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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H04-0161-24 **Date of Decision:** 16th April 2024

Applicant: Thomas Cowley High School
School Lane
Donington
Spalding
Lincolnshire
PE11 4TF

Location: Thomas Cowley High School School Lane Donington Spalding

Description: Works to Donington Tree Preservation Order No. 2 1960

Detailed Description:

Application to carry out major works to lime trees the subject of Donington Tree Preservation Order No. 2 1960.

Please see the plans accompanying this Application and the Tree Survey Report to identify the trees concerned.

In the words of the Applicant 'Following our first application H04-0866-23 and the advice received by 'the Trees and Nature Conservation Officer', we have been back to the site and re-evaluated the trees that were identified as candidates for pollarding in the attached tree survey report. Following the advice of a cyclical approach we've identified 6 trees that are in the worst condition to start with. We are therefore proposing to pollard trees; NT4, T022, T018, T017, T030 to 5 metres in height and to remove T008 as it is riddled with Ganoderma around the base. '

Please see notes for remainder of description.

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 That the proposed work is carried out within two years of the date of this decision unless otherwise agreed with the District Council.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'.
- 3 The resulting stump of the tree identified as T008 should be ground out to at least 300mm below ground level, unless otherwise agreed with the District Council, to help reduce the risk of the stump harbouring decay fungi which could infect nearby trees. Please take care not to damage the roots of adjacent trees in the process.

Notes:

The Applicant stated: 'We would also like to request the potential removal of all the trees depending on the condition we find them in once pollarded to 5 metres.'

Please provide clear photographic or other evidence should there be a need to consider removing the trees for safety or other reasons after being pollarded to 5 metres. Please email details, referenced to this file No. H04-0161-24 to the Trees and Nature Conservation Officer: dfairchild@sholland.gov.uk and Planning Advice on: planningadvice@sholland.gov.uk. The evidence will be considered and a decision reached on a case by case basis. It is likely that such cases can be dealt with by email under this Application, but if a particular case is controversial in any way, or insufficient evidence is provided, a Tree Works Application will be required to be submitted as normal.

General Notes:

The necessary consent of all other interested parties should be obtained before the works proceed.

Other than the removal of dead wood lime trees should preferably be pruned in late July and August or alternatively in the autumn months. Avoid pruning from the end of January onwards, as the bleeding of sap may be a problem.

In this case should a tree be removed the duty of the landowner is to plant another tree, of an appropriate size and species, at the same place and as soon as reasonably possible.

It is recommended that the tree(s) is/are replaced with a species of lime of at least 1.5 metres high on planting as near as reasonably practicable, to the position of the original tree(s), within a period of twelve months.

Please inform the Local Planning Authority as soon as replanting has taken place and indicate the position of the replacement tree. Section 207 of the Town and Country Planning Act 1990 empowers this Authority to issue a Notice formally requiring replacement trees to be planted.

The lime trees concerned have many cavities suitable for species of bat or owl to live in, and other birds to nest in. Detailed monitoring will need to be carried out and advice sought if required; prior to works taking place to keep disturbance to a minimum.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL:

Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PiNS). Appeals must be received by the PiNS within 28 days of the Council's decision. The appeal should be made on the relevant TPO (consents) appeal form which can be obtained from PiNS. The form can be found on the Planning Portal website at:

<https://www.gov.uk/appeal-decision-about-tree-order>

Alternatively a form can be obtained by writing to Environment Appeals, Room 3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0303 444 5000.

If you visit the Planning Portal web site you will be able to complete the appeal form and return it to PiNS electronically via the email address:

treeandhedgeappeals@planninginspectorate.gov.uk