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TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO A PRESERVED TREE

Reference: H13-0470-22 **Date of Decision:** 4th July 2022

Applicant: C Carolin
5 Fairway Drive
Moulton Seas End
Spalding
PE12 6HX

Location: 5 Fairway Drive Moulton Seas End Spalding

Description: Works to Moulton Seas End Tree Preservation Order No 4 1994

Detailed Description:

Application concerning four heavily pollarded Lombardy poplar trees located on the eastern bank of Moulton River in the rear garden of 5 Fairway Drive. The trees are identified as within Group One of Moulton Seas End Tree Preservation Order No. 4 1994.

Please see plan, photographs and additional information concerning this Application on file.

'URGENT NOTIFICATION AND APPLICATION TO CARRY OUT WORKS ON 4 LOMBARDY POPLAR TREES WITHIN GROUP ONE OF MOULTON SEAS END TPO NO 4 1994. APPLICATION TO ADDITIONALLY REMOVE TPO ON THESE TREES, AND REQUEST NO REPLACEMENT TREES TO BE PLANTED
Tree 1 : visibly dead, has rotten & hollowed sufficiently for bee hive to form, which is danger to life & hive has grown too large to be removed from the tree prior. The danger to life is URGENT, & this serves as notification that works have to be carried out on this tree immediately & will be done at the soonest possible availability of tree surgeon.
Trees 2, 3 & 4 : dying & beginning to rot. Hollow areas within tree have been exposed. Evidence of splits in bark, fungus, & as they are closely planted together, they have all been infected. Clearly damage is spreading from Tree 1 to Tree 4. Trees 2, 3 & 4 cannot be felled immediately due to financial constraints, & nesting birds in Tree 2. However, trees will need to be felled after nesting season, & works will likely be done during the colder months either in 2022 or 2023.'

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 removed as much as is possible, bearing in mind their situation on the bank of Moulton River, 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. In this instance due to Internal Drainage Board byelaws this duty will be waived. So the Tree Preservation Order will effectively cease to exist for trees in the position of the originals subject of this Application.

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.

Should it be intended to fell the tree, and a colony of honey bees be present in any of the holes when works take place; it is strongly recommended that a bee keeper is contacted so that the bees may be given alternative accommodation. (Lincolnshire Bee Keepers Association: lincsbka.org.uk, swarm collection: bbka.org.uk/swarm).

(If trees grow on the brink of an Internal Drainage Board Drain, the Drainage Board may take responsibility for the maintenance of the trees.)



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