sent: 12 August 2026 17:03
To: Silvie Steiningerova <Silvie.Steiningerova@arun.gov.uk>
Cc: Freya Clewley <Freya.Clewley@arun.gov.uk>
Subject: LY/13/26/TC - and matters arising.

Government guidance – 'Tree Preservation Orders and trees in conservation areas' states at paragraph 118: *'While bearing in mind the 6-week notice period, the authority should allow sufficient time for it to receive objections to the work. The authority should consider duly submitted objections when deciding whether the proposals are inappropriate and whether an Order should be made.'*

I have undertaken a second review of the above application and considered all representations submitted to date. I stand by my response of 24 July 2026 in full.

I consider the proposal entirely appropriate and see no reason to make an Order.

The level and presentation of information provided by the applicant/agent in their report (Arboricultural Consultancy Ltd., ref. 01083, version: one) far exceeds that which is required in order to validate a Sect. 211 notice. It is particularly helpful to the LPA in that it facilitates a prompt determination of the application.

I have seen a lot of email correspondence to individuals and groups raising concerns about this application. Those sent to me solely or as lead addressee will be answered separately unless senior management have already replied on the issue; to be shared with your department. **Here I comment specifically on the representations uploaded against the application** at time of writing. I address all points of concern in the order presented. Those submitting representations are not listed individually where they repeat/support issues of concern.

Faye Murphy - All trees listed in the proposal are considered for preservation only when the work is deemed inappropriate. For this application, all work has been justified on arboricultural grounds therefore no order (TPO) is recommended. The vast majority of work proposed across the site is to meet the owner's duty of care to site users/visitors and public highway users or facilitate detailed basal examination of large trees in a high-risk target area. As such, this requirement will usually take precedence over all other

important considerations (e.g. amenity value, contribution to character and appearance of the conservation area, wildlife and habitat) although not exclusively. In particular, where protected species are concerned, a decision notice will include relevant informatives as standard, drawing the applicant/agent's attention to their obligations.

Government guidance – 'Tree Preservation Orders and trees in conservation areas' states at paragraph 008: *'Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.'*

In consideration of tree work applications the local planning authority (LPA) has no powers to ensure compliance with those issues, which are dealt with by separate legislation. I have no reason to believe the site is under anything other than good arboricultural management, given the high standard of arboricultural reports submitted since 2019. It is certainly not my place to engage in conjecture as to any underlying motive held by the tree owner(s). We are required to consider only the work proposed in the notice.

Tommy Murphy - When considering a tree work application, the LPA is unable to request an ecological survey of any kind. We do take the opportunity to inform applicants of their obligations under various legislation. When presented with a planning application for development, the local authority is required to seek more information, which often includes a professional ecological/biodiversity assessment.

Sarah Davies - The applicant has employed a qualified and experienced arboricultural consultant, submitting a report more than adequate for me to make a recommendation. To attend site and interrogate their work on this occasion is not a proportionate response or efficient use of officer time.

John Biddlecombe - It is evident that proposed works on trees prior to their being comprehensively assessed (following removal of basal growth around stems), is both uncontroversial, proportionate and facilitatory. No tree would be treated in the absence of sufficient evidence to justify that work, whether partially obscured by vegetation or not. Post-work assessment may reveal evidence that support further work and we would expect to be notified in good time of any intention to undertake that.

Jerome and Lynn Ennis - There is no proposal to reduce the trees to 6metres high from ground level, but there is to raise the crown of two lime trees to achieve 6metres overhead clearance. *Crown lifting* is defined in the British Standard 3998:2010 as: *'involving pruning to achieve a desired vertical clearance above ground level or other surface.'* The provision of an arboricultural impact assessment (defined by and compliant with British Standard 5837:2012) is a requirement for most applications proposing development but not for tree work applications. A structural engineer's report would only be required where proposed works are in response to an allegation of damage to property (e.g. building subsidence, boundary wall heave/distortion). It should be noted that the author of the arboricultural report submitted in support of the application is a professional member of the Arboricultural Association and holds the LANTRA Professional Tree Inspector's Certificate, thus demonstrating proven competency in the field of tree hazard evaluation and risk assessment.

Lyminster Parish Council - A large majority of all tree work applications (est. >90%) received by the planning department involve a site visit from the tree officer. For this application the level of information is

comprehensive and evidence based, to the extent a recommendation could be made following a desktop review.

Peter Hingley - The provision of an environmental impact assessment is sometimes a requirement for applications proposing development but not for tree work applications.

Dr Paul McCormick – The tree officer found sufficient evidence and justification for the proposal in advance of the end of the consultation period. In response to the subsequent numerous written representations and interest from members, he has reviewed the application for a second time at our request and considered all issues raised, providing us with further comments before the date of determination.

The arboricultural report from Fallen and Found Arboriculture Ltd., ref. Q0641/TheOldGranary/APPLY/13/26/TC-V1 2026, rev.0.1, commissioned by Dr Paul McCormick, which I have studied in detail, has not been uploaded to the planning portal as he requested. The report's stated focus is on the three mature lime trees at SW corner of the plot. This is understandable given their size, age and prominence.

I see no value in critiquing the report in its entirety, which makes some valid observations and points of interest. In summary it provides no evidence or compelling argument to either advance my understanding of the trees' condition or challenge the appropriateness of any tree work operation. I see no evidence or have reason to suspect a direct threat to any tree, either from proposed pruning works or wider potential development of the site.

The validity of TEMPO evaluation in support of making a TPO is mentioned several times and the latter a common request among those making representation. I would like to make the following points in response:

The making of a TPO in the absence of comprehensive assessment of subject trees (e.g. T28 & T29) is seldom appropriate given the subsequent discovery of significant disease and/or structural defects renders the whole administrative process redundant. In this case it is unjustified. A TPO would give the LPA facility to condition a replacement, although is perhaps a disingenuous route to achieving that and especially so given the applicant's proactive approach to replacing a previously identified 'dangerous tree' which is to be removed under the exception for dealing with same (exempt works).

TEMPO is an evaluation tool made available by a private consultancy to assist competent tree assessors when considering making a TPO. A decision to make a TPO is not beholden to this methodology. I have found it particularly useful to demonstrate transparency and consistency of decision making, particularly important for local government officers whose work can rightfully be scrutinised.

It is important to note that assessments made in the field are inherently subjective although scoring should not differ greatly among experienced practitioners. Assessments are compromised if the assessor does not have full access to the tree.

When considering a sect.211 notice, the case officer reviewing that application should first consider whether proposed works are justified on arboricultural grounds. If they are, then the application of TEMPO to evaluate the amenity of the tree is not necessary as a TPO is not being proposed, the purpose of which could only be to better control its future management or secure replacement.

Mr Lower questions the reliability of baseline data in the agent's report but only cites one example of species misidentification. It is not uncommon for tree surveyors to make a small error, such as the one cited, and which has no material consequence. It could quite possibly be an administrative error when

compiling the report, in any event is a trivial matter. The absence of physical tags in an era of commonly used digital survey aids and mapping reliant on global positioning systems (GPS) is in my opinion irrelevant to the matter at hand.

I hope the above information is helpful.

Mark Warwick, MArborA

Principal Tree Officer, Environment and Climate Change

Arun District Council, Civic Centre, Maltravers Rd

Littlehampton, West Sussex, BN17 5LF

www.arun.gov.uk

