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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H12-0807-22 **Date of Decision:** 4th October 2022

Applicant: Water Management Alliance
Pierpoint House
Horsley'S Fields
King'S Lynn
Norfolk
PE30 5DD

Location: 84 Garnsgate Road Long Sutton Spalding

Description: Works to Lutton Tree Preservation Order No 1 1959.

Detailed Description:

Application to carry out works on trees bordering the Lutton Drain (Lutton Eau), within the grounds of 84 Garnsgate Road.

The trees covered by this Application are the subject of Lutton Tree Preservation Order No.1 1959.

'T4 - Oak, (T28 of Order.) which overhangs the roof of number 86 Garnsgate has some very large bark wounds and areas of decaying wood see photo. The tree was reduced as per the original specification and the heavy ivy covering removed to uncover these extensive cavities. Due to the extent of these cavities and the potential target of no 86 Garnsgate Road we are applying to fell the tree.

T9 - Oak, (T36 of Order.) Now the ivy has been stripped a large wound on the upper side of the lower lateral branch heading east has been uncovered. This branch heads towards the shed of 84 Garnsgate Road. We wish to remove the branch leaving a 2 meter stub. This stub will slow the decay going back into the main stem and will dieback to leave a piece of deadwood habitat.'

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 oak tree to be removed 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 a qualified arboriculturalist regarding the potential effect that the removal of the tree could have on nearby built structures.

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 strongly encouraged that a replacement oak tree is planted to replace that removed on a site nearby, should the Applicant not be in a position to replace it in situ, due to the rigid up-holding of Internal Drainage Board Bylaws restricting planting close to drains.

It is recommended that the tree is replaced with a further oak of at least one metre 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.

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
Head of Planning
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