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## TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

### PART APPROVED - PART REFUSED

**Reference:** H09-0277-20      **Received:** 25th March 2020  
**Applicant:** Ashwood Homes  
C/O Mr A Belson  
The Tree House  
1a First End, Station Road  
Uppingham, Oakham  
LE15 9TX  
**Location:** Land Off Dam gate Holbeach Spalding Lincs  
**Description:** Works to Fleet and Holbeach Tree Preservation Order No 1  
1987

#### Detailed Description:

Application with regard to the row of Leyland cypress trees on the western edge of the grounds of Holbeach Manor, adjacent to the eastern boundary of properties fronting onto Dam Gate. The Leyland cypress trees are identified as Group 9 of Fleet and Holbeach Tree Preservation Order No. 1 1987.

'Fell Group 9 (Leyland Cypress) due to condition and obsolete landscape function. Replace with comprehensive replacement planting scheme as-per supporting document'.

PLEASE NOTE THAT PARTIAL CONSENT HAS BEEN GRANTED FOR THE ABOVE WORKS AND PARTIAL REFUSAL ISSUED.

**South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) for the parts of the above proposal listed below: CONSENT to be granted to fell all trees which appear to date to have a significant amount of dead wood in them.**

'Replace with comprehensive replacement planting scheme as-per supporting document'.

Those parts are subject to the following condition(s):

- 1 CONSENT to be granted to fell all trees which appear to date to have a significant amount of dead wood in them, ONCE AT LEAST 50% of the houses on the adjacent development land have been constructed. (Please note that dead wood may be removed without a formal written application, Works to BS3998 2010/Due regard to be taken of Protected Species). (Independent applications may be submitted in the meantime should essential works require to be carried out to specific trees.)

- 2 That the proposed work is carried out within six years of the date of this decision unless otherwise agreed with the District Council. If the required percentage of houses on the adjacent development site have not been constructed, an extension in time will need to be sought.
- 3 Work is to be carried out in accordance with BSI 3998: 2010, 'Recommendations for Tree Work'.
- 4 The resulting stumps of the trees should be ground out/removed to at least 300mm below ground level (where this would not involve the damage of the roots of trees to remain); unless otherwise agreed with the District Council, to help reduce the risk of the stumps harbouring decay fungi which could infect nearby trees.

## NOTES

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

In this case 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 to replace each tree which has been felled. THE REPLACEMENT TREES WILL BE SUBJECT OF THE ORIGINAL ORDER.

It is recommended that the tree(s) are replaced with trees as described in the 'Tree Planting Specification and Maintenance Proposal 20th March 2020' Drawing No.2863, which accompanied the application; to be planted as near as reasonably practicable to the position of the original trees (within the area delineated as G9 within Fleet and Holbeach Tree Preservation Order No 1 1987).

Maintenance of replacement trees to be as described in the above Proposal; in addition that appropriate tree guards are used to protect the trees from damage by mammals. 'Trees that fail within 5 years of planting will be replaced and maintained in accordance with the original specification'.

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

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. The tiny goldcrest often nests in cypress trees.

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.

**South Holland District Council hereby give notice that permission has been REFUSED for the parts of the above proposal listed below along with the associated reason(s):**

REFUSAL to fell those trees which to date do not contain a significant amount of dead wood. If the total trees within Group 9 (originally a total of 52) of the Order are listed consecutively by number from south to north this includes tree numbers: 7,10,11,18,24,26,28,29,32,33,34,36 and 52. (Several trees no longer exist near the northern end of the Group, so the last tree on the end is numbered 52 by default). The future of these trees may be determined under further application(s).

1. Insufficient evidence was provided to justify the removal of preserved trees which contained little dead wood and had generally healthy looking foliage.



**Phil Norman**  
**Planning and Building Control Manager**  
**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:

[www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation](http://www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation)

Alternatively a form can be obtained by writing to The Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0117 3728192

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:

[environment.appeals@pins.gsi.gov.uk](mailto:environment.appeals@pins.gsi.gov.uk)

[REDACTED]

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**From:** Fairchild Fenton, Diane  
**Sent:** 20 May 2020 18:01  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** H09-0277-20 DECISION final  
**Attachments:** H09-0277-20 DECISION final.rtf

Dear Mr.Belson,  
Please find the decision notice for H09-0277-20 attached.

Yours sincerely,  
Diane Fairchild Fenton (Mrs)  
Trees and Nature Conservation Officer.