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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H11-0567-19 **Date of Decision:** 17th June 2019

Applicant: Mr S Whitmore
7 Garnsgate Road
Long Sutton
Spalding
Lincs
PE12 9BT

Location: 7 Garnsgate Road Long Sutton Spalding

Description: Works to Long Sutton Tree Preservation Order No, 2, 1966

Detailed Description:

Application with regard to a Norway maple on the frontage of 7 Garnsgate Road. The tree is identified as T11 of Long Sutton Tree Preservation Order No. 2 1966 and incorrectly described as a sycamore. (Both being of the Acer family).

The canopy of the tree appears healthy. In the base of the trunk is a large, deep cavity. The cavity is of such an extensive nature that the stability of the tree in strong winds could be questioned. In the environment in which the tree stands the safety of the tree is a potential issue.

In the applicants words: 'We had the Trees and Nature Conservation Officer to inspect the tree on 23/5/19 for their advice. Due to how rotten the stump is and closeness to the road and power cables they advised the tree was to be felled and soil structure to be made good and a new tree planted'.

South Holland District Council hereby give notice that this application 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 should be ground out/removed 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.

Notes:

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

It may be advisable to obtain the opinion of an independent qualified arboriculturist regarding the potential effect that the removal of the tree could have on nearby built structures. Occasionally; particularly in clay soils if a large tree is removed which is located close to built structures, there could be issues with soil heave occurring. Norway maples are a moderate water demand species, so less likely to cause a problem than some species which are high water demand. (Typically if a high water demand tree is removed and there are heavy clay soils, the soils tend to swell up with the excess water which the tree would have normally absorbed, causing soil movement. In such cases trees are sometimes reduced and eventually removed over a few years to enable the soil water to reach an equilibrium.) If clay soils are not present there is unlikely to be a problem.

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 tree is replaced with a further Norway maple of at least 1.5 metres high on planting as near as reasonably practicable to the position of the original tree 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 tree(s) 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.

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.

A handwritten signature in blue ink, appearing to read 'Phil Norman', with a long horizontal stroke extending to the right.

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

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