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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H08-0376-26 **Date of Decision:** 29th May 2026
Applicant: Mrs L Waltham
10b Risegate Road
Gosberton Risegate
Spalding
PE11 4EZ
Location: 10b Risegate Road Gosberton Risegate Spalding
Description: Works to Gosberton Risegate Tree Preservation Order No 8 2024

Detailed Description:

Application to carry out works to a mature yew tree located on the boundary at the new property known as 10b Risegate Road. The tree is identified as T1 of Gosberton Risegate Tree Preservation order No.8. 2024. Please see the plan accompanying the Application for the position of the tree.

In the words of the Applicant.:

'T1 'yew'

To whom it may concern,

I am writing to formally request permission to carry out works to a yew tree (T1) located on the boarder of our property (10B Risegate Road) that is currently protected by a Tree Preservation Order (TPO).

We have recently completed the build of the site at 10B Risegate Road, the tree in question is situated directly In our driveway, which serves as the sole access route to our home. You will see from out plans attached the approved driveway design from your planning department.

In order to ensure safe and continued access to the property, it is necessary to undertake maintenance works to manage the tree's growth particularly its lower branches, which overhang into the driveway. These make the access road impassable for anything bigger than a saloon car without contact with the lower branches. The tree has never in its existence had any form of shaping or pruning, and now sits surrounded by domestic properties.

We also wish to highlight that our property is served by a septic tank system. As such, periodic access for a tanker vehicle is essential for maintenance and emptying. The current position and spread of the tree's lower branches present a risk of obstructing or restricting this necessary access, As well as emergency service access for larger vehicles if required, such as the fire service.

In light of these practical requirements, we respectfully request:

1. Permission to carry out appropriate works to the tree, including the selective pruning or removal of lower branches to maintain safe and adequate vehicle access along the driveway.
2. Ongoing consent for routine maintenance of the same lower branches to prevent obstruction and to avoid damage to vehicles using the driveway.

We confirm that any works undertaken will be carried out with due care and in accordance with relevant arboriculture standards, ensuring the continued health and stability of the tree. We love the tree being part of our driveway, and would only like to support it to continue to thrive in its current habitat.'

The Trees and Nature Conservation Officer met the Applicant on 21st May 2026, It was verbally agreed that there would be no problem with the selective reduction of the lower branches of the yew tree the minimum sufficient for access by a septic tank lorry /fire engine along the yet to be constructed driveway. It was noted that wires passed through the upper crown of the tree, and suggested that the branches be trimmed the minimum required to give a one metre clearance.

The aim of such works to enable access as agreed in the recent Planning Permission under which 10B was constructed, and to prevent damage to overhead wires.

Works to be kept to a minimum to help prevent structural unbalance to the tree.

(Should the lines be power lines the relevant Power Company should be contacted for safety reasons before any works are undertaken.)

(In addition the need for care to prevent root damage in the construction of the driveway was also briefly discussed.)

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

- 1 That the proposed tree work is carried out within two years of the date of this Decision unless otherwise agreed with the District Council.
Once the works are carried out, the minimum entrance way may be kept regularly maintained by minor pruning works. Should extension growth encroaching on the driveway reach over 0.5 metres a further Application for works will be required in the normal way.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'. All cuts to always be made back to existing growth points.

Notes:

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

Major pruning works to yews should be carried out in May, although minor trimming works may be carried out in August or September. Always check if nesting birds are present before works are to be undertaken and, if present, delay until the fledglings have been reared and have flown the nest.

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