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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H18-0937-22 **Date of Decision:** 16th November 2022

Applicant: Mr R Bates
Feldbinder (U K) Ltd
Tydd Bank
Sutton Bridge
Spalding
PE12 9XE

Location: Metalair Feldbinder (U K) Ltd Tydd Bank Sutton Bridge Spalding

Description: Works to Sutton Bridge Tree Preservation Order No. 2 1972

Detailed Description:

Application to carry out work to trees within the grounds of Feldbinder UK Ltd. (Park House). The Application for works was precipitated by an Engineer's Report with regard to the adjoining 29 Bridge Road (Park Cottage). Please see report accompanying the Application.

Many of the trees are the subject of Sutton Bridge Tree Preservation Order No. 2 1972.

The 'Identification of Tree(s) And Description Of Works' section of the Application states:

'Area G2 lime trees located nearest to Park Cottage 'Report states' trees within 20m should be felled or pollarded to 10m height and their canopy managed to prevent significant re-growth.'

A site meeting was held between the Applicant and the Trees and Nature Conservation Officer for South Holland District Council on 29th September 2022. It was agreed:

That the lime trees within Group Two of the Order which had been previously heavily reduced and had re-grown, may be pollarded down to approximately 10 metres in height, no lower, unless essential due to the presence of un-sound wood. The young elm tree (likely to be a replacement for one originally subject to the Order), and hollies within Group Two but not the subject of the Order to be retained as at present. A hybrid black poplar growing within Group Two but not the subject to an Order to be felled, along with a further similar poplar within Group One of the Order but not subject

to the Order, both were liable to drop branches.

It was noted that within Group One of the Order on the frontage of the grounds of Park House, that there was a dying horse chestnut, which it was agreed could be removed; also, an elm was noted as dead in the same area, although not the subject of the Order, it too, to be removed.

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 trees to be removed (only one dying horse chestnut within Group One, subject of the Order, other trees to be removed are not protected by the Order) 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 stumps harbouring decay fungi which could infect nearby trees. (Take care not to damage the roots of adjacent trees in the process).

Notes:

The proposed tree works are as agreed on site between the Applicant and Trees and Nature Conservation Officer on 29th September 2022 and as described above. Such works were granted purely due to arboricultural reasons and not due to the contents of the Engineer's Report which lacked justification for extensive tree works.

Should further works be required to maintain the trees in years to come, these works will require new Applications to be made.

Please read 'Conditions' as 'Recommendations' for trees not the subject of a Tree Preservation Order.

It may be advisable to obtain the opinion of a qualified arboriculturist regarding the potential effect that the removal of trees could have on nearby built structures.

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

Other than the removal of dead wood, lime trees should preferably be pruned in late July and August or alternatively in the autumn months. Avoid pruning from the end of January onwards, as the bleeding of sap may be a problem.

In the case of the horse chestnut subject of the Order, 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 horse chestnut tree, is replaced with a further horse chestnut of at least 1.5 metres in height on planting as near as reasonably practicable, to the position of the original tree, within a period of twelve months. An existing horse chestnut sapling growing in the vicinity of the original tree may be selected as the replacement, and suitably nurtured.

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
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