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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H09-1229-21 **Date of Decision:** 19th January 2022

Applicant: Lincoln Diocesan Trust
Edward King House
Minster Yard
Lincoln
LN2 1PU

Location: The Vicarage 5 Church Street Holbeach Spalding

Description: Works to Holbeach Tree Preservation Order No 32 2011

Detailed Description:

Application to carry out tree works in the grounds of The Vicarage, 5 Church Street.

The trees concerned are the subject of two Orders, and are within Holbeach Conservation Area. The relevant Orders are Holbeach Tree Preservation Order (TPO) No. 8 1981 and Holbeach Tree Preservation Order No. 32 2011.

Please see the plan accompanying the application for the reference numbers which refer to those in the description.

(T1 oak in the description is T1 of Holbeach TPO No 8 1981.
T2 silver birch in the description is T15 of Holbeach TPO No 32 2011.
T3,T4 and T5 in the description are T5, T4 and T3 of Holbeach TPO No 8 1981.
T6 Beech in the description is G3 of Holbeach TPO No. 32 2011.
T7 Oak in the description is T16 of Holbeach TPO No 32 2011.)

Description of proposed works:

T1 Oak. Reduction and re-shape by 3m to lessen weight and wind resistance.
Crown lift over car park area.

T2 Silver birch. Remove to ground level. Specimen dying.

T3,4 +5 Sycamores. Fell T3 +T4. Poor specimens. Rot pockets.

T5 Crown reduction by 30%. Maintenance.

T6 Beech. Multi-stem. Fungus (Meripilus). Reduce weight 50%.
Reduction of crown.

T7 Oak. Crown lift over driveway by 3m.

All work as described at site meeting with Trees and Nature Conservation Officer on 26th October 2021.'

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 stumps of the trees should be ground out to at least 300mm below ground level 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.

Pruning of sycamores should take place in late summer or early autumn. All pruning works to sycamores should be completed by mid-January to avoid problems of sap bleed.

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.

It is recommended that the sycamore tree(s) are replaced with further sycamores or other substantial broad leaf species such as hornbeam of at least 1.5 metres high on planting as near as reasonably practicable to the position of the original trees within a period of twelve months. The silver birch which is rather close to an adjacent oak could be replaced by a small variety of tree such as a Vilmorin's rowan a *Sorbus vilmoriniana* of at least 1.5 metres high on planting as far from the oak as it is possible in the planting area where the silver birch tree grew within twelve months.

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.

It is essential that the sycamore trees with cavities have them thoroughly inspected for bats/nesting birds before works commence. Many of the holes were present at least as far back as August 1981, and are sure to have occupants for at least part of the year. Many owls live in holes in trees even when not actually nesting. If there is the slightest indication of inhabitants maybe the trees can be pruned to a level where some cavities can remain, but the tree is of little actual danger to passer's by. A replacement tree being planted in the grounds nearby. The provision of nest boxes/bat boxes in nearby trees is always encouraged should a tree with cavities be removed, to provide any inhabitants with alternative accommodation. In a town setting like Holbeach there is likely to be few trees with holes suitable for say tawny owls, or noctule bats to live in.

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 when works take place, please contact on Natural England Tel: 03000 603900 before works proceed.



Phil Norman
Planning 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

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