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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H17-0150-19 **Date of Decision:** 15th February 2019
Applicant: The Mermaid Inn Ltd
2 Gosberton Road
Surfleet
Spalding
Lincs
PE11 4AB
Location: Mermaid Inn 2 Gosberton Road Surfleet Spalding
Description: Works to Surfleet TPO No. 9, 1994

Detailed Description:

Application with regard to a holm oak located in the car park of the Mermaid Inn, Surfleet; the tree is identified as T1 of Surfleet Tree Preservation Order No. 9 1994.

Extracts from the applicant's letter accompanying the application indicate the condition of the tree: 'The tree must have been pollarded early in life and as such the three trunks are growing from the side of the base of the tree which has resulted in an inner triangular basin where over many years water and tree debris have been collecting,' 'about a foot of water and debris' had accumulated.

'The girth of the largest trunk is over a metre wide at the base of this tree'. A metal tool could be inserted 'about eight inches into the actual tree trunk base where it is rotting out'. It was estimated that the tree trunk has only 50% strength of what it should have to ensure that huge part of the tree stays put'

'Another limb that is adding to the pull on the root base which we now know to likely also be compromised lays out from the base at 45 degrees'.

One major trunk is infected with Kretzschmaria deusta formerly known as Ustulina deusta. The base of this trunk sounds hollow when tapped.

The applicant states in an e-mail to be filed with the application:

'I would like complete removal of the Holm Oak tree that is no longer safe but currently on a TPO, and as we discussed will re- plant 2 more of the same species at the recommended area on the

lawned area of the Mermaid.

I am anxious to also obliterate the disease / fungus that you photo'd so not keen to put anything back directly where that tree currently stands.'

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.
- 4 That the holm oak is replaced with a further holm oak of at least 1.5 metres high on planting to be planted within the existing lawn area at the Mermaid Inn within a period of twelve months of the felling of the original.(Consideration to be given when planting, with regard to the replacement tree's proximity to the River Glen and adjoining property.) Modifications may be agreed with the Local Planning Authority.
(The applicant is most welcome to plant two replacement trees to compensate for the loss of the mature holm oak, but there is only a requirement to replace one.)
- 5 If within two years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority give their written consent.

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 it would be more appropriate to plant a replacement in the lawn area adjacent.

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 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
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