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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H16-0985-15 **Date of Decision:** 30th November 2015

Applicant: Lincolnshire County Council
Highways Department
Bourne Road
Spalding
Lincs
PE11 3LN

Location: West Elloe Avenue Spalding Lincs

Description: Works to Spalding TPO No. 13, 1983

Detailed Description:

Application regarding two lime trees identified as T18 and T19 of Spalding Tree Preservation Order No.13 1983.

T18, to fell.

Please find to follow notes from an arboriculturalist report on behalf of Lincolnshire County Council: 'Opposite nos.76/78 is a lime, 16m tall, 40cm stem diameter, tag no 10329, crown mostly dead, stem 50% of circumference dead, major deadwood over path and road, this will not recover and will progressively decay, this should be felled, medium priority. This is a protected tree but this work should be exempt. There is a large beech tree in the hedge close behind this tree that will dominate the competition for light so there is no point in replanting this site.'

T19, to remove dead wood.

Please find to follow notes from an arboriculturalist report on behalf of Lincolnshire County Council: 'Opposite no 2 Oakley Drive, lime tree, 18m tall, crown dying back with major deadwood over path and road but crown mostly live, recommend remove deadwood, medium priority.'

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 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.

Please note that the removal of dead wood can be carried out without the need to submit a formal application for works. The removal of dead wood is included in the description for completeness.

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 lime tree is replaced with a further lime tree of at least 1.5 metres in height on planting as near as reasonably practicable to the position of the original tree, bearing in mind constraints due to shading, to maintain the continuity of the lime avenue. The replacement tree to be planted 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 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 at their Lincoln office on 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 at their Lincoln office on 03000 603900 before works proceed.

A handwritten signature in black ink, appearing to be 'R. O. S.', is located at the bottom left of the page.

Paul Jackson
Place 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